THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 16 NUMBER 116

Washington, Friday, June 15, 1951

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR PECANS IN THE SHELL

On April 21, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 51-4656; 16 F. R. 3485) regarding proposed United States Standards for Pecans in the Shell to supersede the United States Standards for Unshelled Pecans (14 F. R. 2543, 2608) currently in effect. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Pecans in the Shell are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759,, 81st Cong., approved September 6, 1950).

§ 51.342 *Standards for pecans in the shell*—(a) *General.* The pecan grading chart[1] to which reference is made in paragraph (f) of this section is the pecan grading chart which was issued in 1942 by the United States Department of Agriculture.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of pecans in the shell which shells are fairly uniform in color, fairly well shaped and which are free from damage caused by stains or adhering hulls, split or broken shells, loose hulls or other foreign material or other means. The kernels shall be well cured, free from rancidity, mold, decay, insect injury, and from damage caused by shriveling, leanness, hollowness, discoloration, or other means. (See paragraph (d) of this section.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) For external defects not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided,* That not more than three-tenths of this amount, or 3 percent, shall be allowed for pecans which are seriously damaged by stains or adhering hulls, or by split, broken or punctured shells.

(*b*) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided,* That not more than two-fifths of this amount, or 6 percent, shall be allowed for kernels which are not well cured, rancid, moldy, decayed, injured by insects, or seriously damaged by shriveling, leanness, discoloration or other means.

(2) *U. S. Commercial.* U. S. Commercial consists of pecans in the shell which shells are free from serious damage caused by stains or adhering hulls, split, broken or punctured shells, loose hulls or other foreign material or other means. At least 65 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of U. S. No. 1 grade; and the remainder shall have kernels which are well cured, free from rancidity, mold, decay, insect injury, and from serious damage caused by shriveling, leanness, discoloration or other means. (See paragraph (d) of this section.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) For external defects not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade.

(*b*) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided,* That not more than two-thirds of this amount, or 10 percent, shall be allowed for kernels which are very seriously damaged. No part of any tolerance shall be allowed to reduce for the lot the per-

(Continued on next page)

[1] The pecan grading chart was filed with these United States Standards for Pecans in the Shell and it is available for inspection in the Division of the Federal Register. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

	Page
Title 7	
Chapter I:	
Part 44 (proposed)	5703
Part 51	5669
Chapter VII:	
Part 729	5672
Chapter IX:	
Part 930 (proposed)	5704
Title 14	
Chapter I:	
Part 302 (proposed)	5704
Title 21	
Chapter I:	
Part 141	5699
Part 146	5699
Title 29	
Chapter V:	
Part 684 (proposed)	5702
Part 693	5700
Title 32A	
Chapter III (OPS):	
CPR 22	5678
CPR 34, SR 1	5698
DR 2	5677
Title 38	
Chapter I:	
Part 17	5701
Part 21	5701

centage of U. S. No. 1 kernels required in this grade.

(c) *Unclassified.* Unclassified consists of pecans in the shell which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size.* The size of pecans may be designated on the basis of the following table:

Size designation	Number of nuts per pound	The 10 smallest nuts in a representative 100-nut sample must weigh at least: [1]	
		Ounces	Equivalent in grams
Oversize	Not more than 52	2.50	71
Extra large	Not more than 60	2.25	64
Large	61 to 73	1.75	50
Medium	74 to 90	1.50	43
Small	91 to 115	1.25	36

[1] When the sample for inspection consists of more than 100 nuts, the 10 percent, by count, which are smallest will be segregated and weighed. For example, if the sample consists of 300 nuts, as will generally be the case when a carload is being inspected, the 30 smallest nuts must weigh at least three times the amount shown for any size designation. In selecting the smallest nuts, those which are by observation the smallest in appearance are segregated. In deciding which is the smallest among two or more nuts which appear to be about equal in size, the lightest in weight shall be used.

(1) In addition to having the requisite count per pound for any size designation shown in this table, the lot must comply with the restrictions as to the smallest nuts as indicated. No tolerance shall be allowed.

(2) In lieu of the size designations in the table in this section, the size of pecans in any lot may be described in accordance with the maximum number per pound or the range in number per pound without restrictions as to the smallest nuts in the lot. When this method of size specification is used, no tolerance shall be allowed. The size may also be described as an exact number per pound as 65, 80, etc. When this method is used, the actual number per pound may not vary by more than 12 percent from the specified number.

(3) The size may also be described in terms of the diameter of the smallest nuts, or range in diameters of the nuts in a lot stated in sixteenths of an inch. When so specified, not more than 12 percent, by count, of the pecans in any lot may be below the minimum diameter specified and not more than 12 percent may be above the maximum diameter specified.

(e) *Application of tolerances.* The tolerances for these grades are on a lot basis and a composite sample customarily is taken for inspection purposes. However, any container or group of containers in which the pecans are found to be materially inferior to those in the majority of the containers shall be considered as a separate lot.

(f) *Definitions.* (1) "Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot. Natural markings (usually in dark streaks and heaviest near the ends) shall not be considered as detracting from the appearance of the lot.

(2) "Fairly well shaped" means that the pecan is not crescent-shaped nor otherwise materially misshapen.

(3) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 5 percent of the surface of the shell.

(ii) Split or broken shells, when the parts of the shell spread upon application of slight pressure near the split or crack.

(iii) Shriveling, when materially affecting more than 5 percent of the kernel including both halves. The shriveling may be on one or both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (5 percent including both halves) on two half-kernels not considered damaged is illustrated in the upper left hand corner of the pecan grading chart.

(iv) Leanness, when either half of the kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged is illustrated in the center of the upper row of the pecan grading chart.

(v) Hollowness, when a cross-section of either half of the kernel shows more than a moderate hollowness, or the half-kernel is not fairly firm and "meaty." A half-kernel and cross-section showing moderate hollowness not considered damaged is illustrated in the upper right hand corner of the pecan grading chart.

(vi) Discoloration:

(*a*) When either half of the kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color. Natural markings, including dark lines, specks or mottling shall not be considered as damage if the ground color is not too dark according to the chart.

(*b*) When more than one dark kernel spot is present on either half of the kernel, or one such spot when more than one-eighth inch in greatest dimension.

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface, including both halves, which was adjacent to the shell.

(*d*) When there is reddish or brownish dust, from the inside of the shell, present in sufficient quantity to materially affect the appearance, or the edible quality.

(*e*) Discoloration which is readily noticeable in the interior of the kernel when it is broken.

(4) "Well cured" means that the kernel separates freely from the shell and from the corky partitions inside the shell, breaks at a definite point without splintering, shattering, or tearing the meat or loosening the skin, and appears to be in good shipping and storing condition as to moisture content.

(5) "Rancidity" means that the kernel is distinctly rancid to the taste.

(6) "Mold" means any mold growth which noticeably affects the exterior or interior of the kernel.

(7) "Decay" means that the kernel is putrid or decomposed.

(8) "Insect injury" means that the insect, web, or frass is present, or that the kernel shows other noticeable evidence of insect injury.

(9) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 20 percent of the surface of the shell.

(ii) Split, broken, or punctured shells, when a fragment of the shell is broken out, when the kernel is plainly visible through a punctured, split, or cracked shell without the application of any pressure, or when a worm hole penetrates the shell wall.

(iii) Shriveling, when materially affecting more than one-third of the kernel including both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (one-third of the kernel including both halves) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart.

(iv) Leanness, when either half of the kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart.

(v) Discoloration:

(*a*) When the color of either half of the kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color.

(*b*) When there are more than three dark kernel spots on either half of the kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel which was adjacent to the shell.

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than one-half of the surface, including both halves, which was adjacent to the shell.

(*d*) When the interior of the kernel is so discolored that it is unacceptable as food.

(10) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality. Any one of the following defects shall be considered as very serious damage:

(i) Kernels which are distinctly rancid to the taste.

(ii) Kernels which are noticeably affected by mold on the exterior or interior.

(iii) Kernels which are decayed (putrid or decomposed).

(iv) Kernels with insects, web, or frass present, or which show other noticeable evidence of insect injury.

(v) Kernels which are so shriveled that they have virtually no food value.

(11) "Diameter" means the smallest dimension at right angles to the longitudinal axis taken at the point of greatest circumference. The diameter shall be determined by passing, or attempting to pass, the pecan through slotted openings of sufficient length to permit the pecan to pass through in a lengthwise position.

(g) *Effective time and supersedure.* The United States Standards for Pecans in the Shell contained in this section, and which supersede the United States Standards for Unshelled Pecans (14 F. R. 2543, 2608), shall become effective October 1, 1951.

(Pub. Law 759, 81st Cong.)

Done at Washington, D. C., this 11th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6929; Filed, June 14, 1951; 8:52 a. m.]

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

[1026 (Peanuts-51)-1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1951 CROP OF PEANUTS

GENERAL

IDENTIFICATION AND MEASUREMENT OF FARMS

FARM MARKETING QUOTAS AND MARKETING CARDS

MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

RECORDS AND REPORTS

MISCELLANEOUS

AUTHORITY: §§ 729.240 to 729.269 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-68, 372, 373, 374, 52 Stat. 38, 62, 63, 64, 65, as amended; 55 Stat. 88, as amended, 64 Stat. 40; 7 U. S. C. and Sup. 1301, 1358, 1359, 1361-68, 1372, 1373, 1374.

GENERAL

§ 729.240 *Basis and purpose.* The regulations contained in §§ 729.240 to 729.269 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of farm peanut acreages, the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto, on the marketing of peanuts of the 1951 crop, regardless of whether such peanuts are marketed before, during, or after the 1951-52 marketing year. Prior to preparing the regulations in §§ 729.240 to 729.269, public notice of their formulation was published in the FEDERAL REGISTER in accordance with the Administrative Procedure Act (5 U. S. C. 1003). Views and recommendations received in response to such notice have been duly considered within the limits prescribed by the aforesaid Agricultural Adjustment Act of 1938.

§ 729.241 *Definitions.* As used in §§ 729.240 to 729.269 and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Assistant Administrator" means the Assistant Administrator for Production, or the Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(c) "Buyer" means a person who—

(1) Buys or otherwise acquires any peanuts from a producer,

(2) Buys or otherwise acquires farmers stock peanuts from any person, or

(3) As a commission merchant or broker, markets any peanuts for the account of a producer and who is responsible to the producer for the amount received for the peanuts.

(d) Committees:

(1) "Community committee" means the persons elected within a community pursuant to regulations governing the Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), to assist the county committee in the administration within the community of agricultural programs that are administered through the Production and Marketing Administration.

(2) "County committee" means the persons elected within a county, pursuant to regulations governing the Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), who are generally responsible for carrying out in the county the agricultural programs administered through the Production and Marketing Administration.

(3) "State committee" means the persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administration programs within the State.

(e) "Designated agency" means the Commodity Credit Corporation which has been designated by the Secretary as the agency to which excess peanuts may be delivered pursuant to the provisions of section 359 (g) of the act, and also means any sheller, crusher, warehouseman, or other person utilized by the Commodity Credit Corporation as its agent to receive, handle, and dispose of excess peanuts. A list of buyers who have signed contracts to receive peanuts as a designated agent of Commodity Credit Corporation will be made available to farmers by the county committee.

(f) "Director" means the Director, or the Acting Director, of the Fats and Oils Branch of the Production and Marketing Administration of the United States Department of Agriculture.

(g) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment, but there will be no excess acreage if the farm peanut acreage is one acre or less.

(h) "Excess peanuts" means peanuts in excess of the farm marketing quota determined pursuant to § 729.246.

(i) "Farm" means all adjacent or nearby farmland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farmland which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(j) "Farm allotment" means the farm peanut acreage allotment for the 1951 crop of peanuts, established pursuant to §§ 729.210 to 729.231 (15 F. R. 7292, 16 F. R. 3275).

(k) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1951 as determined by the county committee, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county committee that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however,* That

(1) The farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds the larger of one acre or the farm permitted peanut acreage, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger;

(2) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment and the farm permitted peanut acreage are each equal to or less than one acre, and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; or

(3) The farm peanut acreage shall be considered equal to the farm permitted peanut acreage on a farm for which the farm permitted peanut acreage exceeds the larger of the farm allotment or one acre, if the acreage in excess of the farm permitted peanut acreage from which peanuts are picked or threshed is not greater than one-tenth acre or three

percent of the farm permitted peanut acreage, whichever is larger; but the provisions of subparagraphs (1), (2), and (3) of this paragraph shall not apply unless the operator—

(i) Submits evidence satisfactory to the county committee that the picking or threshing of peanuts was completed before he received notice of the acreage planted to peanuts, or that peanuts were picked or threshed from an acreage in excess of the largest of the farm allotment, one acre, or the farm permitted peanut acreage notwithstanding an honest effort on the part of the operator to dispose of the excess by means other than by picking or threshing, and

(ii) A quantity of peanuts equal to the county committee's estimate of the production from the acreage in excess of the largest of the farm allotment, one acre, or the farm permitted peanut acreage is disposed of on the farm in such manner that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further,* That the maximum acreage limit prescribed in subparagraph (1), (2), or (3) of this paragraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum limitation should not apply.

(l) "Farm permitted peanut acreage" means the picked or threshed acreage of peanuts on the farm in 1947, or in 1948 if no peanuts were picked or threshed from the farm in 1947, as determined by the county committee in accordance with instructions issued by the Assistant Administrator.

(m) "Farmers stock peanuts" means picked or threshed peanuts produced in the continental United States during the calendar year 1951, which have not been shelled, crushed, cleaned (except for removal of foreign material) or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(n) "Market" means to dispose of peanuts, including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone.

(o) "Marketing card":

(1) "Excess oil card" means MQ–90—Peanuts (1951), 1951 Peanut Excess Oil Marketing Card, providing the producer an option for marketing each lot of peanuts either by paying the marketing penalty or by delivering the excess peanuts to a designated agency at a price based on the value of such peanuts for crushing for oil.

(2) "Excess penalty card" means MQ–77—Peanuts (1951), 1951 Excess Peanut Penalty Marketing Card, requiring that a marketing penalty be paid in connection with the marketing of peanuts.

(3) "Within quota card" means MQ–76—Peanuts (1951), 1951 Peanut Within Quota Marketing Card, authorizing the marketing of peanuts without penalty and without requiring the delivery of any peanuts to a designated agency.

(p) "Marketing year" means the 1951–52 marketing year beginning August 1, 1951, and ending July 31, 1952.

(q) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(r) "Peanuts" means all peanuts produced, excluding any peanuts which were not picked or threshed either before or after marketing from the farm.

(s) "Person" means an individual, partnership, association, corporation, firm, joint-stock company, estate, or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(t) "Pound" means that quantity of farmers stock peanuts equal to one pound standard weight. If peanuts have been graded at the time of marketing, the poundage shall be the weight thereof excluding foreign material and excess moisture. (Excess moisture means moisture in excess of seven percent in the Southeastern and Southwestern areas or eight percent in the Virginia-Carolina area, as such areas are defined in the 1950 price support bulletin (15 F. R. 6465)). If shelled peanuts are marketed, the poundage thereof shall be converted to the weight of farmers stock peanuts by multiplying the number of pounds of shelled peanuts by 1.5, and the result shall be the number of pounds considered as marketed under §§ 729.240 to 729.269.

(u) "Producer" means a person who, as owner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(v) "Quota peanuts" means peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.246.

(w) "Record of resale" means MQ–86—Peanuts, Record of Resale of Farmers Stock Peanuts, used to record and report resales of farmers stock peanuts between buyers.

(x) "Record of sale without Federal-State inspection" means MQ–93—Peanuts (1951), used to record and report data with respect to all purchases of peanuts by buyers who are not designated agencies and to each purchase of peanuts by buyers who are designated agencies, on which a marketing penalty is due.

(y) "Reports of peanuts shelled for producers" means MQ–91—Peanuts, Report of Peanuts Shelled for Producers, used to record and report data with respect to peanuts shelled for or by producers.

(z) "Sales memorandum" means MQ–94—Peanuts (1951), used to report and record data with respect to the inspecting and marketing of within quota and excess oil peanuts purchased by buyers who are designated agencies.

(aa) "Secretary" means the Secretary, or the Acting Secretary, of Agriculture of the United States.

§ 729.242 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out §§ 729.240 to 729.269. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator.

§ 729.243 *Extent of calculations and rule of fractions.* (a) The farm peanut acreage shall be expressed in tenths of an acre, and fractions of less than one-tenth of an acre shall be dropped.

(b) The percentage of excess peanuts, hereinafter referred to as the "percent excess", shall be expressed in tenths of a percent and fractions of less than one-tenth of a percent shall be dropped, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of one percent.

(c) The amount of penalty per pound upon marketings of peanuts, hereinater referred to as the "converted penalty rate," shall be expressed in tenths of a cent and fractions of less than a tenth of a cent shall be dropped, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 729.244 *Identification of farms.* Each farm as operated for the 1951 crop of peanuts shall be identified by a farm serial number assigned by the county committee; and all records pertaining to marketing quotas for the 1951 crop of peanuts shall be identified by the farm serial number.

§ 729.245 *Measurement of farms.* The county committee shall provide for measuring peanut farms in the county in accordance with instructions issued by the Assistant Administrator.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 729.246 *Amount of farm marketing quota.* (a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts on the farm peanut acreage.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual average yield per acre (determined by dividing the total production of peanuts on the farm peanut acreage by the farm peanut acreage) multiplied by the farm allotment.

§ 729.247 *Marketing quotas not transferable.* Farm marketing quotas are not transferable in whole or in part from one farm to another farm; and peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm.

§ 729.248 *Issuance of marketing cards.* (a) A farm marketing card shall be issued to the operator of each farm having 1951 crop peanuts, for use by any producer for marketing his share of the peanuts produced on the farm. If the

county committee finds that it will serve a useful purpose, additional farm marketing cards issued in the name of the operator, may be delivered to other producers on the farm.

(b) If the county committee determines that such action is necessary to enforce the provisions of §§ 729.240 to 729.269, it may withhold issuing marketing cards for farms in which a multiple farm producer has an interest, if one or more of such farms are eligible for an excess oil or excess penalty marketing card, until the peanut production on each farm in which the multiple farm producer has an interest is estimated. The estimated production on each such farm will be used in determining, after all peanuts produced on such farms have been marketed or otherwise disposed of, whether the marketing card issued for each farm was properly used. The term "multiple farm producer" means a person who has an interest in the 1951 crop of peanuts on more than one farm.

(c) All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon return to the office of the county committee of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. A new marketing card of the same kind shall also be issued to replace a card which has been determined by the county committee to have been lost, destroyed, mutilated, or stolen.

(d) *Within quota card.* A farm is eligible for a within quota card under any one of the following conditions:

(1) The farm has no excess acreage.

(2) An agreement on MQ–92—Peanuts (1951) is obtained from the farm operator in accordance with § 729.259 (a).

(3) The total production of peanuts on the farm is estimated by the county committee and an amount of peanuts equal to the estimated production in excess of the farm marketing quota has been marketed through a designated agency at prices based on the value of the peanuts for crushing for oil.

(4) The peanuts were grown only for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and are produced at public expense by employees of the experiment station, or the peanuts were produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the cost and risks incident to the production of the peanuts and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(e) *Excess oil card.* A farm is eligible for an excess oil card under either of the following conditions:

(1) The farm peanut acreage is in excess of the larger of the farm allotment or one acre but is not in excess of the farm permitted peanut acreage.

(2) An agreement on MQ–92—Peanuts (1951) is obtained from the operator in accordance with § 729.259 (b).

(f) *Excess penalty card.* An excess penalty card shall be issued for a farm if the farm peanut acreage exceeds the largest of the farm allotment, one acre, or the farm permitted peanut acreage.

§ 729.249 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as writen by him, or stamped on the card.

§ 729.250 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall, to the extent of such succession, have the same rights as the producer to the use of any marketing card issued for the farm.

§ 729.251 *Invalid marketing card.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted, incorrect, contradictory, or illegible;

(3) It is lost, destroyed, or stolen;

(4) Any erasure or alteration has been made, and not properly initialed;

(5) The converted penalty rate on an excess oil card or an excess penalty card has been altered;

(6) The percent excess on an excess oil card has been altered.

(b) If any marketing card becomes invalid (other than by loss, destruction or theft) the operator, or the person having the card in his possession, shall return it to the county office from which it was issued. If any marketing card is lost, destroyed or stolen, the producer to whom the card was issued shall give written notice of such fact to the county office from which the card was issued.

(c) If a marketing card becomes invalid because an entry is not made as required either through omission or incorrect entry, and the proper entry is later made and initialed as provided in the instructions for issuing marketing cards, then such card shall become valid; or if the invalid card is not made valid in this manner, it shall be canceled and a new card issued in its place.

§ 729.252 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any peanuts have been or are being marketed on a marketing card issued for another farm or to another producer shall be reported immediately by such person to the county committee or State committee.

MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

§ 729.253 *Extent to which marketings from a farm are subject to penalty.* The marketing of peanuts in excess of the farm marketing quota for any farm shall be subject to a penalty at the rate prescribed in § 729.255 and the penalty shall be paid on each lot of peanuts marketed from the farm in an amount equal to the converted penalty rate multiplied by the number of pounds in the lot, except that the penalty will not be required on any excess peanuts produced on a farm eligible for an excess oil card if such excess peanuts are delivered to or marketed through a designated agency. The converted penalty rate shall be determined as follows:

(a) Determine the percent excess for the farm by dividing the excess acreage by the farm peanut acreage.

(b) Determine the converted penalty rate by multiplying the percent excess by the rate of penalty prescribed in § 729.255.

§ 729.254 *Identification of marketings.* (a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time of sale. Each marketing without a marketing card shall be subject to the penalty at the rate prescribed in § 729.255. Buyers who are not designated agencies will record and report data with respect to all peanuts purchased on Form MQ–93—Peanuts (1951), Record of Sale Without Federal-State Inspection. Buyers who are designated agencies will record and report data with respect to all marketings on which a penalty is due on Form MQ–93—Peanuts (1951). MQ–94—Peanuts (1951), Sales Memorandum, will be used by buyers who are designated agencies to report and record data with respect to the inspection and purchases of within quota and excess oil peanuts: *Provided, however*, That a person who is not engaged in the business of buying peanuts shall not be required to execute Form MQ–93—Peanuts (1951) or Form MQ–94—Peanuts (1951), identifying purchases of peanuts from producers, if the county committee has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records, and make the buyer's reports required in §§ 729.240 to 729.269, in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the county committee as provided in § 729.256.

(b) Each marketing of farmers stock peanuts by any buyer, which such buyer represents to be a resale, shall be recorded on a record of resale on which the buyer reselling the peanuts or his representative certifies that the peanuts were identified by valid marketing cards or other records of resale and that any marketing penalty due has been collected.

729.255 *Rate of penalty.* The penalty per pound upon marketings of excess peanuts subject to penalty shall be at a rate equal to 50 percent of the basic rate of the loan or support price for peanuts for the marketing year.

§ 729.256 *Persons to pay penalty.* (a) The penalty due on peanuts purchased

directly from a producer shall be paid by the buyer, who may deduct an amount equivalent to the penalty from the price paid to the producer; except that the penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer. The buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing Form MQ-93—Peanuts (1951). If the buyer fails to collect or to pay the penalty due on any marketing of peanuts from a farm, he and all producers on the farm shall be jointly and severally liable for the amount of the penalty. If peanuts are improperly marketed by or for a producer in such a manner that the buyer takes such peanuts as not being subject to the marketing penalty, any penalty due on such marketings shall be paid by the producers on the farm.

(b) Notwithstanding any other provisions of the regulations in this part, if the county committee finds that peanuts produced on a farm on which there is excess acreage have been or probably will be sold to persons who are not engaged in the business of buying peanuts and determines that it would be administratively impracticable to effect the collection of the marketing penalty from such persons, the county committee may, on the basis of county office records or other available information, estimate the actual yield per acre and the production for the farm, and determine the amount of penalty due on the quantity of peanuts marketed to such persons. If an excess oil card is issued with respect to the farm, the amount of penalty that will be due will be determined by multiplying the operator's or the producer's estimate of the quantity of peanuts which are to be marketed to persons other than established buyers by the converted penalty rate for the farm. If an excess penalty card is issued for the farm, the amount of penalty shall be determined by multiplying the total production for the farm by the converted penalty rate. The amount of penalty may be collected from the operator or producer before the marketing card is issued if he agrees to payment of the penalty in this manner. If the county committee determines that satisfactory information is not available for estimating the 1951 yield per acre the county committee shall establish a normal yield per acre for the farm pursuant to the applicable § 729.225 or § 729.227 (15 F. R. 7292) and the normal yield per acre shall be considered to be the estimated yield per acre for the purpose of determining the amount of penalty. The county committee shall issue an excess oil card or an excess penalty card, whichever is applicable. If the penalty is paid before the excess penalty card is issued, the converted penalty rate shall be shown as "zero". If the county committee determines, after marketing of the 1951 crop for the farm has been completed, that the actual yield per acre for the farm was less than the estimated yield per acre, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.260.

§ 729.257 *Marketings subject to penalty.* In addition to marketings subject to penalty that are identified by excess oil cards or excess penalty cards, the marketing of peanuts under any of the following conditions shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.255:

(a) *Producer marketings.* (1) Except for marketings within the terms of the proviso contained in § 729.254 (a), any marketing of peanuts by a producer which is not identified by a valid marketing card shall be deemed to be a marketing subject to penalty. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(2) If any producer falsely identifies or fails to account for the disposition of any peanuts produced on a farm, an amount of peanuts equal to the normal yield, as determined under the applicable § 729.225 or § 729.227 (15 F. R. 7292), of the excess acreage for the farm shall be deemed to have been a marketing subject to penalty from such farm and the penalty due thereon shall be paid by the producer.

(b) *Buyer's marketings.* The part or all of any marketing of peanuts by a buyer which such buyer represents to be a resale, but which, when added to prior resales by such buyer, is in excess of the total of his prior purchases, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes proof acceptable to the Director showing that such marketing is not a marketing subject to penalty. The penalty thereon shall be paid by the buyer making the resale.

(c) *Marketings not reported.* Any sale of peanuts which, under the regulations in §§ 729.240 to 729.269, a buyer is required to report, but which is not so reported within the time and in the manner therein required, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes a report of such sale which is acceptable to the Director. The penalty thereon shall be paid by the buyer who fails to make the report as required.

§ 729.258 *Payment of penalty.* Penalties shall become due at the time the peanuts are marketed and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the peanuts became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

§ 729.259 *Use of agreement to permit marketings from overplanted farms*—(a) *Within quota card issued on basis of agreement.* The county committee may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue a within quota card with respect to the farm in the manner prescribed in § 729.248, if the county committee obtains from the operator an agreement that the farm peanut acreage will not exceed the farm allotment.

(b) *Excess oil card issued on basis of agreement.* The county committee may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue an excess oil card with respect to the farm in the manner prescribed in § 729.248 if the county committee obtains from the operator an agreement that the farm peanut acreage will not exceed a specified acreage which is greater than the farm allotment but not greater than the farm permitted peanut acreage.

(c) *Form of agreement.* The agreement referred to in this section shall be on Form MQ-92—Peanuts (1951), executed in accordance with instructions issued by the Assistant Administrator. If the county committee determines that a within quota card or an excess oil card issued pursuant to this section would be used as a device to evade the collection of penalty or the terms and conditions of the 1951 crop price support program, the agreement shall not be approved by the county committee and a marketing card shall not be issued for the farm until the farm peanut acreage has been determined.

(d) *Payment of penalty.* If the county committee determines that any penalty is due for a farm for which an agreement has been executed and approved, the converted penalty rate shall be determined as provided in § 729.253. At the request of the county committee, the operator shall surrender the marketing card issued for the farm showing thereon the required record of all peanuts marketed. The operator shall pay the amount of penalty due on all marketings that have been made from the farm, as determined by the county committee. The county committee shall cancel such marketing card as well as any other marketing card issued for the farm and, after collecting the amount of any penalty due, shall issue an excess penalty card if marketings from the farm have not been completed.

§ 729.260 *Request for return of penalty.* After the marketing of peanuts from the farm has been completed and the disposition of any other peanuts produced on the farm can be shown, the producer or any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 729.240 to 729.269 to be paid. Such request shall be filed with the county committee within two years after the payment of the penalty. No refund shall be made because of peanuts kept on the farm for seed or for home consumption.

RECORDS AND REPORTS

§ 729.261 *Producer's records and reports*—(a) *Report on marketing card.* Each marketing card issued with respect to a farm on which peanuts are produced in 1951 shall be returned to the office of the county committee whenever marketings from the farm are completed or at such earlier time as the county or State committee may request. Failure to return the marketing card shall constitute failure to account for disposi-

tion of peanuts marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced by that percentage which the amount of peanuts unaccounted for is of the farm marketing quota.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 729.240 to 729.269, the operator of each farm or any other producer on the farm (even though the farm peanut acreage does not exceed the farm allotment or even though no farm allotment was established) shall, upon written request from the State committee sent by registered mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the same to the State committee within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(1) The farm peanut acreage,

(2) The total production of peanuts on the farm peanut acreage,

(3) The amount of peanuts not marketed and their location, and

(4) For each lot of peanuts marketed, the name and address of the buyer to or through whom such peanuts were marketed, the number of pounds marketed, and the date marketed.

Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of peanuts produced on the farm, and the allotment next established for such farm shall be reduced by that percentage which the amount of peanuts unaccounted for is of the farm marketing quota.

§ 729.262 *Buyer's records and reports.* The following paragraphs shall apply to all marketings except marketings within the terms of the proviso contained in § 729.254 (a):

(a) *Record of marketings.* Each buyer shall keep such records as will enable him to furnish the Director the following information with respect to each lot of peanuts marketed to or through him by a producer and to each lot of farmers stock peanuts marketed to or through him by another buyer:

(1) Serial number of the marketing card issued to identify each marketing.

(2) Name of seller (if the seller is a producer, the producer's name and either the name of the operator of the farm or the farm serial number).

(3) Date of marketing.

(4) Number of pounds marketed.

(5) Amount of any penalty due and the amount of any deduction for penalty from the price paid the seller.

(6) Number of pounds marketed as a delivery to or through a designated agency.

Records of all resales of farmers stock peanuts by the buyer shall be maintained and the name of each person to whom such resale was made shall be shown on the buyer's records. Resales by a buyer of farmers stock peanuts shall be recorded on Form MQ–86 (Peanuts), Record of Resale, and reported by the buyer and seller by forwarding copies of such form to the State committee not later than the end of two calendar weeks following the week in which the peanuts were resold.

(b) *Form MQ–93—Peanuts (1951)—Form MQ–94—Peanuts (1951).* Buyers who are not designated agencies shall record and report data with respect to all peanuts purchased on form MQ–93—Peanuts (1951). Buyers who are designated agencies shall record and report data with respect to all marketings on which a penalty is due on form MQ–93—Peanuts (1951). Form MQ–94—Peanuts (1951) shall be used to report and record data with respect to the inspection and marketings of within quota and excess oil marketings by buyers who are designated agencies. The Production and Marketing Administration's copies of all forms MQ–93—Peanuts (1951) and forms MQ–94—Peanuts (1951) covering within quota marketings, with remittance for the penalties due as shown on forms MQ–93—Peanuts (1951), shall be forwarded to the State committee by means of MQ–79—Peanuts (1951), Buyers Weekly Report and Transmittal to State PMA office, not later than the end of two calendar weeks following the week in which the peanuts were marketed.

(c) *Additional records and reports by buyers.* Each buyer shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the State committee may find necessary to insure the proper identification of the marketings of peanuts and the collection of penalties due thereon as provided in §§ 729.240 to 729.269.

§ 729.263 *Record and report of peanuts shelled for producers.* Any person who shells peanuts for a producer, including any producer who shells peanuts produced by himself, shall make a record of the shelling of each lot of such peanuts by executing Form MQ-91—Peanuts (1951), Peanuts Shelled for Producers, and shall forward such report to the State committee not later than two calendar weeks following the week in which the peanuts are shelled.

§ 729.264 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 729.265 *Failure to keep records or make reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, who fails to make any report or keep any record as required in accordance with §§ 729.240 to 729.269, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

§ 729.266 *Examination of records and reports.* Any buyer, warehouseman, processor or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking threshing machine shall make available for examination upon request by a duly authorized representative of the State committee or the Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State committee or the Director has reason to believe are relevant and are within the control of such person.

§ 729.267 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person in accordance with §§ 729.240 to 729.269 for the 1951–52 marketing year shall be kept by him until July 31, 1954. Records shall be kept for such longer period of time as may be requested in writing by the Director.

MISCELLANEOUS

§ 729.268 *Information confidential.* All data reported to or as acquired by the Secretary pursuant to the provisions of §§ 729.240 to 729.269 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of State or county committees, and only such data so reported or acquired as the Assistant Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 729.269 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 729.240 to 729.269 may be redelegated by the State committee.

NOTE: The record-keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 12th day of June 1951. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 51–6901; Filed, June 14, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Distribution Regulation 2, Amendment 3]

DR 2—Allocation Records

CHANGE IN RECORD KEEPING REQUIREMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Delegation of Authority by Secretary of Agriculture to Economic Stabilization Agency with respect to Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this Amendment 3 to Distribution Regulation 2 (16 F. R. 3772) is hereby issued.

Preamble. As set forth in the statement accompanying its issuance, Distribution Regulation 2 is a preliminary step in a program for the allocation of meat. In a period of short supply the most equitable method of allocation would be to provide each purchaser with the same proportion of his seller's total supply that he received in a base period. In general, Distribution Regulation 2 is based on the premise that the current period may be used as a base period for purposes of allocation and that suppliers should be required now to start building up records which will enable them to determine the fraction of their total supply received by each individual customer to whom an allocation would be made.

Section 3 (b) of Distribution Regulation 2 contains several record keeping requirements designed to facilitate the operation of any allocation program which the Office of Price Stabilization may find it necessary to adopt in the future. It requires among other things that sellers of meat at wholesale keep records of:

1. Deliveries to individual civilian buyers by dollar volume;
2. The weight of total deliveries to all civilian buyers of beef, veal, calf, lamb, yearling mutton and mutton, by grade; and
3. The weight of total deliveries to all civilian buyers of pork by specified cut classifications.

The provisions relating to dollar volume figures by individual customers were designed to build up data on the basis of which allocation could be made to some customers by dollar volume if that were found desirable. For the reasons set forth in the statement accompanying the original regulation it may be necessary to allocate to many buyers by type and grade. Therefore, section 3 (b) required that records be kept of total civilian deliveries of beef, veal, calf, lamb, yearling mutton and mutton, by grade. Records of deliveries of pork were required to be kept by cut since pork is ordinarily sold by cut and since a figure for supplies of pork in total might give a distorted picture of the available supply of any particular cut.

Since the issuance of Distribution Regulation 2 several conferences have been held with representatives of the meat industry with reference to these record keeping rquirements. In the light of the information presented and of the representations made at these conferences, it appears that section 3 (b) can be revised to minimize the burden on the industry while at the same time accomplishing the purposes for which it was designed.

This Amendment 3, therefore, makes the following revisions of section 3 (b).

First, it eliminates entirely the provision that records be kept of the dollar volume of meat sales to individual customers. It appears that this requirement would involve a great amount of work as well as a change in present invoicing practices of many suppliers. It seems unnecessary to impose this requirement. Purchasers are required to keep invoices. An allocation order could reasonably require that purchasers seeking an allocation furnish the dates and numbers of the invoices covering deliveries on the basis of which allocation would be made to them.

Second, section 3 (b) in its original form did not require that records be kept of the total dollar volume of deliveries of meat because it was assumed that those records were kept in normal course. Some question has been raised about this and a provision has been inserted to make it clear that if records are not now kept segregating total dollar sales of meat and meat products from sales of other products they must be kept in the future.

Third, the requirement that records be kept of the weight of total deliveries to all civilian buyers of beef, veal, calf, lamb, yearling mutton and mutton, by grade, and of pork, by cut, has been modified so as to provide an alternative which has been represented to be more feasible.

For all grades of beef, veal, calf, lamb, yearling mutton and mutton the supplier may keep, in lieu of delivery records, records showing his total production and his total purchases of meat of each of those types and grades.

Suppliers who choose to keep production and purchase records must in addition keep records of their opening and closing inventories for specified grades of beef which are ordinarily used in processing. Inventories of these grades frequently constitute a significant fraction of a supplier's total supply. For the same reason, where production and purchase records in lieu of delivery records are kept for pork, inventory records must also be kept for pork. Inventory records need not be kept for beef which has already been processed nor for fresh beef of any grade other than those specified.

Since the supply on the basis of which allocation would be made would not be the total supply but only that proportion of it available for civilian distribution, records are also required to be kept for deliveries to the Federal government agencies.

In addition, the classification of pork cuts has been modified in conformity with industry suggestions.

Section 3 (b) as amended does not require that all the foregoing information be prepared in summary form for each accounting period but only that records be kept in such form that the specified information can be readily derived. For example, records may be kept so that the required information can be derived by the use of conversion factors. With respect to pork, conversion may be made from the dressed hog to the specified cuts or from smaller cuts to the specified cuts. Again, if total slaughter by type and grade can be derived readily from the meat grade certificates furnished by official graders it will not be necessary to keep slaughter records other than those certificates.

The effective date of the record keeping requirements has been postponed in order to give suppliers an opportunity to make preparation for compliance. This amendment also includes a minor correction designed to make it clear that non-official graders need not stamp the word "STAG" on carcasses or wholesale cuts of that class.

AMENDATORY PROVISIONS

1. Section 3 (b) is amended to read as follows:

(b) *Records of production and deliveries.* (1) If you are a seller of meat and meat products at wholesale you must keep records from which you can readily derive for each accounting period the total dollar volume of your deliveries to all civilian buyers, of all meat and meat products (including variety meats, semi-sterile canned meat and sausage but not including sterile canned meat).

(2) If you are a seller of meat at wholesale you must keep delivery records from which you can readily derive for each accounting period the weight of your total deliveries to all civilian buyers of beef, veal, calf, lamb, yearling mutton and mutton, respectively, by grade, and of pork by the following cut classifications: loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal).

(3) If you are a seller of meat at wholesale you may keep, in lieu of the records required by section 3 (b) (2), records from which you can readily derive for each accounting period, by the use of conversion factors or otherwise, the following information:

(i) The dressed weight of your total slaughter of beef, veal, calf, lamb, yearling mutton and mutton, respectively, by grade, and of your total slaughter of pork;

(ii) The weight of your total purchases of beef, veal, calf, lamb, yearling mutton and mutton, respectively, by grade, and of pork by the following cut classifications: Loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal);

(iii) The weight of your opening and closing inventories of each of the following: Unprocessed utility beef, unprocessed cutter and canner beef, and unprocessed bull beef, and of pork by the following cut classifications: Loins, shoulders (including picnics, boneless

butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal);

(iv) The weight of your total deliveries to the United States or any agency thereof of beef, veal, calf, lamb, yearling mutton and mutton, respectively, by grade, and of pork, by the following cut classifications: Loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal).

(4) The provisions of this section 3 (b) shall be effective for each accounting period commencing on or after June 24, 1951.

2. Appendix A, section 3 (b) is amended by deleting from the parenthetical phrase in the last sentence the words "or STAG".

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall be effective June 13, 1951.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 13, 1951.

[F. R. Doc. 51-6961; Filed, June 13, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22, Including Amdts. 1-8]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

Ceiling Price Regulation 22 is republished to incorporate the text of Amdts. 1 through 8, inclusive. Ceiling Price Regulation 22 was issued April 25, 1951 (16 F. R. 3562). Statements of Consideration for Ceiling Price Regulation 22, and for Amdts. 1-8, inclusive, as previously published, are applicable to this republication. The effective dates of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

COVERAGE

AUTHORITY: Sections 1 to 51 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; 3 CFR, 1950 Supp.

DERIVATION: Sections 1-51 contained in Ceiling Price Regulation 22, April 25, 1951 (16 F. R. 35623, except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: Amendment 1, May 28, 1951, 16 F. R. 4105.

Amendment 2, May 16, 1951, 16 F. R. 4439.
Amendment 3, May 28, 1951, 16 F. R. 4642.
Amendment 4, May 28, 1951, 16 F. R. 4967.
Amendment 5, May 28, 1951, 16 F. R. 5009.
Amendment 6, May 28, 1951, 16 F. R. 5010.
Amendment 7, June 1, 1951, 16 F. R. 5166.
Amendment 8, June 8, 1951, 16 F. R. 5477.

COVERAGE

SECTION 1. *Sellers and sales covered by this regulation.* This regulation covers you if you are a manufacturer located in the United States (not including territories or possessions) or the District of Columbia. It applies to any sale of any commodity as to which you are the manufacturer, except sales of commodities listed in Appendix A and sales at retail. With these exceptions, the General Ceiling Price Regulation is superseded by this regulation as to manufacturers in the United States or the District of Columbia. If, however, your gross sales for your last complete fiscal year were less than $250,000 you may elect not to use this regulation, but if you so elect, you may not use this regulation for any of your commodities.

CEILING PRICES ESTABLISHED

SEC. 2. *Ceiling prices established by this regulation.* This regulation establishes ceiling prices for commodities dealt in between July 1, 1949 and June 24, 1950, and for new commodities introduced subsequent to June 24, 1950. There are also special provisions relating to (a) rounding ceiling prices, (b) retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent, (c) reduction of ceiling prices to reflect any increase in the value of scrap or waste material, (d) adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs, and (e) adjustment of ceiling prices for commodities manufactured in more than one of your plants.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 3. *How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and*

June 24, 1950. (a) Your ceiling price to your largest buying class of purchaser for sale of a commodity which you sold or offered for sale at any time between July 1, 1949 and June 24, 1950, is your base period price for the commodity, plus "the labor cost adjustment" and "the materials cost adjustment". Section 47 (Definitions) explains the meaning of "your largest buying class of purchaser". Sections 4 through 6 tell how to obtain your base period price. Sections 7 through 9 tell how to calculate "the labor cost adjustment". Sections 10 through 16 tell how to calculate "the materials cost adjustment". If you do not wish to make either of these calculations you may use your base period price as your ceiling price to your largest buying class of purchaser. If you wish to calculate only one of the adjustments you may do so, in which case you will add only the amount of that one adjustment to your base period price.

(b) Your ceiling price for sale of the commodity to your largest buying class of purchaser must be consistent in every respect with your base period price, e. g., it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale.

(c) Your ceiling price for sale of the commodity to your other classes of purchasers to whom you made sales during your base period is determined by applying your price differentials last used during your base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials in effect during your base period, or if none, then those last in effect before your base period. If you are selling to an entirely new class of purchaser you determine your ceiling price under section 33 for that class of purchaser. For each class of purchasers you must maintain all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale which you had in effect during your base period. An explanation of what is meant by "class of purchaser" is found in section 47 (Definitions).

BASE PERIOD PRICE

SEC. 4. *Base period.* "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949, which you may elect to use. Whatever base period you elect must be used for all commodities in the same category. There is an exception in case of a commodity which you did not deliver during that base period, and which you did not make the subject of a written offer for delivery during that base period, and for which you did not have a price list in effect during that base period. In that case you may use for that commodity any other base period permitted under this section.

SEC. 5. *Category.* "Category" refers to a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. This is the same definition as used in section 4 (c) of the General Ceiling Price Regulation. You may, however, exclude from any category any commodity or group of related commodities for which the base period you have elected to use for the category is unrepresentative because of special seasonal characteristics of that commodity or group of related commodities. In that case, treat the commodity or related group of commodities as constituting a separate category.

SEC. 6. *How to obtain your base period price.* Your base period price for a commodity is obtained as follows:

(a) If, during your base period, you delivered the commodity or contracted in writing to sell the commodity at a firm price, you find the highest price to your largest buying class of purchaser at which such a delivery or such a contract of sale was made.

(b) If you did not make such a delivery or contract, you find the highest price at which you made a written offer for base period delivery to your largest buying class of purchaser.

(c) Instead of the price under paragraph (a) or (b) of this section you may use your price, to your largest buying class of purchaser, which you announced in writing in a price list, catalogue, or similar statement showing your prices for one or more commodities. To use this paragraph (c) you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period. Also you must have communicated the prices to the trade or a substantial number of customers in your customary way. Further, you must have made substantial deliveries at these prices after your written announcement of the prices. If you use this paragraph (c) for any commodity you must also use it for all other commodities covered by the same announcement.

(d) If your base period price includes any excise, sales or other similar tax which is not separately stated, you must follow the instructions contained in section 36.

(e) If your base period price is expressed as a list price less discounts, you may make the adjustments of the base period price under section 3 (a) upon the basis of the net price to your largest buying class of purchaser.

Example: Your base period "list" price for commodity A is $12 less a 20 percent discount to your largest buying class of purchaser. "The labor cost adjustment" and "the materials cost adjustment" which you are permitted to add to your base period price total $3.84. You first take 80 percent of $12, thus applying the 20 percent discount. The resulting amount, $9.60, plus $3.84 equals $13.44, your "net" ceiling price to your largest buying class of purchaser. You can figure your "list" ceiling price by dividing your "net" ceiling price ($13.44) by the same percentage (80 percent), giving $16.80. Applying the 20 percent discount to your largest buying class of purchaser gives you $13.44, or your "net" ceiling price to that class of purchaser.

(f) If, during your base period you customarily produced the same commodity at two or more manufacturing establishments of your business and sold it at different prices depending upon the place of production, you must obtain a separate base period price and determine a separate ceiling price for each such establishment.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

SEC. 7. *General description of how to calculate "the labor cost adjustments".* Sections 8 and 9 tell how to calculate "the labor cost adjustment". The calculations under both sections are designed to yield an average percentage increase in your factory labor cost based upon net sales and factory payroll data for your last fiscal year ended not later than December 31, 1950. This percentage is referred to as your "labor cost adjustment factor". Under section 8, the net sales and factory payroll data are for your entire business and the labor cost adjustment factor will be applied uniformly to the base period prices of all of your commodities. Under section 9, the net sales and factory payroll data are for a unit of your business and the labor cost adjustment factor will be applied uniformly to the base period prices of all commodities produced in that unit. If the commodities produced in the several units of your business have experienced significantly different labor cost increases, it will probably be to your advantage to use section 9 so as to reflect these differences more appropriately.

SEC. 8. *How to calculate "the labor cost adjustment" upon the basis of your entire business.* To calculate "the labor cost adjustment" upon the basis of your entire business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your entire business for your last fiscal year ended not later than December 31, 1950. You may not include in factory payroll, labor used in general administration, sales and advertising, or research, or in making major repairs or replacement of plant or equipment or in expansion of plant or equipment. Labor used in factory supervision, packaging and handling, ordinary maintenance and repair of plant or equipment, or in materials control, testing or inspection may, however, be included.

(b) Divide the dollar amount of your factory payroll found under paragraph (a) of this section by the dollar amount of your net sales found under (a). This will show what percentage your factory payroll is of your net sales. This percentage is referred to as your "labor cost ratio".

(c) Find the dollar amount of your factory payroll, as limited in paragraph (a) of this section, for your last payroll period ended not later than the end of your base period (if your base period is April 1 through June 24, 1950, you should use your last payroll period ended not later than June 30, 1950). The term "end of your base period" is explained in section 47 (Definitions). This payroll is referred to as "your base period payroll". Compute what the dollar amount of your base period payroll would have been upon the basis of your

wage rates in effect on March 15, 1951. This is referred to as "your recomputed payroll". You may add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits". You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piece-work, or any other system of wage payments used by you.

(d) Divide the dollar amount of the difference between your recomputed payroll and your base period payroll by your base period payroll. The resulting percentage is referred to as your "wage increase factor."

(e) Multiply your labor cost ratio derived under paragraph (b) of this section by your wage increase factor derived under paragraph (d) of this section. The resulting percentage is referred to as your "labor cost adjustment factor."

(f) Multiply the base period price of the commodity being priced by your labor cost adjustment factor. The resulting amount is "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(g) If you use this section, it must be used for all of your commodities.

Example: (a) Your fiscal year is the calendar year. Your net sales for the twelve months ended December 31, 1950, were $1,000,000. Your factory payroll for the year was $300,000 (the required exclusions having been made in arriving at this figure).

(b) $300,000 divided by $1,000,000 is 30 percent. This is your labor cost ratio.

(c) Your factory payroll for the week ended June 24, 1950, was $6,000 (the required exclusions having been made in arriving at this figure). At wage rates in effect March 15, 1951, the payroll would have been $6,500. In addition you have also granted longer paid vacations and a more liberal insurance plan which amounts to the equivalent of two and one-half cents per hour. The number of hours covered by your base period payroll was 4,000. Consequently the increased "fringe benefits" add an extra $100 per week to your factory labor cost for the March 15 period. This makes your recomputed payroll at March 15 wage rates $6,600, or a total increase of $600.

(d) $600 divided by $6,000 is 10 percent. This is your wage increase factor.

(e) 30 percent multiplied by 10 percent is 3 percent. This is your labor cost adjustment factor.

(f) If your base period price was $100, you multiply $100 by 3 percent, giving $3, "the labor cost adjustment".

SEC. 9. *How to calculate "the labor cost adjustment" upon the basis of a unit of your business.* To calculate "the labor cost adjustment" upon the basis of a unit of your business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your last fiscal year ended not later than December 31, 1950, relating to a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced. You must include in net sales the value, as shown on your records, of any transfer of a commodity or material from that unit to another unit of your business. If your records do not show a value you may not use this section. The provisions of section 8 (a) as to what may be included in factory payroll apply.

(b) Using the data found under paragraph (a) of this section you make the calculations prescribed in paragraphs (b), (c), (d), (e) and (f) of section 8, for the unit of your business to which the data relate. This will give you "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(c) This section may be used only for commodities produced in the particular unit of your business to which the net sales and factory payroll data relate, and must be used for all commodities produced in that unit.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

SEC. 10. *Manufacturing material.* You will need to become familiar with the term "manufacturing material" in the following sections. It refers to a material entering directly into the commodity being priced or used directly in the manufacturing processes from which the commodity results, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and subcontracted industrial services which are directly related to the manufacture of the commodity. The term does not include materials or sub-contracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the commodity being priced.

SEC. 11. *General description of the methods available.* (a) There are four alternative methods available to you for calculating "the materials cost adjustment." You should use the one best suited to your particular situation. Only manufacturing materials may be taken into account in your calculations and you will measure their change in cost to you between prescribed dates. You are permitted, however, to omit any manufacturing material which is not significant or whose cost has not decreased between the prescribed dates. This section contains ony general descriptions, as an aid in understanding. The exact provisions which are in the following sections are controlling.

(b) (1) *Method 1.* Method 1 allows you to measure the increase in your manufacturing materials costs upon the basis of a unit of your business not larger than a plant, or, if you have only one plant, upon the basis of your entire business. Under this method, which is set forth in section 13, you calculate a percentage increase in your manufacturing materials costs upon the basis of net sales and materials put into production during a yearly accounting period. If you make the calculations upon the basis of your entire business, you apply the percentage increase uniformly to all of your commodities. If the calculations are upon the basis of separate units of your business, you apply the percentage increase for each unit uniformly to all of the commodities produced in that unit. There are specific limitations upon the use of this method where you have had significant substitution of materials.

(2) *Method 2.* Method 2 is for an individual commodity and is based upon the increase in your unit manufacturing materials cost for that commodity. Under this method "the materials cost adjustment" will ordinarily differ for each commodity. You should probably use this method, therefore, if the various commodities you produce have had substantially different material cost increases since the end of your base period, or vary widely from each other in the ratio between unit manufacturing materials cost and sales price. This method, however, is more burdensome because it requires a separate calculation for each commodity.

(3) *Method 3.* Method 3 is for a product line and is based upon the increase in your unit manufacturing materials cost for the best selling commodity in the product line. A percentage figure for this increase is derived which is applied to the base period price of each commodity in the product line. This method may be more appropriate than Method 2 if you have a number of closely related commodities whose material cost increases have been about the same.

(4) *Method 4.* Method 4 may also be used for a product line or it may be used for a category. It is based upon the increase in the cost of the bill of materials used in producing the goods sold during an accounting period of three months or less. Like Methods 1 and 3 it yields a uniform materials cost adjustment factor for all commodities in the product line or category. If your records are in a form which permits you to use this method, you may find it simpler to apply than Method 1.

(c) You may select whichever one of the four methods you consider best suited to the nature of your business and most adaptable to the records you maintain. If you select the first, third, or fourth method, you must use it for each commodity in the particular unit of business involved (or for all of your commodities if your calculations are based upon your entire business), product line or category.

SEC. 12. *Omission of certain manufacturing materials from your calculations.* Under any of the four alternative methods which you use for calculating "the materials cost adjustment" you may omit from your calculations any manufacturing material which is not significant or whose cost to you has not decreased between the prescribed dates. Consequently, a reference to "each manufacturing material" under any of the four methods means each such material you are including in your calculations.

SEC. 13. *Method 1 (Aggregate method).* To calculate "the materials cost

adjustment" under this method, you do the following:

(a) Find the dollar amount of your net sales for your last fiscal year ended not later than December 31, 1950, for your entire business, or for a unit of your business for which you regularly maintain accounts and in which the commodity being priced is produced. You may not, however, use your entire business for this calculation if you operate more than one plant. Nor may you use a unit of your business which includes the output of more than one plant, although you may use a unit less inclusive than a plant. If you use a unit of your business, you must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown in your records. If your records do not show a value, you may not use that unit of your business for making your calculations.

(b) Multiply the physical amount of each manufacturing material which you used during the same fiscal year either in your entire business or in a unit of your business, whichever you are calculating on, by the dollars-and-cents amount of the change in net cost per unit of the material to you between the end of your base period and December 31, 1950. The term "end of your base period" is explained in section 47 (Definitions). For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may include the increase to any current date subject to the limitations in section 21. Before starting to figure the change in net cost per unit of the material, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resuting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. Subtract the total of the decreases from the total of the increases.

(d) Divide the final figure derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. The resulting percentage is referred to as your "materials cost adjustment factor".

(e) Multiply the base period price of the commodity being priced by your materials cost adjustment factor. This will give "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) If you use this section and your calculations are based upon your entire business, the materials cost adjustment factor which you derive must be used for all of your commodities. If your calculations are based upon a particular unit of your business, the materials cost adjustment factor which you derive must be used for all commodities produced in that unit and may not be used for commodities produced in any other unit of your business.

(g) You may not use this section if you have replaced, in any significant degree, the materials used by you during your base period with lower-priced substitute materials. (For example, if you are a manufacturer of rubber automobile tires, and you are now using a significantly larger percentage of synthetic rubber than you did in your base period, you may not use Method 1.)

SEC. 14. *Method 2 (Individual commodity method).* To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the physical amount of each manufacturing material which you normally used in your base period per unit of the commodity being priced.

(b) Multiply this physical amount of each of these manufacturing materials by the change in its net cost per unit to you between (1) the last day of the base period you elected for the commodity being priced and (2) December 31, 1950. For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Before starting to figure the change in net cost, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The commodity you are pricing uses three different manufacturing materials. For each unit of the commodity, you require 5 pounds of material A, 10 pounds of material B, and 1 gallon of material C. Before Korea, material A cost you $1.00 per pound, material B $2.00 per pound and material C $0.50 per gallon. Your net cost per unit of material A on your last invoice before December 31, 1950 was $1.50 and for material B it was still $2.00. Material C is listed in Appendix B; your last invoice prior to March 15, 1951 was $1.00 per gallon. Your increase for material A was, therefore, 5 multiplied by 50 cents (the difference between $1.50 and $1.00) or $2.50. Material B has not changed in price and may, therefore, be omitted. For material C, 1 gallon multiplied by 50 cents equals 50 cents. In addition, the commodity was enameled for you by an outside contractor at a cost of $1.00 per unit before Korea, and the price for the service as of March 15, 1951 was $1.25, a difference of 25 cents. Your materials cost increase for the commodity is, therefore, $2.50 for material A, 50 cents for material C, and 25 cents for the enameling service, or a total of $3.25. This is "the materials cost adjustment".

SEC. 15. *Method 3 (Product line method using best selling commodity).* This method is essentially the same as Method 2 except that the calculations are made for the best selling commodity in a product line. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Select the best selling commodity in the product line of which the commodity being priced is a part.

(1) "Product line" refers to a group of closely related commodities which differ in such respects as style, model or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials. A product line may never be broader than a category and usually will be narrower. The relationship between the commodities will normally be substantially closer in a product line than in a category. For example, stripped, standard and deluxe models of refrigerators are separate product lines, but a single category.

(2) "The best selling commodity" refers to the commodity in a product line which accounted for the greatest dollar volume of sales in the product line in your base period.

(b) Using the best selling commodity, make the calculations prescribed in section 14. This will give "the materials cost adjustment" for the best selling commodity, i. e., the amount to be added to its base period price.

(c) Divide "the materials cost adjustment" by the base period price of the best selling commodity. The resulting percentage is referred to as your "materials cost adjustment factor."

(d) Apply your materials cost adjustment factor to the base period price of each commodity in the product line. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price of that commodity in accordance with section 3 (a).

(e) If you use this section it must be used for each commodity in the product line for which you have made your calculations.

Example: You have three commodities in a product line, whose base period prices were $8, $10 and $12, respectively. The best selling item was the $10 commodity. "The materials cost adjustment" for that commodity calculated under section 14 was $2, or 20 percent. "The materials cost adjustment" for the $8 commodity is, therefore, 20 percent of $8, or $1.60, and for the $12 commodity, 20 percent of $12, or $2.40.

SEC. 16. *Method 4 (Composite bill of materials method).* Under this method you make your calculations for the increase in your manufacturing materials cost for a product line or a category. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the total net sales of all commodities in the product line or category for your last complete accounting period of three months or less ended not later than the last day of your base period (or if your base period is April 1 through June 24, 1950, ended not later than June 30, 1950). You must include in net sales the value, as shown in your records, of any transfer of a commodity in that product line or category to another unit of your business. If your records do not show a value, you may not use this section for that product line or category.

(b) Find the total physical amount of each manufacturing material used in producing the commodities in that product line or category sold in that accounting period. (Note that, in contrast to Method 1, you find here the physical bill of materials used in producing the goods sold in a short accounting period; while,

under Method 1, you find the aggregate quantities of materials used, i. e., put into the production process, in an annual accounting period).

(c) Multiply this total physical amount by the dollars-and-cents change, between (1) the end of your base period and (2) December 31, 1950, in net cost to you per unit of the material used. For any material listed in Appendix B you may figure the change to March 15, 1951 and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Add together the resulting figures which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is your increase in manufacturing materials cost. Before starting to figure the change in net cost you should read carefully the instructions contained in sections 17 through 23.

(d) Divide your increase in manufacturing materials cost derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. This percentage is referred to as your "materials cost adjustment factor."

(e) Apply your materials cost adjustment factor derived under paragraph (d) of this section to the base period price of the commodity being priced. The resulting figure is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) You may use this section only if you use it for each commodity included in the product line or category.

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

SEC. 17. *General nature of these instructions.* Section 18 will apply to your calculations irrespective of which of the four alternative methods you use. Sections 19 through 23 may be applicable to you depending upon whether you are covered by certain described situations which are briefly indicated by the section heading and opening sentence of the section.

SEC. 18. *How to compute the net cost to you of a manufacturing material as of a prescribed date.* Under any of the four alternative methods you may use for calculating "the materials cost adjustment," you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, March 15, 1951 or a current date as permitted by section 21). To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the *first* of the following prices available to you. In no event may the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of issuance of this regulation. If you use paragraphs (c), (d) or (e) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class of supplier (other than the United States), or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise, you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 44.

(a) The exchange quotation for the nearest monthly contract as of the close of business on the prescribed date (or the nearest preceding date for which such a quotation is available) for any commodity traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority or the Sugar Exchanges and you must use the quotation for both of the prescribed dates. Also you must use the same commodity exchange for both of the prescribed dates. If the commodity is one which is not itself quoted on such an exchange, but another grade of that commodity is so quoted, you may use the exchange quotation for such other grade provided you do so for both of the prescribed dates.

(b) The selling price for rubber as of the prescribed date established by an agency of the United States Government.

(c) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (c). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date. The average price for each period is the price you use for each of the respective prescribed dates. The term "30 days" as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950 you may use an accounting month terminating not later than June 30, 1950.

[Paragraph (c) amended by Amdt. 3]

(d) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date, provided that it was entered into not more than 60 days prior thereto.

(e) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date provided that the offer was made within 60 days prior to the prescribed date and that you still have the written offer or obtain a copy of it from the offeror.

(f) If none of the foregoing is available to you for one or both of the applicable prescribed dates, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing materials for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

[Paragraph (f) amended by Amdt. 3]

SEC. 19. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or a current date, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 13), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period,

you may use Method 1, but without making any allowance for the higher cost of the substitute material.

[Sec. 19 amended by Amdt. 3]

SEC. 20. *Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.* If a quotation, invoice, contract, or written offer which you use under section 18 did not include transportation costs for delivery of the material to you, you may add the actual amount of the transportation costs which you paid or would have paid for delivery of the material to you, provided that you include them in your determination of the net price of the material as of both dates.

SEC. 21. *Calculation of the increase in net cost per unit of materials covered by Appendix C*—(a) *General description of this section.* You will be concerned with this section only if a manufacturing material you propose to include in your calculations of "the materials cost adjustment" is one of the agricultural commodities listed in Appendix C or a product processed therefrom. Appendix C lists certain agricultural commodities selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950. The following paragraphs of this section contain, among other things; special instructions relating to the particular dates to be used in your calculations of cost increases of these commodities.

(b) *Calculation by manufacturers of food products.* If the commodity you are pricing is a food product you may, subject to the limitations in paragraph (d) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, or of any food products processed from these listed agricultural commodities.

(c) *Calculation by manufacturers of non-food products.* (1) If the commodity you are pricing is a non-food product you may, subject to the limitations in paragraph (d) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, but you must use March 15, 1951, as the date for figuring the change in net cost per unit of any products processed from those listed agricultural commodities.

(2) If the commodity you are pricing is made in whole or in substantial part from a product processed from a listed agricultural commodity, and you believe that the increase in cost to you, since March 15, 1951, of that processed product is due to an increase in the price of the listed agricultural commodity, you may apply to the Director of Price Stabilization for permission to adjust your ceiling price to reflect that increase in price. Your application must describe the commodity being priced and specify its ceiling price; and must contain a statement based upon a report from your supplier as to what portion of the increase in his price to you of that processed product is directly attributable to the increase in price of the listed agricultural commodity. If the Director of Price Stabilization is satisfied that the information submitted by you shows that only the amount of the increase in price of the listed agricultural commodity is reflected in the adjustment you seek, he will approve your application. If, however, he is not satisfied that you have made such a showing, he may withhold approval of your application and require that you furnish additional information. If thirty days after mailing your application you have not received a reply from the Director of Price Stabilization, you may sell at the adjusted ceiling price you propose until such time as you are notified otherwise by the Director.

(d) *Limitations on calculations by all manufacturers*—(1) *Old inventory.* After you have made your first calculation under this section, you may become entitled to increase the ceiling price of the commodity being priced, if the cost to you of a listed agricultural commodity (or product processed therefrom) has increased. But you may not put the ceiling price increase into effect unless and until you have first sold an amount of the commodity you are pricing which is at least equal to the quantity you owned at the close of business on the day you otherwise would have been entitled to put that ceiling-price increase into effect under this section.

(2) *Removal from listing.* You may not, in figuring the change in net cost of a listed agricultural commodity or product processed therefrom use any date subsequent to the date of deletion of the listed agricultural commodity from Appendix C by the Director of Price Stabilization or any date more than five days subsequent to the date upon which the Secretary of Agriculture announces for the agricultural commodity, by publication in "Agricultural Prices," a price which equals or exceeds both (i) the parity price as set forth in the same publication and (ii) the highest price received by producers of the agricultural commodity during the period May 24 to June 24, 1950, inclusive, both as determined and adjusted by him.

(e) *Definition of "food product".* The term "food product" refers to a commodity used for, or as an ingredient in, food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound; and fats and oils used for cooking purposes or in the preparation of food for immediate consumption.

(f) *Special provisions for Cooperatives, Producer-Processors, etc.* (1) If (i) you are a producer-processor, and (ii) you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraphs (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you, calculate your "materials cost adjustment" as follows: For purposes of paragraphs (b) or (c) of this section, use as your net costs per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. Such competitor must be one who buys the same quality of the commodity as do you, buys it in quantities comparable to the quantities in which you buy, and buys it at firm prices for processing. Action under this subparagraph is limited by the provisions of paragraph (d) (2) of this section.

(2) If (i) you are a processor who purchases the listed agricultural commodity under "open" price or deferred payment contracts which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you and at the time of sale of the processed product, and (ii) you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity at prices finally determined at the time of sale, calculate your "materials cost adjustment" as follows: For purposes of paragraph (b) or (c), use as your net costs per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. Such competitor must be one who buys the same quality of the commodity as do you, buys it in quantities comparable to the quantities in which you buy, and buys it at firm prices for processing. Action under this subparagraph is limited by the provisions of paragraph (d) (2).

(3) If (i) you are a producer-owned cooperative processor, and (ii) you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you, you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation. You may not, however, increase your ceiling price after either of the dates set out in paragraph (d) (2) of this section as the final dates that may be used by other processors for figuring changes in net cost.

[Paragraph (f) added by Amdt. 2]

SEC. 22. *How to calculate "the materials cost adjustment" for joint products or by-products.* This section will concern you only if you manufacture joint products or by-products. If two or more commodities result from the same manufacturing operation or from common materials and you are unable to compute the unit manufacturing materials costs for each under section 14, you calculate "the materials cost adjustment" for each as follows:

(a) Establish an appropriate combined unit of production in which are represented the several commodities in the

proportions in which they result from the same manufacturing operation or from common materials. (For example, if a manufacturing operation yields, for each ton of commodity A produced, 3 gallons of commodity B and 520 pounds of commodity C, your combined unit of production could be: one ton of A, three gallons of B and 520 pounds of C; or one gallon of B, ⅓ ton of A and 173.3 pounds of C; or any other combination in which the proportions among the three commodities are maintained.)

(b) Find the dollar value of the combined unit of production using base period prices for each commodity, determined in accordance with section 3. (If the base period price for commodity A was $10 per ton, for commodity B was $1 per gallon and for commodity C was $0.10 per pound, the dollar value of the combined unit of production would be $65 under the first example in (a) above and $21.67 under the second example in (a) above.)

(c) Using the same calculations as in section 14 (substituting, of course, the combined unit of production for the unit referred to therein), compute the increase in manufacturing materials cost per combined unit of production.

(d) Divide the increase in manufacturing materials cost per combined unit of production by the dollar value of that unit as determined under paragraph (b) of this section.

(e) Apply this percentage to the base period price of each of the commodities being priced. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The total increase in manufacturing materials cost for the combined unit of production illustrated in paragraph (b) above, calculated in accordance with section 14, is $13. $13 divided by $65 is 20 percent. Consequently, "the materials cost adjustment" for commodity A is 20 percent of $10, or $2 per ton; for commodity B is 20 percent of $1, or 20 cents per gallon; and for commodity C is 20 percent of $0.10, or 2 cents per lb.

SEC. 23. *How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.* (a) You will be concerned with this section if you are a multi-unit organization and in your operations you transfer products for further processing or assembly between units of your business for which you regularly maintain separate records. By way of illustration, such transfers may be between departments, plants, branches or divisions. This section deals specifically with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing the commodity being priced. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to other persons. This section provides three methods for figuring the change in cost of a transferred material in your calculation of "the materials cost adjustment" for the commodity being priced. The method you use depends first on how you calculated "the labor cost adjustment" for the commodity being priced and second, on whether you also sell the transferred material to other persons.

(b) If you calculated "the labor cost adjustment" for the commodity being priced upon the basis of your entire business or of a unit of your business that included the unit in which the transferred material is produced, you may not in calculating the change in cost of that material include any increase in factory labor cost. Your calculation of the change in cost of the transferred material will therefore only take into account changes in the costs of the manufacturing materials directly related to the transferred material. Such change in cost of the transferred material will be included in your calculation of "the material cost adjustment" for the commodity being priced.

(c) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if the transferred material is one you sell to other persons, you calculate its change in cost as follows:

(1) Find its base period price (i. e., to your largest buying class of purchaser).

(2) Find its ceiling price under this regulation to your largest buying class of purchaser, or if it is listed in Appendix A, its ceiling price under the applicable ceiling price regulation.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in the cost of the transferred material which you use in calculating "the materials cost adjustment" for the commodity being priced.

(d) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if that material is not one you sell to other persons you calculate its change in cost as follows:

(1) Find the value as shown in your records at which the transferred material was transferred, last prior to the end of your base period (i. e., the base period for the commodity being priced), to the unit of your business in which the commodity being priced is produced.

(2) Using that transfer price as your base period price, determine what the ceiling price would be under this regulation, or such other regulation as would be applicable.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the material to be used in calculating "the materials cost adjustment" for the commodity being priced.

Example: You are pricing a camera the lens for which you produce. The following paragraphs illustrate the application of the three methods prescribed in section 23.

(a) You have treated the department in which the camera is assembled and the department in which the lens is produced as a single unit in computing "the labor cost adjustment" for the camera. You purchase on the outside the optical glass used in the lens. "The materials cost adjustment" for the camera may include, as far as the lens is concerned, only the change in cost of the purchased optical glass.

(b) In calculating "the labor cost adjustment" for the camera you used only the assembly department. You also sell the lens to others and calculated "the labor cost adjustment" for the lens upon the basis of the lens department. Therefore, in calculating "the materials cost adjustment" for the camera, the change in cost of the lens will be the difference between your ceiling price for the lens under this regulation to your largest buying class of purchaser, and your base period price for the lens to that class of purchaser.

(c) Assume the same facts as in (b) except that you produce the lens exclusively for your own use. You must compute what the ceiling price for the lens would be under this regulation, using the value at which the transfer between departments was made on your books last prior to the end of the base period. The difference between your computed ceiling price and your base period transfer value is the amount you use in calculating "the materials cost adjustment" for the camera.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

SEC. 24. *General nature of these provisions.* Sections 25 through 29 relate to adjustments of your ceiling prices under certain circumstances. Section 25 relates to rounding ceiling prices. Section 26 relates to retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent. Section 27 requires that you reduce your ceiling prices to reflect any increase in the value of scrap or waste material generated in your manufacturing processes. Section 28 permits you to adjust your ceiling prices quoted on a delivered basis for certain increases in transportation costs. Section 29 provides an optional method for adjusting your ceiling prices for commodities manufactured in more than one of your plants.

SEC. 25. *Rounding ceiling prices.* You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

SEC. 26. *Retention of GCPR ceiling price where the change in price is less than 1 percent.* If your ceiling price for a commodity as determined under section 3 differs by less than 1 percent from that under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price. However, you may use this section only if you apply

it to all your ceiling prices determined under section 3 differing by less than 1 percent from the GCPR ceiling prices, regardless of whether decreases or increases result. For example, your GCPR ceiling price for commodity A is $10 and your ceiling price under section 3 is $9.95. Your GCPR ceiling price for commodity B is $8 and your ceiling price under section 3 is $8.05. You may continue to use $10 as your ceiling price for commodity A, but if you do so you must continue to use $8 as your ceiling price for commodity B.

SEC. 27. *Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.* (a) You will be concerned with this section if in the manufacturing process relating to the commodity being priced you generate any scrap or waste material which you sell to other persons or which is transferred from one unit of your business to another, and if, between the end of your base period and March 15, 1951, there has been an increase in the value of such scrap or waste material. However, you need not make the adjustment called for in this section unless your sales of scrap or waste material are significant. They will be considered significant if, for the plant or other unit of your business in which the commodity being priced is produced, the value of your sales or transfers of scrap or waste material exceeded 3 percent of the total value of your sales or transfers of all commodities from that plant or unit during your most recent fiscal year ended not later than December 31, 1950.

(b) In the circumstances described in paragraph (a) of this section where your sales of scrap or waste material are significant you must make an appropriate reduction in the ceiling prices for each of the commodities resulting from your manufacturing process to reflect the dollars-and-cents amount by which the value of the scrap or waste material generated in the manufacturing process has increased between the end of your base period and March 15, 1951. In calculating this increase in value you should use a method comparable to the one you employed for your calculation of "the materials cost adjustment" for the commodity being priced. For instance, if you used Method 2 (section 14) you should calculate the increase in value of your scrap or waste material per unit of the commodity being priced; if you used Method 1 (section 13) you should calculate the increase in value of your scrap or waste material by an aggregate method. The resulting dollars-and-cents amount reflecting the increase in value of your scrap or waste material per unit must be subtracted from your ceiling price as otherwise determined under this regulation.

SEC. 28. *Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.* If your base period price was, and therefore your ceiling price is, a delivered price, you may adjust your ceiling price to reflect any increase, between the end of your base period and March 15, 1951, in transportation costs incurred by you (not including warehousing charges). You may include in this adjustment only increases resulting from transportation charges paid by you to other persons (excluding any person who is an employee, subsidiary or affiliate of yours or of whom you are a subsidiary or affiliate). This adjustment is made in the following manner:

(a) Where your base period price for the commodity being priced included full transportation costs from point of shipment to point of delivery, you may adjust your ceiling price by the exact amount of the increase in transportation rates to you between such points, charged by the same carrier or class of carrier for the same class of transportation. You may not include any increase due to changing the class of carrier (e. g., from water or highway to rail) or to changing your customary method or quantity of shipment.

(b) Where your base period price was uniform within defined geographical zones but you maintained an established differential between each zone, you may calculate a transportation cost increase adjustment to be applied to the ceiling price for sales to each zone. This calculation is made in the following manner:

(1) Find the average transportation charge paid by you for deliveries of the commodity being priced to each zone during your last accounting period of not less than three months, ended not later than the end of your base period. If your base period is April 1 through June 24, 1950, you should use your last accounting period of not less than three months, ended not later than June 30, 1950.

(2) Find what the average transportation charge paid by you for deliveries of that commodity to each zone would be, using the transportation rates actually in effect on March 15, 1951.

(3) The dollars-and-cents amount of the difference between the average transportation charge found under (2) and that found under (1) for each zone may be added to your ceiling price for sales to that zone.

(c) Where your base period price was uniform for all sales of the commodity being priced to any destination within the United States, you may calculate a single transportation cost increase adjustment to be applied to the ceiling price for all sales within the United States in the same manner as under paragraph (b) of this section, treating the United States as a single zone.

SEC. 29. *Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.* If the commodity being priced is manufactured in more than one of your plants and is customarily sold by you at a uniform price, but in adjusting the base period price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during the last quarter of 1950. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity. If sales from any of your plants in the last quarter of 1950 were not substantial, you may use the last three consecutive months of substantial sales in 1950, provided that you use the same period for all your plants.

Example: You are producing the same commodity in two plants, and customarily charge the same price from each. However, due to a difference in your wage rate changes, your ceiling price for plant A is $2.00, and for plant B is $2.10. Sales during the last quarter of 1950 were 1500 units from plant A, and 1000 units from plant B. 1500 multiplied by $2.00 is $3,000; 1000 multiplied by $2.10 is $2,100; 1500 plus 1000 is 2500; $3,000 plus $2,100 is $5,100; $5,100 divided by 2500 is $2.04. You may therefore use the uniform ceiling price of $2.04 for sales from both plants.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

SEC. 30. *Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation*—(a) *Ceiling price for a commodity first offered for sale between June 25, 1950, and the day prior to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you between June 25, 1950 and the day prior to the effective date of this regulation, differing from a commodity you dealt in during the period July 1, 1949 to June 24, 1950, only by reason of a minor change in design or construction which does not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced. If the new commodity differs from the previous commodity only by reason of the use of a substitute material the new commodity must be priced under section 3.

[Paragraph (a) amended by Amdt. 6]

(b) *Ceiling price for a commodity first offered for sale on or subsequent to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you on or subsequent to the effective date of this regulation, differing from a commodity for which your ceiling price is established under this regulation only by reason of minor changes in material, design or construction which do not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity as established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced.

[Paragraph (b) amended by Amdt. 6]

SEC. 31. *Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.* This pricing method may be used in place of section 32 under the circumstances indicated herein. If you wish to use your base period price for a packaged commodity as your ceiling price and to reduce the size or quantity of that commodity to reflect any permissible cost increases since the end of your base period, you may do so in the following manner:

(a) Determine your ceiling price for the commodity in its base period size or quantity.

(b) Calculate the ratio between your base period price for the commodity and your ceiling price.

(c) Apply this ratio to the base period size or quantity of the commodity. The resulting size or quantity is the minimum for which you may use your base period price as your ceiling price.

Example: Your base period price for a 10-ounce package of commodity A was 25 cents and you wish to retain that price as your ceiling price. Your ceiling price for a 10-ounce package of commodity A as determined under this regulation is 30 cents. 25 cents divided by 30 cents is 83.3 percent. 10 ounces multiplied by 83.3 percent is 8 and one-third ounces. Your ceiling price for a package of commodity A containing not less than 8 and one-third ounces is therefore 25 cents.

SEC. 32. *Ceiling prices for new commodities falling within categories dealt in during your base period*—(a) *Description of the pricing method.* This section deals with a commodity which cannot be priced under sections 3 or 30, but which falls within a "category" in which you dealt during your base period. You determine your ceiling price by applying to the current unit direct cost of that commodity the percentage markup over the current unit direct cost of a "comparison commodity" (using your ceiling price for the comparison commodity under this regulation), in accordance with the following instructions.

(b) *Current unit direct cost.* "Current unit direct cost" as used in this section means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the commodity at the time you use the pricing method provided by this section. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the new commodity and for the comparison commodity shall be the same in every respect.

(c) *Selection of a comparison commodity.* The comparison commodity to be used must be in the same category as the commodity being priced and shall be the first of the following which is available to you:

(1) A commodity dealt in during your base period differing from the commodity being priced only by reason of a minor change in size or quantity or of packaging.

(2) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and which has current unit direct cost the same or lower than that of the commodity being priced.

(3) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be the same or lower than that of the commodity being priced.

(4) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and whose current unit direct cost is next higher to that of the commodity being priced.

(5) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be next higher to that of the commodity being priced.

(d) *Calculations to determine your ceiling price.* Having selected the appropriate comparison commodity, you determine your ceiling price as follows:

(1) Determine your ceiling price for sale of the comparison commodity to your largest buying class of purchaser if you are now manufacturing it, or what it would be if you are no longer manufacturing it, using either sections 3 or 30 of this regulation, whichever is applicable.

(2) Determine the current unit direct cost of the comparison commodity, if you are now manufacturing it, or what it would be, if you are no longer manufacturing it.

(3) Subtract the current unit direct cost derived under (2) from the ceiling price derived under (1). This will give the gross dollar margin over current unit direct cost for the comparison commodity.

(4) Divide this gross dollar margin over current unit direct cost by the current unit direct cost of the comparison commodity. This will give the percentage markup over current unit direct cost for the comparison commodity.

(5) Apply this percentage markup to the current unit direct cost of the commodity being priced. This is your ceiling price for sale of that commodity to your largest buying class of purchazer. It must be consistent in every respect with the ceiling price for the comparison commodity, i. e., it must carry your customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale. Your ceiling price for sale of the commodity to each of your other classes of purchasers shall be determined in the same manner as under section 3 (c).

Example: (i) Your comparison commodity is one you are no longer manufacturing. You find that its ceiling price under this regulation would be $10. (ii) The current unit direct cost of the comparison commodity would be $6. (iii) $6 subtracted from $10 is $4. This is the current gross dollar margin over direct cost for the comparison commodity. (iv) $4 divided by $6 is 66.7%. This is the percentage margin over direct costs for the comparison commodity. (v) The current unit direct cost for the commodity being priced is $7.50. 66.7% of $7.50 is $5.00. $7.50 plus $5.00 is $12.50. This is your ceiling price for the commodity being priced.

(e) *Category.* Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. Section 46 of this regulation continues in effect certain provisions of section 16 of the General Ceiling Price Regulation which among other things prescribes that you must prepare and preserve a list of your categories. If the list you have prepared is not representative of your categories during your base period for this regulation, you should prepare such a list by the effective date of this regulation and thereafter preserve it. In applying the pricing provisions of this section, you should refer to it. You might, for example, have a category such as one of the following; desks, office, steel; desks, office, wood; dishwashers, domestic; ranges, domestic, electric; ranges, domestic, gas; refrigerators, household; room air conditioner to 1 h/p; vacuum cleaners, domestic; washing machines, domestic.

[Paragraph (e) amended by Amdt. 6]

(f) *Required report.* (1) Before selling any commodity for which you have determined a ceiling price under this section, except as permitted under subparagraph (2) below, you must file the report required by paragraph (g) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition you may not sell the commodity until 15 days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(2) You need not prepare or file the report required by paragraph (g) of this section with the Director of Price Stabilization, if total net sales of the commodity required to be priced under this section are not expected to exceed ten thousand dollars in value; but no sales of the commodity which would result in its total net sales equaling or exceeding ten thousand dollars in value may be made until after a report has been filed. Appropriate records and work sheets relating to the computation of your ceiling prices must be preserved as prescribed in section 46.

[Subparagraph (2) added by Amdt. 3]

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 15 days after the effective date of this regulation.

[Paragraph (f) amended by Amdt. 3]

(g) *Information required in report.* Your report should state the name and address of your company; a description of the commodity being priced; the comparison commodity and an explanation why you have selected the comparison commodity as such; a description of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity, or what it would be; the gross margin, and the percentage mark-up over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to purchasers of various classes with respect to the comparison commodity.

SEC. 33. *Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.* (a) (1) If you are pricing a commodity which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950, or which you are selling to an entirely new class of purchaser as referred to in section 3 (c), your ceiling price is the same as the ceiling price of your most closely competitive seller of the same class selling the same commodity to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation.

(2) Before selling any commodity for which you have determined a ceiling price under this section, you must file the report required by paragraph (b) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition, you may not sell the commodity until 15 days after mailing your report; thereafter, you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 30 days from the date this regulation becomes effective for your most closely competitive seller of the same class selling the same commodity to the same class of purchaser or 30 days from the date this regulation becomes effective as to you, whichever is later.

[Paragraph (3) amended by Amdt. 6]

(b) *Required report.* Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; a statement of his ceiling price and his differentials to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should include the following: Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing process involved; a detailed breakdown of your unit direct costs; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation; and the types of customers to whom you will be selling.

MISCELLANEOUS PROVISIONS

SEC. 34. *Sellers who cannot price under other sections.* (a) If you claim that you are unable to determine your ceiling price for a commodity under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all of the information called for under section 33 to the extent you are able to furnish it; and the method used by you to determine your proposed ceiling price. You may not sell the commodity until the Director of Price Stabilization notifies you, in writing, of your ceiling price, except as permitted in paragraphs (b) or (d).

[Paragraph (a) amended by Amdts. 3 and 6]

(b) If your ceiling price was determined under section 7 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use that ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved, or that more information is required.

[Paragraph (b) added by Amdt. 3]

(c) If your ceiling price under the General Ceiling Price Regulation was established under section 7 of that regulation by letter order of the Director of Price Stabilization, you need not repeat in your application for a price under this section any information which you have already submitted to the Director of Price Stabilization and which, in the light of the requirements of paragraph (a) of this section, is still accurate.

[Paragraph (c) added by Amdt. 3]

(d) If your ceiling price was determined under section 3 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use your ceiling price as so determined until notified by the Director of Price Stabilization of your ceiling price under this section.

[Paragraph (d) added by Amdt. 6]

SEC. 35. *Export sales.* Your sales for export are subject to the provisions of this regulation.

SEC. 36. *Excise, sales, and other similar taxes*—(a) *Where the tax is included in your base period price.* If your base period price for a commodity you are using to determine your ceiling price either for that commodity or another commodity includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from your base period price. Your base period price, with any such tax so excluded, may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount of any such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period and included in your selling price thereafter, you may include the appropriate amount of such tax as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar tax paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar commodities. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, or of any increase in such a tax subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 37. *Prohibition against redetermination of ceiling prices.* Once you have reported your ceiling price or a proposed ceiling price for a commodity as required by this regulation, you may not thereafter redetermine it except for redeterminations due to the increase in cost of agricultural commodities or products processed therefrom in accordance with section 21. A purely arithmetical error may, however, be corrected, but the correction must be reported to the Director of Price Stabilization.

SEC. 38. *Modification of ceiling prices by the Director of Price Stabilization.*

The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation. Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the "materials cost increase" for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16.

[Sec. 38 amended by Amdt. 3]

SEC. 39. *Recalculation of ceiling prices and announcement of "materials cost increase factors".* The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a recalculation of your ceiling prices hereunder. The primary purpose of this recalculation would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials and parts. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this regulation.

SEC. 40. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 41. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 42. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate.

SEC. 43. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices established by this regulation, if as a result of these ceiling prices, you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this regulation of at least one month, or would have been conducted at a loss if you had manufactured the commodities covered by this regulation in your customary quantities and proportions;

(2) The loss was attributable to the level of prices established by this regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operations; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out-of-line with the ceiling prices for similar commodities established for other sellers under this regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the commodities you manufacture, a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month or more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation;

(4) For commodities covered by this regulation, either (i) a statement of your base period and ceiling prices to your largest buying class of purchaser (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale) and a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required and submitted to the Office of Price Stabilization; together with (iii) a statement of the section or sections under which you established your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section.

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for commodities similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar commodities;

(7) A proposed schedule of adjusted ceiling prices for commodities covered by this regulation, and a demonstration that, if these prices were charged, your operations would be at a break-even position.

(8) The application must refer specifically to this section of the regulation, must be signed by a responsible officer of your company, and should be sent to the Office of Price Stabilization, Washington 25, D. C.

(d) Within thirty days of the receipt of your application, the Director will grant or deny your application in full or in part, or request further information. The Director may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgment of receipt of your application, none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director shall notify you that these prices have been disapproved.

SEC. 44. *Use of "conversion steel" in calculating "the materials cost adjustment".*—(a) *Purpose of this section.* In calculating "the materials cost adjustment" for a commodity under this regulation, you are not permitted to reflect in your calculations any increase in materials cost occasioned by use of so-called "conversion steel". However, if you believe that this requirement imposes upon you a serious inequity because you are required by NPA Order M-47 (16 F. R. 3130) of the National Production Authority to use more conversion steel than you used in your base period, you may apply for permission to reflect such increase in your calculation of "the materials cost adjustment".

(b) *How to apply.* Under the circumstances described in paragraph (a) of this section, you may make application, signed by a responsible officer of your company, and sent by registered mail, to the Office of Price Stabilization, Washington 25, D. C., referring specifically to this section and supplying the following information:

(1) A statement describing the nature of your manufacturing operations, and, particularly, the commodities in which conversion steel is used.

(2) A detailed statement showing all of your purchases of steel (whether conversion steel or not) in your base period, and in the three months ended March 31, 1951, listing, for each such purchase, the date, the name and address of the supplier, the exact specifications of the steel purchased, the price paid (including all discounts, extras, terms, delivery charges, etc.), and the amount purchased. If you sold any steel in either of these periods, you must give full details as to such sales.

(3) A detailed statement establishing the amount of "conversion steel" you are required to use under NPA Order M-47 of the National Production Authority.

(4) A detailed statement showing how you propose to reflect in your calculation of "the materials cost adjustment" the increase, since the end of your base period, in the cost of steel (including conversion steel), in the amount and to the extent that you are required to use such steel under NPA Order M-47 of the National Production Authority.

(c) *Action on your application.* Within thirty days after the receipt of the application described above, the Director will grant or deny, in whole or in part, your application, or notify you that further information is required. If, at the end of thirty days, the Director has done none of the above, you may begin to sell at ceiling prices calculated in accordance with "the materials cost adjustment" you propose. (In the meantime you may, after the effective date of this regulation, sell at a ceiling price calculated without reference to your use of conversion steel.) At any time thereafter, the Director may notify you that further information is required or may deny your application, in whole or in part, but such denial shall not be retroactive as to deliveries previously made.

SEC. 45. *Temporary adjustments to carry out existing contracts*—(a) *Who may apply for adjustment.* If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of a commodity at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price Stabilization for an adjustment of your ceiling price, *Provided:*

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed raw materials or component parts after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Take the total price of the quantity of raw materials or component parts acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute what the total price of the same quantity of raw materials or component parts would be as of the later of the two applicable prescribed dates used for your calculation of "the materials cost adjustment". In computing what that total price would be, you will, of course, apply the provisions of section 18.

(3) Subtract the figure arrived at in subparagraph (2) from the figure in subparagraph (1). The result is the total amount of the adjustment. If the figure arrived at in subparagraph (1) is no higher than that arrived at in subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the commodity called for by the contract. This gives you the adjustment per unit of the commodity. If the contract calls for the delivery of more than one commodity, the total amount of the adjustment may be distributed in any appropriate way among the several commodities.

(5) Add the adjustment per unit of the commodity under (4) to your ceiling price for that commodity. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

Example: You contracted in January 1951 to supply a mail order house 1,000 units of a commodity at $10.00 per unit, delivery to be made during the months of June, July, and August of 1951. Your ceiling price under this regulation is $9.00. In order to comply with the terms of your contract, you purchased raw material sufficient to produce 600 units at a total cost of $4,200. The cost of acquiring the same raw material as of December 31, 1950 (the later of the two applicables dates used in your calculation of "the materials cost adjustment") would be $3,500. The total adjustment is $700 ($4,200 minus $3,500 equals $700). The total number of units called for in the contract was 1,000. Divide $700 by 1,000. This gives you 70¢. The adjustment per commodity becomes 70¢ and your adjusted ceiling price for the contract $9.70. Subsequent sales to the contract purchaser and all sales to other purchasers must be at the regular ceiling price of $9.00.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before August 1, 1951, with the Director of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

1. A copy of the contract;

2. Copies of invoices covering the raw materials or component parts acquired in reliance upon and in order to fulfill the contract;

3. Copies of invoices or other supporting data which indicate your net cost as of the later of the two applicable dates you used in computing "the materials cost adjustment".

4. A copy of the worksheets used in the calculation of your ceiling price.

SEC. 46. *Records and reports*—(a) *Record-keeping requirements.* (1) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.[1]

(2) (i) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and material and labor costs, and records showing costs, prices, and sales for the other applicable periods and dates referred to in the regulation.

(ii) The records to be preserved under this paragraph must include appropriate work sheets. Appendix E contains suggested work sheets for the more important calculations required under this regulation. The work sheets to be preserved may be in the form shown in the appendix; they may be in any other convenient form so long as they include all data and calculations required to determine your ceiling prices.

(3) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to the regulation have been made.

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Director of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is required, you may after these 30 days have elapsed receive payment at the adjusted ceiling price for all deliveries made since the date of filing. The Director may, however, at any time revise or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made.

5. A report of your adjusted ceiling

---

[1] The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

SEC. 16. (a) *Base period records.* You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. * * *

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. * * *

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. * * *

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

* * * * *

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. * * *

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951.

(b) *Reports.* (1) You must file with the Office of Price Stabilization, Washington 25, D. C., on or before the effective date of this regulation one or more reports on Public Form No. 8 in accordance with the instructions which are a part of that form. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. This Public Form No. 8 is shown in Appendix D. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail, and you must wait 15 days before selling as provided in section 48.

(2) The Director of Price Stabilization may from time to time require additional information or reports subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

SEC. 47. *Definitions and explanations.* Unless the context otherwise requires, the definitions and explanations in this section shall be controlling.

[Above sentence added by Amdt. 3]

Category. This term is defined in section 5.

Class of purchaser or purchaser of the same class. Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period *and* for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Commodity. This term includes any item, object, material, article, product or supply.

Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Director of Price Stabilization. This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

End of your base period. This term means June 24, 1950, if your base period is April 1 through June 24, 1950, or if you elected a previous calendar quarter as your base period in accordance with section 4, it means the last day of that quarter. If, however, you have elected different base periods for different commodities or categories in accordance with sections 4 or 5, the date you will use as the end of your base period is determined as follows:

(a) If you are calculating "the labor cost adjustment" or "the materials cost adjustment" upon the basis of a unit of your business, and your base period is the same for all commodities produced in that unit, the last day of that base period is the end of your base period.

(b) If you are calculating "the labor cost adjustment" upon the basis of your entire business or of a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected which covers the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the labor cost adjustment."

(c) If you are calculating the "materials cost adjustment" upon the basis of your entire business or a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected for the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the materials cost adjustment."

(d) If you are calculating "the materials cost adjustment" for a commodity under method 2 (section 14) or method 3 (section 15) the end of your base period is the last day of the particular base period you are using.

Largest buying class of purchaser. This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during your base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

Manufacturer. This term includes a producer, processor, assembler, finisher, printer or fabricator. You are not a manufacturer unless you substantially change the form of some commodity or commodities, combine two or more commodities into a different one, or create a new commodity from existing ones. If you merely package, label, market, promote, or sell a commodity or combine commodities without substantially changing their form, you are not a manufacturer. If you merely perform an industrial service for the account of others on a commodity you are not a manufacturer with respect to such a commodity.

Manufacturing material. This term is explained in section 10.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of commodity to the same classes of purchaser in similar quantities on similar terms and with approximately the same amount of service.

Net cost or net price. Each of these terms refers to the cost or price to you of a manufacturing material less any discount (other than a customary cash discount) or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

Net sales. This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted. This term does not include sales of commodities of which you are not the manufacturer.

[Last sentence above added by Amdt. 3]

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

Plant. This term refers to a single physical location where business is conducted or industrial operations are performed, for example, a factory or a mill. If such a single physical location comprises two or more units, with separate payroll and inventory records, engaged in distinct industrial activities, each unit shall be treated as a plant.

This definition of "plant" is based on the definition of "a manufacturing establishment" in the Standard Industrial Classification which is consistent with that used by the Bureau of Census in the 1947 Census of Manufactures and subsequent surveys.

Product line. This term is explained in section 15.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sale at retail. Sale at retail means any sale to an ultimate consumer other than a commercial, industrial, governmental or institutional user.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Service. This term includes any service rendered or supplied, otherwise than by an employee.

Written offer or written offer for sale. Each of these terms refers to an offer for sale made by means of the seller's price list or, if he had no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

You. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

SEC. 48. *Prohibitions.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation, (1) you shall not sell any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation, and (2) no person shall buy from you in the regular course of business or trade any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation.

(b) On and after the effective date of this regulation you shall not sell any commodity subject to this regulation unless you have complied with the report requirements of sections 32, 33, or 46, whichever is applicable.

(c) In the event your ceiling price for a commodity under this regulation is higher than your ceiling price under the General Ceiling Price Regulation you shall not sell that commodity at a price exceeding your ceiling price under the General Ceiling Price Regulation, except under the following conditions:

(1) You must send by registered mail a report, relating to that commodity, on Public Form No. 8 (shown in Appendix D) to the Director of Price Stabilization, Washington 25, D. C. Copies of this form can be obtained from any Regional or District office of the Office of Price Stabilization.

(2) You must wait 15 days after the date of receipt by the Director of Price Stabilization of the report, as shown on your return receipt.

(3) At the end of that 15-day period, or on or after the effective date of this regulation, whichever is later, you may deliver that commodity at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

SEC. 48a. *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

[Sec. 48 (a) added by Amdt. 3]

SEC. 49. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 50. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie in agreements and trade understandings.

SEC. 51. *Violation—(a) Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

[Title amended by Amdt. 3]

(b) *Violations of record-keeping and reporting requirements.* If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing ceiling prices for the commodities such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

[Paragraph (b) added by Amdt. 3]

Effective date. The effective date of this regulation is July 2, 1951, or such earlier date between May 28, 1951, and July 2, 1951, as you may select. If you select such an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation.

[Effective date amended by Amdt. 6]

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.

MICHAEL V. DISALLE,
Director of Price Stabilization.

By DAVID C. EBERHART,
Recording Secretary.

APPENDIX A

This regulation does not apply to the commodities and transactions listed below. Most of such commodities and transactions are covered by some other price regulation.

(a) General exemptions: (1) Sales of commodities, the ceiling prices of which are now or are subsequently established by any numbered regulations of the Office of Price Stabilization.

(2) Sales of commodities exempt from the ceiling price provisions of the General Ceiling Price Regulation under sections 5, 6, 7, 8, and 9 of Supplementary Regulation 1 to the General Ceiling Price Regulation (Defense Agency Pricing).

(3) Sales of commodities, the ceiling prices of which are now or may subsequently be exempted from price control by any General Over-Riding Regulation.

(b) General commodity categories:

1. All raw agricultural products.
2. Stumpage, logs, pulpwood, and other raw forest products.
3. Gas, electricity, and steam.
4. All scrap and waste materials.
5. All repair or replacement parts when sold by the manufacturer of the assembled article in the repair of which such parts are designed to be used.

(c) The following food and kindred products:

(1) All meats, except dry sausage and sterile canned meats.

[Subpart (1) amended by Amdt. 3]

(2) Sausage, except dry.
(3) Lard.
(4) Rabbits and dressed and ready-to-cook poultry, including turkeys.

[Subpart (4) amended by Amdt. 3]

(5) Dairy products—for the purpose of this regulation, dairy products shall include milk and butterfat and products manufactured or processed in a dairy plant from either milk or butterfat when the milk solids content of the product is greater than the solids content of any other ingredient except sugar.

(6) All canned, frozen, and dried seasonal (meaning products packed at time of harvest from agricultural commodities having a stable seasonal pattern) fruits, berries, and vegetables, and their juices.

(7) Canned soups and baby foods.

(8) Flour, semolina, malt, mill feeds, meal and other animal feed ingredients processed from wheat, grain sorghum, corn, flaxseed, oats, rye and barley, except when sold in cartons of five pounds or less. The word "flour" as used here does not include prepared flour mixes.

(9) Mixed feeds as defined in General Ceiling Price Regulation, Supplementary Regulation 7.

(10) Soybean oil meal, as defined in General Ceiling Price Regulation, Supplementary Regulation 3.

(11) Cottonseed cake, meal and hulls.

[Subpart (11) amended by Amdt. 3]

(12) Fish scrap, fish meal, fish solubles, and specialty fish feed products.

(13) Dog and cat food with fifteen percent or less moisture.

(14) Rice as defined in Ceiling Price Regulation 12.

(15) Bakery products—bread, cakes, handmade cookies, donuts, pies, pastries, and similar "perishable bakery products" but not including semi-perishable dry bakery products, such as crackers, packaged cookies, pretzels, etc.

(16) Sugarcane, and sugar and liquid sugar (as defined in the Sugar Act of 1948).

[Subpart (16) amended by Amdt. 3]

(17) Chewing gum.
(18) Soft drinks.
(19) Malt beverages.
(20) Wines.
(21) Distilled spirits.
(22) Frozen eggs, dried eggs and liquid eggs.

[Subpart 22 amended by Amdt. 3]

(23) Blackstrap molasses.

(d) All tobacco products.

(e) The following textile mill products:

(1) All wool fibers which have been processed beyond the scouring stage.

(2) Wool yarn and fabrics as defined in Ceiling Price Regulation 18, together with all other yarns and fabrics containing 25% or more wool by weight, however manufactured.

(3) Wool and synthetic yarn floor coverings as defined in Supplementary Regulation 11 to the General Ceiling Price Regulation.

(f) (1) Apparel, apparel furnishings or apparel accessories, made of textile materials, leather, fur, or a combination of any of them, or made of plastic or other materials which are normally sewed as part of the assembly operation; (2) component parts manufactured exclusively for further processing into or for use as a part of apparel, apparel furnishings or apparel accessories; and (3) such footwear as is not normally made by shoe, slipper or rubber manufacturers.

The following are examples of commodities excepted under this paragraph:

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, athletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves, handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs, and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

(3) Booties, spats, slipper-socks, and beach shoes.

The following are examples of commodities not included in this exception: Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate belt buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, jewelry cases, brief cases and luggage.

[Paragraph (f) amended by Amdt. 7]

(g) Lumber, plywood, veneers, shooks, millwork, wood containers, ties, posts, poles, piling, and other allied products, such as but not limited to, handles, wooden heels and lasts, shuttle points, and picker sticks.

(h) Books, magazines, motion pictures, periodicals, newspapers, maps, charts, and globes.

(i) The following chemicals and allied products:

(1) Crude and synthetic rubber.
(2) Synthetic textile fibers and yarns.
(3) Fermentation ethyl alcohol, acetone, and butyl alcohol.
(4) Synthetic butyl alcohol made from fermentation ethyl alcohol.
(5) Ethical and proprietary drugs and cosmetics.
(6) Household soaps and cleansers as defined in Ceiling Price Regulation 10.
(7) Natural and synthetic glycerin.
(8) Soap stock, raw and acidulated.
(9) Fatty acids.
(10) Paints, varnishes, and lacquers.
(11) Naval stores.
(12) All natural gums and resins.
(13) All vegetable waxes.
(14) All natural dyeing materials.
(15) All essential or distilled oil.
(16) Fats and oils for which ceiling prices are provided in Ceiling Price Regulation 6.
(17) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels.
Babassu oil.
Cacao butter.
Cashew nut shell liquid.
Castor beans.
Castor oil.
Cocoanut oil.
Cohune kernels.
Cohune oil.
Copra.
Coquito kernels.
Coquito oil.
Corozo kernels.
Corozo oil.
Hempseed.
Hempseed oil.
Kapok seed.
Kapok seed oil.
Muru-muru kernels.
Muru-muru oil.
Oiticica oil.
Olive oil, edible, sulphur and other inedible.
Ouricury kernels.
Ouricury oil.
Palm kernel oil.
Palm kernels.
Palm oil.
Perilla seeds.
Perilla seed oil.
Poppyseed.
Poppyseed oil.
Rapeseed.
Rapeseed oil.
Rubberseed.
Rubberseed oil.
Sesame oil.
Sesame seed.
Sunflower seed.
Sunflower seed oil.
Tucum kernels.
Tucum oil.
Tung oil.

(18) Whale oil.
(19) Sperm oil.
(20) Fish oils, including cod oil and shark oil.
(21) Peanut oil.
(22) Rice bran oil.
(23) Oleo stock, oil and stearine.
(24) Inedible tallows, greases, and fat-bearing and oil-bearing animal waste materials as defined in Ceiling Price Regulation 6, Amendment 2.
(25) Wool grease.
(26) Glue stock.
(27) Casein.
(28) Cotton linters.

(j) Crude petroleum and petroleum fuels and lubricants, including petroleum coke when used as fuel, and natural gas.

(k) Coke, coal chemicals, coke oven gas, as defined in General Ceiling Price Regulation, Supplement 13.

(l) Bituminous coal, anthracite coal, coal briquettes, charcoal, and fuel processed from anthracite or bituminous coal.

(m) Cattle hide, kips, and calfskins, as defined in Ceiling Price Regulation 2.

(n) Hogskins, woolskins, sheep and lamb shearlings, pickled lambskins, pickled sheepskins, horsehides, deerskins, alligator skins, and snakeskins.

(o) Leather, tanned and finished.

(p) Footwear, except rubber footwear.

(q) The following specified building materials:

(1) Cement, including standard Portland Cement; special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland Cement; alumina cement, natural cement, puzzolan (slag-lime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.
(2) Ready-mixed Portland cement concrete.
(3) Calcined gypsum plasters, not including finished products produced therefrom.
(4) Lime (construction, metallurgical, chemical, agricultural, refractory).
(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.
(6) Light weight aggregates.
(7) Asphaltic concrete and bituminous paving mixes.
(8) Roofing granules, natural and artificial.

[Paragraph (q) amended by Amdt. 3]

(r) Primary metals, metallic alloys, metallic oxides, and metallic by-products.

[Paragraph (r) amended by Amdt. 3]

(s) All secondary metals and scrap.
(t) All metal powders.
(u) All metallic ores.
(v) All non-metallic minerals, except granite, slate, limestone, asbestos, crude gypsum, basalt, greenstone, marble, rip-rap, rough stone and sandstone.

[Paragraph (v) amended by Amdt. 3]

(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings.

[Paragraph (w) amended by Amdt. 3]

(x) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

[Paragraph (x) amended by Amdt. 3]

(y) Passenger automobiles, as defined in Ceiling Price Regulation 1.

(z) Wood-cased and paper-wrapped lead pencils.

(aa) Precious jewelry, including any natural pearl, diamond, ruby, sapphire, emerald, or other genuine stone; any semi-precious or synthetic stone, cultured pearl, or group of cultured pearls if the base period price would have been $25 or more; or any mounting or other object of which one or more precious or semi-precious stones or pearls are a part when the value of the stones exceeds the value of the other parts.

(bb) Paintings, sculptures, and other works of art.

(cc) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(dd) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops, bailing bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(ee) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

[Paragraphs (cc), (dd), (ee) added by Amdt. 3]

(ff) Woodpulp.

[Paragraph (ff) added by Amdt. 5]

APPENDIX B

With respect to the following manufacturing materials, the change in net cost may be calculated up to March 15, 1951.

1. All commodities listed in Appendix A.

2. Wood pulp, paper, paperboard, and converted paper and paperboard products.

3. All imported materials, when purchased from a foreign supplier, or from a seller in the United States in substantially the same form as that in which imported (except for services normally performed by importers such as sorting or packaging), or after simple processing operations only, such as wool scouring.

4. All jute products containing more than 50 per cent by weight of jute.

5. All industrial services.

6. Metal containers when used for processed foods, and metal closures for all containers when used for processed foods.

[Item 6 added by Amdt. 4]

7. Upholstery felt made of cotton linters or cotton waste, and sisal pads.

[Item 7 added by Amdt. 8]

APPENDIX C

With respect to the following agricultural commodities and products processed therefrom, a current date may be used in calculating the change in net cost to you, subject to the limitations imposed in Section 21:

Fruits:
- Apples
  - For canning
  - For drying
- Apricots
  - For canning
  - Dried
- Avocados
- Blackberries
- Boysenberries
- Cherries
  - Sweet
  - Sour
- Cranberries
- Dates
- Figs for canning
- Grapes, excluding raisins dried
- Grapefruit
- Lemons
- Limes
- Loganberries
- Olives
  - For canning
  - Crushed for oil
- Oranges and tangerines
- Peaches
  - For canning
    - Clingstone
    - Freestone
  - Dried
- Pears
  - For canning
  - Dried
- Pineapples, Florida
- Plums
  - For fresh consumption
  - For canning
- Raspberries, black
- Raspberries, red
- Youngberries

Tree-nuts:
- Almonds
- Filberts
- Pecans
- Walnuts

Livestock and Livestock Products:
- Butterfat
- Chickens
- Eggs
- Milk, wholesale
- Turkeys
- Beeswax

Field Crops:
- Barley
- Beans, dry edible
- Buckwheat
- Corn
- Flaxseed
- Hay
- Oats
- Peanuts
- Peas, dry field
- Rye
- Sorghums for grain
- Wheat

Sugar crops:
- Maple sirup
- Maple sugar
- Sorghum sirup
- Sugar beets
- Sugarcane sirup

Vegetables:
- Artichokes
- Beans, Lima
- Beans, snap
- Beets
- Cabbage
- Cantaloupe
- Carrots
- Cauliflower
- Celery
- Corn, sweet
- Eggplant
- Garlic
- Kale
- Lettuce
- Onions
- Peas, green
- Peppers, green
- Pimientos
- Shallots
- Spinach
- Tomatoes
- Watermelon
- Potatoes
- Sweet Potatoes

Tobacco:
- Flue-cured; types 11, 14
- Burley-type 31
- Cigar filler and binder types 42–44, 46, 51–55
- Cigar wrapper, type 61
- Cigar wrapper, type 62
- Dark air-cured, types 35–36
- Fire cured, types 21–24
- Maryland types, 32
- Pennsylvania seedleaf type 41
- Sun cured, type 37

Miscellaneous:
- Popcorn
- Honey
- Hops
- Peppermint Oil
- Spearmint Oil
- Tung nuts

[App. C amended by Amdt. 3]

APPENDIX D

This appendix contains a facsimile of OPS Public Form 8, "Manufacturer's Price Adjustment Report," required to be filed under sections 46 and 48 of this regulation. Printed copies of this form are available at OPS District and Regional Offices.

INSTRUCTIONS FOR COMPLETING OPS PUBLIC FORM NO. 8

Who Must File

Every manufacturer subject to CPR 22 must file this report by July 2, 1951, or such earlier effective date between May 28, 1951, and July 2, 1951, as he may select, as required by sections 46 and 48 of the regulation.

[Above sentence amended by Amdt. 6]

Where Shall the Report Be Filed

Mail to Office of Price Stabilization, Washington 25, D. C. Use registered mail if Item 8 is completed.

Why Must the Report Be Filed

This report is designed to inform OPS of adjustments of pre-Korean prices and of proposed ceiling price increases.

How Many Copies Shall Be Filed

A single copy of this report is to be filed for each category or product line, even though the actual price computations have been arrived at by a method applying to a larger unit of your business. Reporting by categories or product lines is needed to facilitate classification and analysis. Many companies will report only one product line. (See instruction for Item 1 below.)

How To Complete the Form

(Make sure to read the regulation and refer to Appendix E for worksheets.)

ITEM 1. DESCRIBE THE CATEGORY OR PRODUCT LINE COVERED BY THIS REPORT. A "category" is defined in the regulation (Section 5) as "a group of commodities which are normally classed together in your industry for purposes of production accounting or sales." Examples of categories would be: wood office desks; domestic vacuum cleaners; domestic washing machines.

A "product line" is defined in the regulation (Section 15 (a) (1)) as "a group of closely related commodities which differ in such respects as style, model, or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials." Examples of product lines would be: wringer type washing machines; felt mattresses; ball-point pens.

If the same product line or category was produced by more than one plant and sold at different base period prices, a separate report must be made for each plant and the plant indicated in completing this item.

ITEM 2. GIVE THE DATES OF THE BASE PERIOD USED. "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949 which you may elect to use. (See Section 4.)

ITEM 3. ESTIMATED 1950 DOLLAR SALES. Enter in this item the estimated 1950 dollar sales for *all* the commodities which are included in the category or product line for which the report form is being prepared.

ITEM 4. LABOR COST ADJUSTMENT FACTOR. Enter here the labor cost adjustment factor used pursuant to section 8 (e) or 9 (b) of the regulation. Note that it is the *adjustment factor* rather than the *adjustment* which is desired here. The adjustment factor is always a percentage which is applied to the sales or price figure to yield the dollars and cents labor cost adjustment. If you calculated a separate "labor cost adjustment" for each unit of your business enter the labor cost adjustment factor for the unit which produces the category or product line covered by the report.

ITEM 5. MATERIALS COST ADJUSTMENT FACTOR. If either of methods 1, 3, or 4 has been used for the commodities in this category or product line, you will have arrived at a materials cost adjustment factor under section 13 (d), 15 (c), or 16 (d). This adjustment factor is a percentage to be applied to the sales figure to arrive at the materials cost adjustment.

If you have used method 2, which provides for a separate analysis of material cost for each individual commodity, you will have no "materials cost adjustment factor" but only a dollars and cents "materials cost adjustment" (Section 14 (c)) to be added to the base period price. Give the adjustment figure for a selected commodity, which should be the best selling commodity of the category or product line. Show the actual base period price and identify the commodity.

ITEM 6. PRICE ADJUSTMENT RATIO. You may choose to preserve the price relationships established by the General Ceiling Price Regulation. In this case, you will have arrived at a "price adjustment ratio" under Supplementary Regulation 2 to this regulation. Enter here the ratio which will be applied uniformly to GCPR prices.

ITEM 7. CERTIFICATION REGARDING PROPOSED CEILING PRICE INCREASES OVER GENERAL CEILING PRICE REGULATION. All manufacturers filing this report must complete items 1–6 of the report and sign the certification even though they are not reporting any proposed ceiling price increases in item 8.

ITEM 8. PROPOSED CEILING PRICE INCREASES. (a) Identify the commodity in sufficient detail comparable to that which a fully completed invoice would show. Identify also the physical unit to which the proposed ceiling price refers (for example, pound, dozen, piece).

(b) Give here sufficient information to show the nature of the price computed: largest buying class of customer, delivery terms, cash and other discounts and other important terms and conditions of sale.

(c) Estimated sales in 1950 should be only for the specific commodity for which there is a proposed ceiling price increase, but should include sales to all customers.

(d) Insert the base period price to the largest buying class of purchaser which you determined for the commodity in accordance with Section 6 of the regulation.

(e) Indicate your GCPR price for the commodity.

(f) Indicate the proposed ceiling price as calculated under the provisions of this regulation.

(g) Divide the proposed ceiling price (column (f)) by the GCPR price (column (e)). This will indicate the percentage price increase over the GCPR price which is being proposed.

(h) If you used method 2 for calculating the materials cost adjustment separately for each commodity included in the category or product line covered by this report, then you must show here the materials cost adjustment obtained for the commodity for which a proposed ceiling price increase is shown. If you used method 1, 3 or 4 no entry is required in this column since the adjustment factor shown in Item 5 of the report will apply.

ITEM 9. CODE NUMBER. (a) When you complete this form, insert in the box in the upper right-hand corner the appropriate 6-digit code for the category or product line covered by the report. Determine the code applicable to your report from the list of codes given below.

(b) The first two digits represent the OPS price branch concerned with your category or product line and the next four digits represent the industry class in the Standard Industrial Classification now widely used by private as well as Government agencies.

(c) Your careful selection of the appropriate 6-digit code from the list will expedite the sorting, classification, and analysis of the forms upon receipt in this office.

(d) Although a number of commodity classifications not subject to CPR–22 are included in the codes, Appendix A is nevertheless controlling as to commodities and transactions exempt from CPR–22.

NOTE: If prior to May 4, 1951, the date of issuance of this amendment, you mailed to the Office of Price Stabilization, Washington 25, D. C., Public Form No. 8, you need not mail another form relating to the same category or product line solely for the purpose of inserting the code.

LIST OF CODES TO BE USED BY MANUFACTURERS IN CODING ITEM 1 (CATEGORY OR PRODUCT LINE) ON PUBLIC FORM 8

FOOD AND KINDRED PRODUCTS

26–2011 Meat packing.
31–2012 Custom slaughtering.
26–2013 Sausages and other prepared meat products.
26–2014 Sausage casings.
27–2015 Poultry and small game dressing and packing.
32–2021 Creamery butter.
32–2022 Natural cheese.
32–2023 Condensed and evaporated milk.
32–2024 Ice cream and ices.
32–2025 Special dairy products.
26–2031 Canned sea food.
26–2032 Cured fish.
23–2033 Canned fruits, vegetables, and soups; preserves, jams, and jellies.
23–2034 Dried and dehydrated fruits and vegetables.
23–2035 Pickled fruits and vegetables; vegetable sauces and seasonings, salad dressings.
23–2037 Frozen fruits, vegetables, and sea foods.
24–2041 Flour and other grain-mill products.
24–2042 Prepared feeds for animals and fowls.
24–2043 Cereal preparations.
24–2044 Rice cleaning and polishing.
24–2045 Blended and prepared flour.
24–2051 Bread and other bakery products (except biscuit, crackers, and pretzels).
24–2052 Biscuit, crackers, and pretzels.
25–2061 Cane sugar (except refining only).
25–2062 Cane-sugar refining.
25–2063 Beet sugar.
25–2071 Candy and other confectionery products.
25–2072 Chocolate and cocoa products.
25–2073 Chewing gum.
25–2081 Bottled soft drinks and carbonated waters.
25–2082 Malt liquors.
25–2083 Malt.
25–2084 Wines.
25–2085 Distilled, rectified, and blended liquors.
25–2091 Baking powder, yeast, and other leavening compounds.
22–2092 Shortening and other cooking and edible fats and oils, not elsewhere classified.
22–2093 Oleomargarine.
25–2094 Corn sirup, corn sugar, corn oil, and starch.
25–2095 Flavoring extracts and flavoring sirups, not elsewhere classified.
25–2096 Vinegar and cider.
25–2097 Manufactured ice.
25–2098 Macaroni, spaghetti, vermicelli, and noodles.
25–2099 Food preparations, not elsewhere classified.

TOBACCO MANUFACTURES

25–2111 Cigarettes.
25–2121 Cigars.
25–2131 Tobacco (chewing and smoking) and snuff.
25–2141 Tobaco stemming and redrying.

TEXTILE MILL PRODUCTS

52–2211 Scouring and combing plants.
52–2221 Yarn mills.
52–2222 Yarn throwing mills.
52–2223 Thread mills.
52–2231 Broad-woven fabric mills (cotton, silk, and synthetic fiber).
52–2232 Broad-woven fabric mills (woolen and worsted).
52–2241 Narrow fabrics and other smallwares mills (cotton, wool, silk, and synthetic fiber).
53–2251 Full-fashioned hosiery mills.
53–2252 Seamless-hosiery mills.
53–2253 Knit outerwear mills.
53–2254 Knit underwear mills.
53–2255 Knit glove mills.
52–2256 Knit-fabric mills.
52–2259 Knitting mills, not elsewhere classified.
52–2261 Dyeing and finishing textiles (except woolen and worsted textiles and knit goods).
52–2262 Dyeing and finishing woolen and worsted goods.
73–2271 Wool carpets, rugs, and carpet yarn.
73–2273 Carpets, rugs, and mats from fiber (except wool).
73–2274 Linoleum, asphalted-felt-base, and other hard-surface floor coverings, not elsewhere classified.
53–2281 Fur-felt hats and hat bodies.
53–2282 Wool-felt hats and hat bodies.
53–2283 Straw hats.
53–2284 Hatters' fur.
54–2291 Felt goods (except woven felts and hats).
73–2292 Lace goods.
73–2293 Paddings and upholstery filling.
52–2294 Processed waste and recovered fibers.
93–2295 Artificial leather, oilcloth, and other impregnated and coated fabrics (except rubberized).
52–2296 Linen goods.
52–2297 Jute goods (except felt).
52–2298 Cordage and twine.
52–2299 Textile goods, not elsewhere classified.

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

53–2311 Men's, youths', and boys' suits, coats, and overcoats.
53–2312 Suit and coat findings.
53–2321 Men's, youths', and boys' shirts (except work shirts), collars, and nightwear.
53–2322 Men's, youths', and boys' underwear.
53–2323 Men's, youths', and boys' neckwear.
53–2325 Men's, youths', and boys' cloth hats and caps.
53–2326 Hat and cap materials.
53–2327 Men's, youths', and boys' separate trousers.
53–2328 Work shirts.
53–2329 Men's, youths', and boys' work, sport, and other clothing, not elsewhere classified.
53–2331 Women's and misses' blouses and waists.
53–2333 Women's and misses' dresses.
53–2334 Household apparel.
53–2337 Women's and misses' suits, coats (except fur coats), and skirts.
53–2338 Women's neckwear and scarfs.
53–2339 Women's and misses' outerwear, not elsewhere classified.
53–2341 Women's, misses', children's, and infants' underwear and nightwear.
53–2342 Corsets and allied garments.
53–2351 Millinery.
53–2361 Children's and infants' dresses.
53–2363 Children's and infants' coats.
53–2369 Children's and infants' outerwear, not elsewhere classified.
53–2371 Fur goods.
53–2381 Dress and semidress gloves and mittens (fabric, fabric and leather combined).
53–2382 Work gloves and mittens (fabric, fabric and leather combined).
53–2383 Suspenders, garters, and related products.
53–2384 Robes and dressing gowns.
53–2385 Raincoats and other waterproof outer garments.
53–2386 Leather and sheep-lined clothing.
53–2387 Belts.
53–2388 Handkerchiefs.
53–2389 Apparel, not elsewhere classified.
73–2391 Curtains and draperies.
73–2392 Housefurnishings (except curtains and draperies).
52–2393 Textile bags.
73–2394 Canvas products.
53–2395 Pleating, stitching, and tucking for the trade.
53–2396 Trimmings, stamped arts goods, and art needlework.
53–2397 Schiffli-machine embroideries.
53–2341 Women's, misses', children's, and chine.
73–2399 Fabricated textile products, not elsewhere classified.

LUMBER AND WOOD PRODUCTS (EXCEPT FURNITURE)

12–2411 Logging camps and logging contractors.
12–2421 Sawmills and planing mills, general.
12–2422 Veneer mills.
12–2423 Shingle mills.
12–2424 Cooperage stock mills.
12–2425 Excelsior mills.
12–2429 Special-product sawmills, not elsewhere classified.
12–2431 Millwork plants.
12–2432 Plywood plants.
12–2433 Prefabricated wooden buildings and structural members.
12–2411 Fruit and vegetable baskets.
74–2442 Rattan and willow ware (except furniture and fruit and vegetable baskets).
12–2443 Cigar boxes.
12–2444 Wooden boxes (except cigar boxes).
12–2445 Cooperage.
12–2491 Wood preserving.
12–2492 Lasts and related products.
74–2493 Mirror frames and picture frames.
74–2499 Wood products, not elsewhere classified.

FURNITURE AND FIXTURES

73–2511 Wood household furniture, except upholstered.
73–2512 Wood household furniture, upholstered.
73–2513 Reed and rattan furniture.
73–2514 Metal household furniture.
73–2515—Mattresses and bedsprings.
73–2519 Household furniture, not elsewhere classified.
72–2521 Wood office furniture.
72–2522 Metal office furniture.
72–2531 Public-building and related furniture.
72–2532 Professional furniture.
72–2541 Partitions, shelving, lockers, and office and store fixtures.
42–2561 Window and door screens and weather strip.
73–2562 Window shades.
73–2563 Venetian blinds.
72–2591 Restaurant furniture.
73–2599 Furniture and fixtures, not elsewhere classified.

PAPER AND ALLIED PRODUCTS

13–2611 Pulp mills.
13–2612 Paper and paperboard mills (except building-paper and building-board mills).
13–2613 Building-paper and building-board mills.

13-2641 Paper coating and glazing.
13-2651 Envelopes.
13-2661 Paper bags.
13-2671 Paperboard boxes: folded, set-up, and corrugated.
13-2674 Fiber cans, tubes, drums, and similar products.
13-2691 Die-cut paper and paperboard; and cardboard.
13-2693 Wall paper.
13-2694 Pulp goods, pressed and molded.
13-2699 Converted paper products, not elsewhere classified.

PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

13-2711 Newspapers.
13-2721 Periodicals.
13-2731 Books: publishing, publishing and printing.
13-2732 Book printing.
13-2741 Miscellaneous publishing.
13-2751 Commercial printing.
13-2761 Lithographing.
13-2771 Greeting cards.
13-2781 Bookbinding.
13-2782 Blankbook making and paper ruling.
13-2783 Library and loose-leaf binder manufacturing.
13-2789 Miscellaneous work related to bookbinding.
13-2791 Typesetting.
13-2792 Engraving and plate printing.
13-2793 Photoengraving.
13-2794 Electrotyping and stereotyping.

CHEMICALS AND ALLIED PRODUCTS

93-2811 Sulfuric acid.
93-2812 Alkalies and chlorine.
93-2819 Industrial inorganic chemicals, not elsewhere classified.
64-2821 Cyclic (coal-tar) crudes.
93-2822 Intermediates, dyes, color lakes, and toners.
93-2823 Plastics materials and elastomers, except synthetic rubber.
92-2824 Synthetic rubber.
52-2825 Synthetic fibers.
93-2826 Explosives.
93-2829 Industrial organic chemicals, not elsewhere classified.
93-2831 Biological products.
93-2832 Botanical products.
93-2833 Inorganic and organic medicinal chemicals.
93-2834 Pharmaceutical preparations.
22-2841 Soap and glycerin.
22-2842 Cleaning and polishing preparations.
22-2843 Sulfonated oils and assistants.
42-2851 Paints, varnishes, lacquers, japans, and enamels.
93-2852 Inorganic color pigments.
42-2853 Whiting, putty, wood fillers, and allied paint products.
93-2861 Hardwood distillation.
93-2862 Softwood distillation.
93-2863 Gum naval stores.
93-2864 Natural dyeing materials.
93-2865 Natural tanning materials.
24-2871 Fertilizers (manufacturing and mixing).
24-2872 Fertilizers (mixing only).
22-2881 Cottonseed oil mills.
22-2882 Linseed oil mills.
22-2883 Soybean oil mills.
22-2884 Vegetable oil mills, not elsewhere classified.
22-2885 Marine animal oils.
22-2886 Grease and tallow.
22-2887 Fatty acids.
22-2889 Animal oils, not elsewhere classified.
93-2891 Printing ink.
93-2892 Essential oils.
93-2893 Perfumes, cosmetics, and other toilet preparations.
93-2894 Glue and gelatin.
93-2895 Bone black, carbon black, and lamp black.
93-2896 Compressed and liquefied gases.
24-2897 Insecticides and fungicides.
93-2898 Salt.
93-2899 Chemicals and chemical products, not elsewhere classified.

PRODUCTS OF PETROLEUM AND COAL

63-2911 Petroleum refining.
64-2931 Beehive coke ovens.
64-2932 Byproduct coke ovens.
42-2951 Paving mixtures and blocks.
42-2952 Roofing felts and coatings.
64-2991 Fuel briquets and packaged fuel.
63-2992 Lubricating oils and greases not made in petroleum refineries.
63-2999 Products of petroleum and coal, not elsewhere classified.

RUBBER PRODUCTS

92-3011 Tires and inner tubes.
92-3021 Rubber footwear.
92-3031 Reclaimed rubber.
92-3099 Rubber industries, not elsewhere classified.

LEATHER AND LEATHER PRODUCTS

54-3111 Leather tanning and finishing.
44-3121 Industrial leather belting and packing.
54-3131 Boot and shoe cut stock and findings.
54-3141 Footwear (except house slippers and rubber footwear).
54-3142 House slippers.
53-3151 Dress and semidress leather gloves.
53-3152 Leather work gloves and mittens.
74-3161 Suitcases, briefcases, bags, trunks, and other luggage.
53-3171 Women's handbags and purses.
74-3172 Small leather goods.
54-3192 Saddlery, harness, and whips.
54-3199 Leather goods, not elsewhere classified.

STONE, CLAY AND GLASS PRODUCTS

42-3211 Flat glass.
42-3221 Glass containers.
74-3229 Pressed and blown glass and glassware, not elsewhere classified.
74-3231 Glass products made of purchased glass.
42-3241 Cement, hydraulic.
42-3251 Brick and hollow tile.
42-3253 Floor and wall tile, except quarry tile.
42-3254 Sewer pipe.
42-3255 Clay refractories.
42-3259 Structural clay products, not elsewhere classified.
42-3261 Vitreous and semivitreous plumbing fixtures.
74-3262 Vitreous-china table and kitchen articles.
74-3263 Fine earthenware (whiteware) table and kitchen articles.
42-3264 Porcelain electrical supplies.
74-3265 China decorating for the trade.
74-3269 Pottery products, not elsewhere classified.
42-3271 Concrete products.
42-3272 Gypsum products.
42-3274 Lime.
42-3275 Mineral wool.
44-3291 Abrasive products.
42-3292 Asbestos products.
42-3293 Steam and other packing, and pipe and boiler covering.
43-3294 Natural graphite: ground, refined, or blended.
43-3295 Minerals and earths: ground or otherwise treated.
43-3296 Sand-lime brick, block and tile.
43-3297 Nonclay refractories.
43-3298 Statuary and art goods (factory production).

PRIMARY METAL INDUSTRIES

43-3311 Blast furnaces.
43-3312 Steel works and rolling mills.
43-3313 Electrometallurgical products.
43-3321 Gray-iron foundries.
43-3322 Malleable-iron foundries.
43-3323 Steel foundries.
43-3331 Primary smelting and refining of copper.
43-3332 Primary smelting and refining of lead.
43-3333 Primary smelting and refining of zinc.
43-3334 Primary refining of aluminum.
43-3335 Primary refining of magnesium.
43-3339 Primary smelting and refining of nonferrous metals, not elsewhere classified.
43-3341 Secondary smelting and refining of nonferrous metals and alloys.
43-3351 Rolling, drawing, and alloying of copper.
43-3352 Rolling, drawing, and alloying of aluminum.
43-3359 Rolling, drawing, and alloying of nonferrous metals, not elsewhere classified.
43-3361 Nonferrous foundries.
43-3391 Iron and steel forgings.
43-3392 Wire drawing.
43-3393 Welded and heavy-riveted pipe.
43-3399 Primary metal industries, not elsewhere classified.

FABRICATED METAL PRODUCTS (EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT)

43-3411 Tin cans and other tinware.
74-3421 Cutlery.
74-3422 Edge tools.
74-3423 Hand tools (except edge tools, machine tools, files, and saws).
74-3424 Files.
74-3425 Hand saws and saw blades.
74-3429 Hardware, not elsewhere classified.
42-3431 Enameled-iron and metal sanitary ware and other plumbers' supplies.
42-3432 Oil burners, domestic and industrial.
42-3439 Heating and cooking apparatus (except electric), not elsewhere classified.
42-3441 Fabricated structural steel and ornamental metal work.
42-3442 Metal doors, sash, frames, molding, and trim.
44-3443 Boiler shop products.
42-3444 Sheet-metal work.
74-3461 Vitreous-enameled products.
45-3462 Automobile stampings.
44-3463 Stamped and pressed metal products (except automobile stampings).
43-3464 Powder metallurgy.
44-3465 Enameling, japanning, and lacquering.
44-3466 Galvanizing and other hot-dip coating.
74-3467 Engraving on metal.
44-3468 Electroplating, plating, and polishing.
42-3471 Lighting fixtures.
43-3481 Nails and spikes.
43-3489 Wirework, not elsewhere classified.
43-3491 Metal shipping barrels, drums, kegs, and pails.
72-3492 Safes and vaults.
44-3493 Steel springs.
43-3494 Bolts, nuts, washers, and rivets.
43-3495 Screw-machine products.
43-3496 Collapsible tubes.
43-3497 Gold, silver, tin, aluminum, and other foil.
74-3499 Fabricated metal products, not elsewhere classified.

MACHINERY (EXCEPT ELECTRICAL)

44-3511 Steam engines, turbines, and water wheels.
44-3519 Diesel and semi-Diesel engines; and other internal-combustion engines, not elsewhere classified.
44-3521 Tractors.
44-3522 Agricultural machinery (except tractors).

44-3531 Construction, mining and similar machinery (except oil-field machinery and tools).
44-3532 Oil-field machinery and tools.
44-3541 Machine tools.
44-3542 Metalworking machinery (except machine tools).
44-3543 Machine-tool accessories, other metalworking-machinery accessories, and machinists' precision tools.
44-3551 Food-products machinery.
44-3552 Textile machinery.
44-3553 Woodworking machinery.
44-3554 Paper-industries machinery.
44-3555 Printing-trades machinery and equipment.
44-3559 Special-industry machinery, not elsewhere classified.
44-3561 Pumps, air and gas compressors, and pumping equipment.
44-3562 Elevators and escalators.
44-3563 Conveyors and conveying equipment.
44-3564 Blowers, exhaust and ventilating fans.
44-3565 Industrial trucks, tractors, trailers, and stackers.
44-3566 Mechanical power-transmission equipment (except ball and roller bearings).
44-3567 Industrial furnaces and ovens.
42-3568 Mechanical stokers, domestic and industrial.
44-3569 General industrial machinery and equipment, not elsewhere classified.
72-3571 Computing machines and cash registers.
72-3572 Typewriters.
72-3575 Vending, amusement, and other coin-operated machines.
72-3576 Scales and balances.
72-3579 Office and store machines and devices, not elsewhere classified.
72-3581 Domestic laundry equipment.
44-3582 Commercial laundry, dry-cleaning, and pressing machines.
72-3583 Sewing machines.
72-3584 Vacuum cleaners.
72-3585 Refrigerators, refrigeration machinery, and complete air-conditioning units.
45-3586 Measuring-and-dispensing pumps.
72-3589 Service-industry and household machines, not elsewhere classified.
44-3591 Valves and fittings (except plumbers' valves).
42-3592 Fabricated pipe and fittings.
44-3593 Ball and roller bearings.
44-3599 Machine shops (jobbing and repair).

ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

44-3611 Wiring devices and supplies.
44-3612 Carbon and graphite products for use in the electrical industry.
44-3613 Instruments for indicating, measuring, and recording electrical quantities and characteristics.
44-3614 Motors, generators, and motor-generator sets.
44-3615 Power and distribution transformers.
44-3616 Switchgear, switchboard apparatus, and industrial controls.
44-3617 Electrical welding apparatus.
44-3619 Electrical equipment for industrial use, not elsewhere classified.
72-3621 Electrical appliances.
44-3631 Insulated wire and cable.
44-3641 Electrical equipment for motor vehicles, aircraft, and railway locomotives and cars.
74-3651 Electric lamps.
74-3661 Radios, radio and television equipment (except radio tubes), radar and related detection apparatus, and phonographs.
44-3662 Radio tubes.
74-3663 Phonograph records.
44-3664 Telephone and telegraph equipment.
44-3669 Communication equipment, not elsewhere classified.
44-3691 Storage batteries.
44-3692 Primary batteries (dry and wet).
44-3693 X-ray and therapeutic apparatus and non-radio electronic tubes.
74-3699 Electrical products, not elsewhere classified.

TRANSPORTATION EQUIPMENT

45-3711 Motor vehicles.
45-3712 Passenger-car bodies.
45-3713 Truck and bus bodies.
45-3714 Motor-vehicle parts and accessories.
45-3715 Truck trailers.
45-3716 Automobile trailers (for attachment to passenger cars).
44-3721 Aircraft.
44-3722 Aircraft engines and engine parts.
44-3723 Aircraft propellers and propeller parts.
44-3729 Aircraft parts and auxiliary equipment, not elsewhere classified.
44-3731 Ship building and repairing.
74-3732 Boat building and repairing.
44-3741 Locomotives and parts.
44-3742 Railroad and street cars.
45-3751 Motorcycles, bicycles, and parts.
74-3799 Transportation equipment, not elsewhere classified.

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

72-3811 Laboratory, scientific, and engineering instruments (except surgical, medical, and dental).
44-3821 Mechanical measuring and controlling instruments.
72-3831 Optical instruments and lenses.
72-3841 Surgical and medical instruments.
72-3842 Surgical and orthopedic appliances and supplies; and personal safety devices, not elsewhere classified.
72-3843 Dental equipment and supplies.
72-3851 Ophthalmic goods.
74-3861 Photographic equipment and supplies.
74-3871 Watches, clocks, and parts (except watchcases).
74-3872 Watchcases.

MISCELLANEOUS MANUFACTURING INDUSTRIES

74-3911 Jewelry (precious metal).
74-3912 Jewelers' findings and materials.
74-3913 Lapidary work.
74-3914 Silverware and plated ware.
74-3931 Pianos.
74-3932 Organs.
74-3933 Piano and organ parts and materials.
74-3939 Musical instruments, parts, and materials, not elsewhere classified.
73-3941 Games and toys (except dolls, and children's vehicles).
73-3942 Dolls.
74-3943 Children's vehicles.
74-3949 Sporting and athletic goods, not elsewhere classified.
72-3951 Pens, mechanical pencils, and pen points.
72-3952 Lead pencils and crayons.
72-3953 Hand stamps, stencils, and brands.
72-3954 Artists' materials.
72-3955 Carbon paper and inked ribbons.
74-3961 Costume jewelry and costume novelties (except precious metal).
74-3962 Feathers, plumes, and artificial flowers.
74-3963 Buttons.
74-3964 Needles, pins, hooks and eyes, and similar notions.
74-3971 Fabricated plastics products, not elsewhere classified.
74-3981 Brooms and brushes.
42-3982 Cork products.
13-3983 Matches.
74-3984 Candles.
93-3985 Fireworks and pyrotechnics.
74-3986 Jewelry cases and instrument cases.
74-3987 Lamp shades.
72-3988 Morticians' goods.
72-3991 Beauty-shop and barber-shop equipment.
54-3992 Furs, dressed and dyed.
72-3993 Signs and advertising displays.
74-3994 Hair work.
74-3995 Umbrellas, parasols, and canes.
74-3996 Tobacco pipes and cigarette holders.
72-3997 Soda-fountain and beer-dispensing equipment.
44-3998 Models and patterns (except paper patterns).
74-3999 Miscellaneous fabricated products, not elsewhere classified.

ORDNANCE AND ACCESSORIES

44-1911 Guns, howitzers, mortars, and related equipment.
44-1921 Artillery ammunition.
44-1922 Ammunition loading and assembling.
44-1929 Ammunition, not elsewhere classified.
44-1931 Tanks and tank components.
44-1941 Sighting and fire-control equipment.
74-1951 Small arms.
74-1961 Small arms ammunition.
44-1999 Ordnance and accessories, not elsewhere classified.

[Item 9 added by Amdt. 1]

OPS Public Form No. 8

UNITED STATES GOVERNMENT
OFFICE OF PRICE STABILIZATION
WASHINGTON 25, D. C.

Form approved
Budget Bureau No. 94-5119

MANUFACTURER'S PRICE ADJUSTMENT REPORT
Pursuant to Ceiling Price Regulation 22

The individual company information reported on this form is for use in connection with the defense mobilization program. Persons who have access to individual company information are subject to penalties for unauthorized disclosure.

See the reverse side of this form for instructions.

Name of Firm	Address (Street and No.)	(City, Zone)	(State)	(Code for item 1)

1. Describe the Category or Product Line Covered by This Report	2. Give the Dates of the Base Period Used	3. Estimated 1950 Dollar Sales	4. Labor Cost Adjustment Factor
	From ____ To ____	$____	

5. Materials Cost Adjustment Factor
(Complete this part if method 1, 3, or 4 is used)
Method 1 ☐ Method 3 ☐ Method 4 ☐ Adjustment Factor ____

(Complete this part if method 2 is used)

Adjustment Computed for Selected Commodity	Base Period Selling Price for This Commodity	Name of Commodity
$____	$____	____

6. Price Adjustment Ratio ____ (for use only under Supplementary Regulation 2 to CPR 22)

7. Certification Regarding Proposed Ceiling Price Increases Over General Ceiling Price Regulation

I certify that no ceiling price calculated under the regulation for commodities covered by 1 above exceeds the GCPR ceiling price, except as listed in 8 below and I understand that an increase proposed below shall be effective 15 days after OPS receives this report, but not prior to May 28, 1951, unless I am notified by OPS that the price has been disapproved or that more information is required.

Notice: A willful false return is a criminal offense.

Signature of officer or authorized agent of firm	Title	Date

8. Proposed ceiling price increases

Name and specification of item (include physical unit priced) (a)	Class of customer and terms of sale (b)	Estimated 1950 dollar sales (c)	Base period price (d)	GCPR price (e)	Proposed price (f)	Proposed price as a percentage of GCPR price Col. (f) ÷ (e) (g)	Materials cost adjustment (method 2 only) (h)	(For OPS use only)

This form may be reproduced without change. (Attach continuation sheets as necessary. Identify columns with same letters used above.)

APPENDIX E

This appendix contains three "worksheets" for certain of the calculations required in determining ceiling prices under this regulation. No actual copies of such worksheets will be printed for distribution by OPS. They are shown only to indicate the content and arrangement of data appropriate for certain important calculations, for a record of these calculations for your own use, for examination by OPS representatives, and for submittal on request to OPS. Any other arrangement which presents the same data and calculations is acceptable.

The worksheets comprise: Worksheet 1, "Labor Cost Adjustment Worksheet," for use in connection with Sections 8 and 9; Worksheet 2, "Materials Cost Adjustment Worksheet for Methods 1 and 4," for use in connection with Sections 13 and 16; and Worksheet 8, "Materials Cost Adjustment Worksheet for Methods 2 and 3," for use in connection with Sections 14 and 15.

Note that the worksheets do not cover all necessary calculations under the regulation for which systematic working papers are necessary. For example, the final determination of a ceiling price will require also computation of actual adjustments (based on the adjustment factors), the addition of these to base period prices, and the application of customary differentials to determine prices to different classes of customers. Moreover, the worksheets are designed for the more usual situation and will not necessarily fit all special computations provided for by the regulations.

Worksheet 1
CPR 22

LABOR COST ADJUSTMENT WORKSHEET

Name of Firm ____
Street Address ____
City, postal zone, State ____

Instruction: One calculation, as shown below, may be made for the entire company or a separate calculation for each unit of the business, as provided in section 7 of the regulation.

1. Method used (check one)
☐ Entire company ☐ Unit located at ____ and identified as ____
2. Net sales for year ending ____ $____
3. Factory payroll for year covered in (2) ____
4. Labor cost ratio (line 3 divided by line 2) ____
5. Wage increase factor (from Supplement: Line G) ____
6. Labor-cost-adjustment factor (line 4 multiplied by line 5) ____

SUPPLEMENT: COMPUTATION OF WAGE INCREASE FACTOR

(The method indicated below need not be followed precisely. Some other method more suitable to your records and accounts may be used as provided in Section 8 of the regulation.)

A Base period payroll (See section 8 (c)) $____, (covering period from ____ to ____).
B Recomputation of payroll:

(a) Type of labor	(b) Hours included in base period payroll	(c) Hourly rate of pay as of 3/15, 1951	(d) Recomputed payroll (c) times (b)

C Total recomputed payroll without fringe benefits (total of column (d) in B) $____
D Value of increase in fringe benefits since base period payroll ____
E Recomputed payroll including increase in fringe benefits (line C plus line D) ____
F Excess of recomputed payroll over base payroll (line E minus line A) ____
G Wage increase factor (line F divided by line A) ____
Enter this amount in line 5 above.

Worksheet 2
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 1 AND 4

Name of Firm.....
Street Address.....
City, Postal Zone, State.....

Instruction: If you use Method 1 and your business has more than one plant you must make a separate calculation for each plant (or smaller unit if you prefer.) If you use Method 4, you must make a separate calculation for each product line or category.

COMPUTATIONS BELOW ARE UNDER: .....

1. (a) Method 1 (check and complete (1) or (2)):
   (1) ☐ for entire business consisting of one unit
   (2) ☐ for unit located at.....and identified as.....
   (Name of unit)
   (b) Method 4 (check and complete (1) or (2)):
   (1) ☐ for product line identified as.....
   (2) ☐ for category identified as.....
2. Identify the Accounting Period used for this computation and corresponding sales data:
   (a) (1) For Method 1: Year ending.....
   Month, day, year
   (2) For Method 4: Period beginning on.....and ending on.....
   Month, day, year Month, day, year
   (b) Net Sales for above period for category, product line, or other unit indicated in (1) $.....
3. Indicate the base period used for determining material costs (section 4): From ..... to .....
4. Changes in Materials Costs

(a) Material used during accounting period	(b) Physical amount of material used during accounting period	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950 etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)−(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection(s) of sec. 18 used for determining costs per unit for end of base period and cut-off date

5. Aggregate dollar cost increase (total of increases minus total of decrease in col. g of 4) .....
6. Materials cost adjustment factor (divide figure derived in 5 above by Net Sales shown in 2 (b) above) .....

Worksheet 3
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 2 AND 3

Name of Firm .....
Street Address .....
City, Postal Zone, State .....

Instruction: If you use Method 2 you must make a separate calculation for each commodity. If you use Method 3, then the calculation must be for the best selling commodity in the product line which is to be priced.

1. (a) Method used:
   (1) ☐Method 2 (complete b).
   (2) ☐Method 3 (complete b and c).
   (b) If Method 2 is used insert name of commodity. If Method 3 is used insert name of best selling commodity. Commodity .....
   (c) If Method 3 is used describe the product line .....
2. Indicate the base period used for determining material costs (see section 4): From ..... to .....
3. Changes in materials cost

(a) Material used	(b) Physical amount of material used in one unit of the commodity	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950, etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)−(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection(s) of sec. 18 used for determining costs per unit for end of base period and out-off date

4. Materials cost adjustment (total of increases minus total of decreases in column (g) of 3) (this is the final result under Method 2) ..... $.....
5. Materials cost adjustment factor (For Method 3 only):
   (a) Base period price per unit for commodity named in 1 (b) ..... $.....
   (b) Divide result obtained in 4 by entry for 5a (this is the final result under Method 3) .....

[F. R. Doc. 51-6996; Filed, June 14, 1951; 11:47 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 1]

CPR 34—SERVICES

SR 1—WHOLESALE DRY CLEANING, FINISHING AND DYEING IN THE NEW YORK CITY AREA

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 1 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 1 to Ceiling Price Regulation 34 establishes dollars and cents prices for wholesale dry cleaning, finishing and dyeing services in the New York City area. The services supplied by the wholesalers of dry cleaning, finishing and dyeing services in the New York City area and covering the following counties in New York State: Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk and Westchester have been provided at substantially uniform prices for many years antedating the issuance of Ceiling Price Regulation 34. No increase has been made in the price structure since 1947 except for minor readjustments, mainly in the price of service on children's garments. A wage increase in 1950 and sharply increased costs in the latter part of 1950 have brought the average earnings of the industry in this area close to the breakeven point. On April 1, 1951 a wage increase was granted by the industry, which was approved by the Wage Stabilization Board. The effect of the latter increase will result in the reduction of such industry's average earnings to a loss position and jeopardize the continued supply of the service.

The existence of uniform prices, standardized service and similar earnings experience facilitate the establishment of dollars and cents prices. In the judgment of the Director, the prices established in this Supplementary Regulation are at the minimum levels which will permit the continued supply of service. The industry, including representatives of trade associations, has been consulted in the preparation of this Regulation. In the judgment of the Director of Price Stabilization the prices established by this Supplementary Regulation 1 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to CPR 34.
3. Ceiling Prices.
4. Definitions.

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; 3 CFR, 1950 Supp.

SECTION 1. *Purpose.* The purpose of this regulation is to establish dollars and cents prices for wholesale dry cleaning, finishing and dyeing services in the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk and Westchester, State of New York.

SEC. 2. *Relationship to CPR 34.* All provisions of Ceiling Price Regulation 34, except as changed by the pricing provisions of this Supplementary Regulation 1, shall remain in full force and effect.

SEC. 3. *Ceiling prices.* The ceiling prices which may be charged by sellers of wholesale cleaning, finishing and dyeing services in the counties of Bronx, Kings, Nassau, New York, Queens, Rich-

mond, Suffolk and Westchester, State of New York, shall be as follows:

(a) *Schedule A—Wholesaler Ceiling Price List (per garment or item).*

	Sales to commissioners		Sales to outlets	
	Cleaned only	Finished only	Cleaned only	Cleaned and finished
MEN'S				
Suits	$0.16	$0.22	$0.28	$0.55
Coats	.08	.11	.15	.30
Pants	.08	.11	.15	.30
Flannel pants	.11	.15	.20	.40
Linen pants	.11	.15	.20	.40
Slacks	.08	.11	.15	.30
Sweaters	.08	.11	.15	.30
Sport shirt	.08	.11	.15	.30
White suit	.35	.25	.35	.70
Linen suit	.35	.25	.35	.70
Top coat	.19	.22	.33	.55
Overcoat	.19	.22	.33	.55
Raincoat	.22	.30	.38	.80
Reversible coat	.22	.33	.38	.90
CHILDREN'S				
Suits	.16	.22	.28	.55
Dresses	.16	.22	.28	.55
Coats	.08	.11	.33	.55
Skirts	.08	.11	.15	.30
Jackets	.08	.11	.15	.30
Sweaters	.08	.11	.15	.30
Boys coats	.08	.11	.15	.30
Boys pants	.08	.11	.15	.30
HOUSEHOLD				
Furniture covers (in sets of 8 or more)	.11	.09	.20	.30
Spreads (plain)	.22	.28	.40	.75
Spreads (silk and taffetta)	.33	.52	.60	1.25
Curtains	.22	.28	.40	.75
Blanket (single)	.19	------	.35	------
Blanket (double)	.33	------	.60	------
Quilts (cotton)	.50	------	.90	------
Quilts (silk)	.50	------	.90	1.25
LADIES				
Suit	.16	.22	.30	.55
Skirt (plain)	.08	.11	.15	.30
Skirt (pleated—up to 20 pleats)	.08	.22	.15	.50
Jacket (plain)	.08	.11	.15	.30
White suit	.23	.25	.40	.70
Waist (plain)	.08	.15	.15	.35
Waist (pleated—up to 20 pleats)	.08	.25	.15	.50
Coat	.19	.22	.33	.55
Coat (white)	.23	.25	.40	.75
Coat (reversible)	.22	.33	.38	.90
Suit (linen)	.20	.25	.35	.70
Sweater	.08	.11	.15	.30
Dress (plain—up to 4 pleats)	.16	.22	.28	.55
Dress (pleated—up to 20 pleats)	.16	.30	.28	.85
Dress (velvet)	.16	.30	.28	.85
Dress (sunburst pleated)	.16	.50	.28	1.25
Evening gown	.19	.50	.33	1.25
Evening gown (with train or pleated)	.19	.90	.33	1.75
			Rough	*Finished*
Dyeing	------	------	1.50	2.00

(b) *Schedule B—Commissioner Ceiling Price List (per garment or item); resale to outlets.* The ceiling prices of cleaning and finishing services supplied by commissioners to outlets shall not exceed the wholesaler ceiling prices per garment or item for sales to outlets for each service (to wit: "Cleaned only" and "Cleaned and Finished") established in Schedule A of this Supplementary Regulation 1 to Ceiling Price Regulation 34.

SEC. 4. *Definitions.* (a) As used in this Supplementary Regulation 1 to Ceiling Price Regulation 34:

(1) The term "wholesaler" means any supplier who owns, operates or controls plant facilities for dry cleaning, finishing and dyeing garments or items for commissioners and independent outlets.

(2) The term "commissioner" means any supplier who has no plant facilities but supplies dry cleaning, finishing and dyeing services to outlets.

(3) The term "outlet" means any purchaser of dry cleaning, finishing and dyeing services from a wholesaler or commissioner for resale to an ultimate consumer.

(4) The terms "cleaning", "finishing" and "dyeing" include:

(i) "Cleaning" which means the dry cleaning of a garment or item, including the spotting thereof;

(ii) "Finishing" which means the pressing of a garment or item;

(iii) "Dyeing" which means the use of any process to change the basic color of a garment or item.

Effective date. This order shall become effective June 14, 1951.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JUNE 14, 1951.

[F. R. Doc. 51-6997; Filed, June 14, 1951; 11:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

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

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

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464) are amended as indicated below:

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

§ 141.114 *Streptomycin - bacitracin-polymyxin gauze pads*—(a) *Potency.* Using 12 pads, place in an appropriate volume of sterile distilled water and allow to soak with frequent agitation for not less than 1 hour. Use this solution and proceed as directed in § 141.112 (a) (1).

(b) *Sterility.* Using individual pads proceed as directed in § 141.102. This method will demonstrate only those organisms which are not susceptible to these concentrations of bacitracin and polymyxin.

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

2. Section 146.36 (c) (1) (iii) is changed to read as follows:

§ 146.36 *Penicillin vaginal suppositories.* * * *

(c) *Labeling.* * * *

(1) * * *

(iii) This statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

3. Section 146.40 (c) (1) (iii) is changed to read as follows:

§ 146.40 *Penicillin bougies.* * * *

(c) *Labeling.* * * *

(1) * * *

(iii) The statement "Expiration date _____," the blank being filled in, if crystalline penicillin or procaine penicillin is used, with the date which is 18 months, or if crystalline penicillin or procaine penicillin is not used, with the date which is 12 months after the month during which the batch was certified;

4. In § 146.108 *Streptomycin syrup,* paragraph (b) *Packaging* is amended by deleting the words "of colorless, transparent".

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

§ 146.109 *Streptomycin - bacitracin - polymyxin gauze pads*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-bacitracin-polymyxin gauze pads are absorbent gauze that is impregnated with streptomycin, bacitracin, and polymyxin B. Each square inch of such pad shall contain not less than 1 milligram of streptomycin, 50 units of bacitracin, and 1,000 units of polymyxin B. It is sterile. Its moisture content is not more than 5 percent. The streptomycin used conforms to the standards prescribed therefor by § 146.101 (a), except subparagraphs (2), (4), and (5) of that paragraph. The bacitracin used conforms to the standards prescribed therefor by § 146.401 (a), except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 30 units per milligram. The polymyxin used conforms to the standards prescribed therefor by § 146.107 (a). The absorbent gauze used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* Unless it is intended solely for hospital use, and is conspicuously so labeled, each streptomycin-bacitracin-polymyxin gauze pad shall be packaged individually. In all cases the immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

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

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

(i) The batch mark;

(ii) The number of milligrams of streptomycin in each pad of the batch;

(iii) The number of units of bacitracin in each pad of the batch;

(iv) The number of units of polymyxin B in each pad of the batch;

(v) The length, width, and type of gauze contained in the pad; and

(vi) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(2) On the immediate container, the statement "Sterility of the pad cannot be guaranteed if the package bears evidence of damage or has been previously opened."

(3) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such pads.

(d) *Request for certification; samples.* (1) In addition to complying with requirements of § 146.2, a person who requests certification of a batch of streptomycin - bacitracin - polymyxin gauze pads shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the streptomycin, bacitracin, and polymyxin used in making such batch was completed, the potency of each pad in the batch, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that the absorbent gauze used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency of streptomycin, bacitracin, and polymyxin per pad, sterility, and average moisture.

(ii) The streptomycin used in making the batch; potency, toxicity, moisture, and pH.

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

(iv) The polymyxin used in making the batch; potency and toxicity.

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

(i) The batch; one pad for each 5,000 pads in the batch, but in no case less than 30 pads or more than 100 pads, collected by taking single pads throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146.101 (b).

(iii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146.401 (b).

(iv) The polymyxin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram.

(v) In case of an initial request for certification, one package consisting of approximately 5 linear yards, or the equivalent, of the absorbent gauze used.

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

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

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

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

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

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

This order, which provides for changes in the expiration dates of penicillin vaginal suppositories and crystalline penicillin bougies or procaine penicillin bougies containing polyethylene glycol; for deletion of the requirement that the immediate container for streptomycin syrup shall be of glass that is colorless and transparent; and for tests and methods of assay and certification of a new antibiotic preparation, streptomycin-bacitracin-polymyxin gauze pads, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for changes in the expiration dates of penicillin vaginal suppositories and crystalline penicillin bougies or procaine penicillin bougies containing polyethylene glycol; for deletion of the requirement that the immediate container for streptomycin sirup shall be of glass that is colorless and transparent; and for tests and methods of assay and certification of a new antibiotic preparation, streptomycin-bacitracin-polymyxin gauze pads.

Dated: June 12, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-6907; Filed, June 14, 1951; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 693—MINIMUM WAGE RATE IN THE CIGAR AND CIGARETTE INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001) notice was published in the FEDERAL REGISTER on May 23, 1951 (16 F. R. 4813) of the Acting Administrator's decision to approve the minimum wage recommendation of Special Industry Committee No. 9 for Puerto Rico for the Cigar and Cigarette Industry in Puerto Rico, and the wage order which he proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

No exceptions were received within the 15 day period.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective July 16, 1951.

Sec.
693.1 Approval of recommendation of industry committee.
693.2 Wage rate.
693.3 Notices of order.
693.4 Definition of the cigar and cigarette industry in Puerto Rico.

AUTHORITY: §§ 693.1 to 693.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 693.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 693.2 *Wage rate.* Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cigar and cigarette industry in Puerto Rico who is engaged in commerce

or in the production of goods for commerce.

§ 693.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the cigar and cigarette industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 693.4 *Definition of the cigar and cigarette industry in Puerto Rico.* The manufacture of cigarettes, cigars, cheroots and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer.

Signed at Washington, D. C., this 8th day of June 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-6926; Filed, June 14, 1951; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

AUTOPSIES

1. Immediately following § 17.148, a new centerhead is added as follows: "Autopsies"

2. A new § 17.155 is added as follows:

§ 17.155 *Autopsies.* (a) Except as provided in this section no autopsy will be performed by the Veterans' Administration without the consent of the surviving spouse, or, in a proper case the next of kin, unless the patient or domiciled person was abandoned by the spouse, if any, or, if no spouse, by the next of kin for a period of not less than 6 months next preceding his death. Where no inquiry has been made for or in regard to the decedent for a period of 6 months next preceding his death he shall be deemed to have been abandoned.

(b) If the decedent shall have been abandoned or if the request is sent and the spouse, or in proper cases the next of kin fails to reply within the reasonable time stated in such request of the Veterans' Administration for permission to perform the autopsy, the manager or his medical designate is hereby authorized to cause an autopsy to be performed if in his discretion he concludes that such autopsy is reasonably required for any necessary purpose of the Veterans' Administration, including the completion of official records and advancement of medical knowledge.

(c) If it is suspected that death resulted from crime, or the cause of death is unknown and if the United States has exclusive jurisdiction over the area where the body is found, the manager of the hospital or center, will inform the appropriate chief attorney of the known facts concerning the death. Thereupon the chief attorney will transmit all such information to the United States Attorney for such action as he deems appropriate, and will inquire whether the United States Attorney objects to an autopsy if otherwise it be appropriate. If the United States Attorney has no objection the procedure as to autopsy will be the same as if the death had not been reported to him.

(d) If the United States does not have exclusive jurisdiction over the area where the body is found the local coroner will be informed. If the local coroner declines to assume jurisdiction the procedure will be the same as is provided in paragraph (c) of this section. If a Federal crime is indicated by the evidence, the procedure of paragraph (c) of this section will also be followed.

(e) The laws of the decedent's domicile are determinative as to whether the spouse, or the next of kin is the proper person to grant permission to perform an autopsy, and of the question as to the order of preference among such persons. Usually the spouse is first entitled, except in some situations of separation; followed by children, parents, brothers, and sisters, etc.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652; 38 U. S. C. 706, 706a)

This regulation effective June 15, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-6854; Filed, June 14, 1951; 9:09 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

In § 21.418 (c) (3), subdivisions (iii), (iv), and (v) are amended to read as follows:

§ 21.418 *Approval and disapproval of educational institutions and business or industrial establishments by State approving agency or Administrator.* * * *

(c) *Limitations on the use of educational institutions under Public Law 610, 81st Congress.* * * *

(3) *Administrator's action upon the certification of any State approving agency that a course in a new or existing institution is essential to meet the requirements of peterans in such State.* * * *

(iii) Under the provisions of subdivisions (i) and (ii) of this subparagraph, the Administrator, in his discretion, may concur in the State approving agency's certification that a new course in a new or existing institution is essential to meet the requirements of veterans in a particular State. This authority is not delegated to the managers of field stations. Upon receipt of a certification of essentiality, in duplicate, with supporting information as stipulated in subdivision (ii) of this subparagraph from the State approving agency, the regional office will review the material submitted and will forward the original copy of same to the director, training facilities service for vocational rehabilitation and education, central office, through the special assistant to the director, training facilities service, for the area, together with the recommendation of the regional office for favorable or unfavorable action by the Administrator and the reasons therefor. It will be the responsibility of the regional office to check such material for completeness prior to submitting it to central office in the manner prescribed in this subdivision. The special assistant to the director, training facilities service for vocational rehabilitation and education, will review the material and forward it immediately to central office with his recommendation, together with the reasons therefor. It will also be his responsibility to check the material for completeness prior to forwarding it to central office.

(*a*) The Administrator will concur in the State's certification of essentiality when evidence satisfactory to the Administrator has been submitted to show:

(*1*) That the school concerned is certified by the State as qualified and equipped to offer satisfactory training to veterans and as having met all the criteria of section 5, Public Law 610, 81st Congress, and

(*2*) That the State has certified that the course(s) is essential to meet the needs of veterans in the State in which proposed to be given, and

(*3*) That the occupation(s) for which the course(s) is intended to provide training is not crowded in the State in which the training is proposed to be given, and

(*4*) That existing facilities currently approved in the State in which training is to be given to offer comparable training to veterans under Public Law 346, 78th Congress, as amended, are inadequate to meet the requirements of veterans residing in that State.

(*b*) Satisfactory evidence to support the criteria listed in (*a*) of this subdivision will consist of, but not be limited to, statements from public employment services, employer and trade groups, labor organizations, and others who reasonably may be expected to have familiarity with current employment needs in occupation(s) concerned in that State; statements from recognized educational associations and educational leaders in the particular field covered by the course(s) concerned that such course(s) is vocationally essential to eligible veterans who may enroll therein; the name and location of existing facilities currently approved to offer comparable training, together with the number of students for which each has been approved by the State approving agency and the number of students currently enrolled therein; and the number of veterans desiring to enroll in the course(s) concerned.

(iv) Upon action by the Administrator, the regional office will be promptly notified of such action and, if favorable, the effective date thereof, and the chief, training facilities section, regional office, will promptly advise the appropriate State approving agency of such action.

It will be the responsibility of that State approving agency to notify the school of such action.

(v) Upon receipt by the regional office of notification that the Administrator has concurred in the State's certification of essentiality that a school or course is essential to meet the requirements of veterans in that State, the training facilities section, regional office, will provide the registration and research section of that regional office with a notification of such action, and, where the action is one of concurrence in the State's certification of essentiality, such notification will include information concerning the course(s) to be provided by the school and the effective date of such action.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective June 15, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-6853; Filed, June 14, 1951; 9:09 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 684]

PUERTO RICO; MINIMUM WAGE RATES IN THE HOOKED RUG INDUSTRY

NOTICE OF PROPOSED DECISION

On June 15, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended (hereinafter called the "act"), the Administrator appointed, by Administrative Order No. 399, Special Industry Committee No. 8 for Puerto Rico (hereinafter called the "Committee"), and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the Hooked Rug Industry in Puerto Rico (hereinafter called the "Industry"), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the Industry, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the Industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico. After investigating economic and competitive conditions in the Industry, the Committee filed with the Administrator a report containing (a) its recommendation that the Industry be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the Industry; and (c) its recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the Industry.

Pursuant to notice published in the FEDERAL REGISTER on October 20, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on November 13, 1950, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee for minimum wage rates in the Hooked Rug Industry in Puerto Rico and its Divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and opinion of the Administrator in the matter of the Recommendations of Special Industry Committee No. 8 of Minimum Wage Rates for the Hooked Rug Industry in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 7029), that I propose to approve the Committee's recommendations for the Industry, and to amend the wage order for the Industry to read as set forth below, to carry such recommendations into effect.

Within 15 days from publication of the notice in the FEDERAL REGISTER, interested parties may submit written exceptions. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
684.1 Approval of recommendations of industry committee.
684.2 Wage rates.
684.3 Notices of order.
684.4 Definition of the hooked rug industry in Puerto Rico and its divisions.

AUTHORITY: §§ 684.1 to 684.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 684.1 *Approval of recommendations of industry committee.* The committee's recommendations are hereby approved.

§ 684.2 *Wage rates.* (a) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hand-hooked rug division of the hooked rug industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the machine-hooked rug division of the hook rug industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 684.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the hooked rug industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 684.4 *Definitions of the hooked rug industry in Puerto Rico and its divisions.* The hooked rug industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture of hooked rugs.

The separable divisions of the industry as defined in this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *Hand-hooked rug division.* The manufacture of hooked rugs by a hand-hooking process.

(b) *Machine-hooked rug division.* The manufacture of hooked rugs by a process other than hand-hooking.

Signed at Washington, D. C., this 11th day of June 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F R. Doc. 51-6860; Filed, June 14, 1951; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR GRADES OF REFINERS' SIRUP

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), of United States Standards for Grades of Refiners' Sirup. On the basis of information now available to the Department, it appears that the promulgation of United States standards for refiners' sirup may tend to improve the marketability of this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards may do so by filing them in duplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

UNITED STATES STANDARDS FOR GRADES OF REFINERS' SIRUP [1]

GENERAL

Sec.

AUTHORITY: §§ 44.41 to 44.46 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

GENERAL

§ 44.41 *Definition.* "Refiners' sirup" means a liquid product obtained from the refining of cane or beet sugar. All of the sirup constituents have been subjected to the processes of clarification and decolorization, or equivalent purification, and it may be partially or wholly inverted.

GRADES

§ 44.42 *Grades for refiners' sirup.* The grades for refiners' sirup are designated as follows:

(a) "U. S. Fancy" or "U. S. Grade A" Refiners' Sirup.

(b) "U. S. Choice" or "U. S. Grade B" Refiners' Sirup.

(c) "U. S. No. 1 Standard" or "U. S. Grade C" Refiners' Sirup.

(d) "U. S. No. 2 Standard" or "U. S. Grade D" Refiners' Sirup.

(e) "U. S. Substandard" Refiners' Sirup.

§ 44.43 *Grade specifications.* Specications for each grade of refiners' sirup are as follows:

(a) U. S. Fancy or U. S. Grade A Refiners' Sirup consists of refiners' sirup which possesses a flavor characteristic of refiners' sirup of fancy quality; which contains no sediment; which is free of foreign matter; which has a Brix solids content of not less than 70 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 92 percent; which has a ratio of sulfated ash to Brix solids of not more than 2.5 percent; and which possesses a color no darker than RS Color Standard No. 1.

(b) U. S. Choice or U. S. Grade B Refiners' Sirup consists of refiner's sirup which possesses a flavor characteristic of refiners' sirup of choice quality; which contains no sediment; which is free of foreign matter; which has a Brix solids content of not less than 70 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 88 percent; which has a ratio of sulfated ash to Brix solids of not more than 5 percent; and which possesses a color no darker than RS Color Standard No. 2.

(c) U. S. No. 1 Standard or U. S. Grade C Refiners' Sirup consists of refiners' sirup which possesses a flavor characteristic of refiners' sirup of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 76 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 78 percent; which has a ratio of sulfated ash to Brix solids of not more than 9.5 percent; and which possesses a color no darker than RS Color Standard No. 3.

(d) U. S. No. 2 Standard or U. S. Grade D Refiners' Sirup consists of refiners' sirup which possesses a flavor characteristic of refiners' sirup of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 76 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 70 percent; and which has a ratio of sulfated ash to Brix solids of not more than 14 percent.

(e) U. S. Substandard Refiners' Sirup consists of refiners' sirup that fails to meet the specifications for U. S. No. 2 Standard Refiners' Sirup.

(f) Table of specifications for grades. The specifications for the designated grades of refiners' sirup are set forth in summary form in table 1.

TABLE I—TABLE OF SPECIFICATIONS FOR GRADES

Factors	Grades and specifications			
	U. S. Fancy or U. S. Grade A refiners' sirup	U. S. Choice or U. S. Grade B refiners' sirup	U. S. No. 1 or U. S. Grade C refiners' sirup	U. S. No. 2 or U. S. Grade D refiners' sirup
Brix solids corrected to 20° C. (68° F.)	Not less than 70 percent		Not less than 76 percent	
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 92 percent.	Not less than 88 percent.	Not less than 78 percent.	Not less than 70 percent.
Ratio of sulfated ash to Brix solids.	Not more than 2.5 percent.	Not more than 5 percent.	Not more than 9.5 percent.	Not more than 14 percent.
Color	No darker than RS Color Standard No. 1.	No darker than RS Color Standard No. 2.	No darker than RS Color Standard No. 3.	No color limit.

(g) Tolerances for certification of officially drawn samples. When certifying samples that have been officially drawn and which represent a specific lot of sugarcane sirup, the grade for such lot will be determined by averaging the factors of all the samples representing the lot: *Provided,* That not more than ⅙ of such samples fail to meet the requirements of the grade specifications set forth in Table I: *And further provided,* That each of the samples which represents a specific lot of sugarcane sirup meet the limiting specifications set forth in Table II.

TABLE II—TABLE OF LIMITING SPECIFICATIONS FOR REFINERS' SIRUP

Factors	Grades and specifications			
	U. S. Fancy or U. S. Grade A refiners' sirup	U. S. Choice or U. S. Grade B refiners' sirup	U. S. No. 1 Standard or U. S. Grade C refiners' sirup	U. S. No. 2 Standard or U. S. Grade D refiners' sirup
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 91.5 percent.	Not less than 87.5 percent.	Not less than 77 percent.	Not less than 69 percent.
Ratio of sulfated ash to Brix solids.	Not more than 3 percent.	Not more than 5.5 percent.	Not more than 10 percent.	Not more than 14.5 percent.
Color	No darker than RS Color Standard No. 2.	No darker than RS Color Standard No. 3.	Darker than RS Color Standard No. 3	

[1] Compliance with the requirements of these standards will not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] "RS" is an abbreviation for refiners' sirup.

DETERMINATION OF FACTORS

§ 44.44 *Quantitative determination of factors.* Quantitative determination of the respective fatcors other than color is made by the methods set forth in this section for the respective factors: [4]

(a) *Brix solids.* By Brix hydrometer, correcting to 20° C. (68° F.).

(b) *Total sugars*—(1) *Sucrose.* By the chemical method, using invertase as the inverting agent; the Lane-Eynon volumetric method for reducing sugars before and after inversion; or by Jackson-Gillis double polarization method number IV.

(2) *Reducing sugar.* By the Lane-Eynon volumetric method.

(c) *Sulfated ash.* By the sulfation method, with no deduction.

§ 44.45 *Preparation of basic solutions and RS color standards.* Chemicals of reagent grade, at room temperature, are used in the preparation of the solutions described in this section.

(a) *Preparation of basic solutions*—(1) *Solution A.* Dissolve 10 grams of $CuCl_2 \cdot 2H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 100 milliliters.[5]

(2) *Solution B.* Dissolve 50 grams of $CoCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(3) *Solution C.* Dissolve 50 grams of $FeCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(4) *RS stock solution.* Mix 50 milliliters of Solution A and 485 milliliters of Solution B with 465 milliliters of Solution C.

(b) *Preparation of RS color standards*—(1) *RS Color Standard No. 1.* Dilute 10 milliliters of the RS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(2) *RS Color Standard No. 2.* Dilute 18 milliliters of the RS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(3) *RS Color Standard No. 3.* Dilute 50 milliliters of RS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

§ 44.46 *Use of RS color standards in determining color factor*—(a) *Containers required.* The containers needed to perform the visual color comparison test set forth in paragraph (c) of this section are:

(1) A container for a sample of refiners' sirup for which the color factor is to be determined (such container hereinafter called "sample container"); and

(2) Containers for the respective RS color standards.

(b) *Description of containers.* The sample container is made of colorless and transparent glass or plastic material and is of such shape and construction as to provide a flat ⅛-inch thickness of the sample to be viewed. The container for each RS color standard is a colorless and transparent 2-ounce French square water sample bottle having outside base dimensions of 1 7/16 inches by 1 7/16 inches.

(c) *Visual comparison test.* A sample of refiners' sirup is compared in the following manner with the RS color standards to determine whether the sample is darker than one or more of such color standards:

(1) Place each of the RS Color Standards Nos. 1, 2, and 3 in separate 2-ounce French square water sample bottles;

(2) Place a sample of the refiners' sirup in a sample container; and

(3) In order to determine whether the sample is darker than one or more of the RS color standards, visually compare the sample with each of the color standards by looking through them at a light-colored background in diffuse light. The sample is viewed through its ⅛-inch thickness; and each RS color standard is viewed at right angles to one of the sides of its container.

Issued this 11th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6928; Filed, June 14, 1951; 8:52 a. m.]

[7 CFR, Part 930]

[Docket No. AO-72-A16]

HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hillcrest Hotel, Madison and 16th Street, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., June 19, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Northwestern Cooperative Sales Association, Inc.:

1. Delete § 930.5 (a) (1) 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, and August	1.00
All others	1.30

(ii) In successive two-months periods the percentage which total receipts of producer milk in the market is of total Class I utilization in the market, shall be computed each month by the market administrator and announced. The resultant figure for the next two preceding months shall be used to determine the Class I differential for the current month. If the figure announced is more than 5 points higher than the average of the corresponding months in the following schedule, then the Class I price shall be decreased 15 cents and if the figure is more than 5 points lower than the average of the corresponding months, then the Class I price shall be increased 15 cents per hundredweight. The Class I price shall be increased or decreased an additional 25 cents if the resultant figure ranges more than 10 points higher or lower than the following schedule and 25 cents for each additional 5 points thereto.

SCHEDULE

January	128	July	144
February	134	August	134
March	142	September	127
April	149	October	123
May	162	November	120
June	163	December	125

2. In § 930.4 (b) (1) (i) add concentrated milk to the list of Class I dispositions of producer milk.

It has been represented that an emergency exists in the market with respect to these proposals. Accordingly, this hearing has been called for the purpose of receiving evidence with relation thereto.

Copies of this notice of hearing, the said order, as amended, and the said marketing agreement may be procured from the Market Administrator, Room 19, Old Federal Building, Toledo, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 12, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6927; Filed, June 14, 1951; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 302]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration a complete revision of Part 302 of the Procedural Regulations (14 CFR Part 302). This revision restates and in many cases adds to the procedural rules governing the conduct of economic proceedings.

---

[4] These methods are described in Official Methods of Analysis of the Association of Official Agricultural Chemists, Seventh Edition, 1950, except the Jackson-Gillis double polarization method number IV is described in Circular C440, Nat. Bur. Standards, May 1942, or in the Sugar Analysis, by Browne and Zerban, 3d Edition, 1948, John Wiley & Sons, Inc.

[5] Ten percent hydrochloric acid solution is prepared by diluting 242.6 milliliters of reagent grade hydrochloric acid to one liter.

The principal features of the proposed regulation are explained in the Explanatory Statement set forth below.

The proposed rules themselves are set forth below.

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 and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received by July 27, 1951, will be considered by the Board before taking further action upon the proposed rules. Copies of such communications will be available after July 30, 1951, for examination by interested persons in the Docket Section of the Board, Room 5412 Commerce Building, Washington, D. C.

These amendments are proposed under the authority of sections 205 (a) and 1001 of the Civil Aeronautics Act of 1938, as amended. The proposed amendments may be changed in the light of comments received in response to this notice of rule-making.

Issued by the Civil Aeronautics Board at Washington, D. C., on June 12, 1951.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. During the past year the Board's staff has been engaged in the study and preparation of a revision of the Board's Rules of Practice in Economic Proceedings with a view to increasing their usefulness to the Board and the persons appearing before it. In particular, it is hoped that such a revision will serve to expedite proceedings before the Board, insure a more uniform application of the rules to all persons, and save time and effort on the part of the Board and its staff and persons appearing before the Board by eliminating the necessity for case by case determinations of many procedural issues.

The current Rules of Practice in Economic Proceedings have been amended from time to time in the past to meet more or less critical needs as they arose, but up until now they have never been revised as a whole. Such a revision appears to be overdue. Many new types of proceedings or situations have developed which were not specifically contemplated by the rules, and the adaptation of the rules to such proceedings and situations is cumbersome, sometimes misleading, and not infrequently provocative of argument and delay. Many other procedural matters not covered by the rules are now handled in accordance with fairly uniform administrative practices which work well enough with those familiar with such practices. However, difficulties arise in this area for persons appearing before the Board infrequently, and it therefore seems desirable to codify many existing practices in a revision of the rules. Apart from the elimination of difficulties arising from lack of complete and detailed coverage, a revision of the rules affords an appropriate occasion for the introduction of new procedures which will permit more expeditious disposition of Board proceedings and saving of time and effort to all concerned.

The proposed revision of the Rules of Practice in Economic Proceedings which is set forth below was prepared by the Board's staff with the foregoing general principles in view. Although the rule-making procedures of the Administrative Procedure Act are not required to be applied to the promulgation of rules of practice, it is believed to be highly desirable to receive the comments and suggestions of interested persons, particularly those practicing before the Board, before arriving at any final conclusions as to the form the rules should take. Recently the Board established a representative committee of industry counsel as the Civil Aeronautics Board Advisory Committee on Practices and Procedures to assist and advise it in formulating procedures and practices with respect to proceedings before the Board. Because of limitations of time and priority of attention being given to certain other matters, the Advisory Committee has not been able to participate in the preparation of the attached proposal, or to make its views thereon known to the Board. However, we anticipate receiving its full cooperation in this undertaking and view it as a primary source of assistance in the contemplated revision of the rules.

The extensive nature of the changes in the rules proposed by the attached revision renders impracticable any detailed analysis and explanation of all such changes. As an aid to the public, however, certain of the more important changes are briefly described below.

1. *Rule 4 (b).* Eliminates the requirement for verification of documents and makes the signature a certification.

2. *Rule 8.* Establishes detailed rules with respect to service of documents which are designed to insure uniformity in the application of the rules and to prevent the necessity for ad hoc determinations.

3. *Rule 9.* Defines parties to include public counsel and an enforcement attorney so as to make both the restrictions and privileges of these rules applicable to them.

4. *Rule 15.* Establishes who may intervene, the basis for such intervention, and the procedure to be followed, spelling out more clearly the relevant standards for determining intervention and specifying the procedures to be followed.

5. *Rule 18.* Establishes a motions procedure designed to give certainty to the manner in which motions are to be filed and processed, and a procedure for appeals to the Board from rulings of Examiners on motions.

6. *Rules 19, 20, and 21.* Establish rules with respect to the issuance of subpenas, the taking of depositions, and the fees and mileage to be paid in connection therewith, which, in general, codify the Board's existing but unexpressed practice.

7. *Rules 22, 23, and 24.* Indicate the powers of the Examiner, the purpose of the prehearing conference and the manner in which it will be conducted, and the basis for dealing with certain questions relating to hearings which have proved troublesome in the past. For the most part, these rules codify and do not change existing rules and practice.

8. *Rule 27.* Provides that, unless the Board directs otherwise, the examiner shall prepare an initial decision in rate cases if any party requests that he do so, a recommended decision in cases requiring presidential approval, and initial decisions in all other cases. This rule changes existing practice by providing for initial decisions by examiners instead of tentative decisions by the Board in rate cases and by providing for initial decisions instead of recommended decisions by examiners in all other cases except those requiring presidential approval under section 801 of the act. It requires initial decisions to the greatest extent possible and is designed to expedite proceedings wherever possible. The expedition arises from the effect given to such a decision as provided in Rule 28.

9. *Rules 29, 30, 31, 32, 33 and 36.* Set forth the procedure in cases where the record is certified to the Board or a recommended decision is issued by the examiner. In general, the rules with respect to the issuance of a tentative decision by the Board, the filing of exceptions to such a tentative decision or a recommended decision, the filing of briefs with the Board, the hearing of oral argument by the Board, and the issuance of final decision do not make major changes in the existing rules, certainly not existing practices, except in the following particulars: (1) These rules contemplate a single oral argument after initial decision by the examiner rather than before tentative decision by the Board, as is presently the case, in mail rate proceedings; (2) provision is made for filing answering and reply briefs in certain situations.

10. *Subpart B.* Establishes separate rules applicable to economic enforcement proceedings which will meet the special needs of such proceedings.

11. *Rules 205 and 206.* These rules provide for the institution of economic enforcement proceedings and for the determination of complaints seeking to institute such proceedings. They change the present rules and practices of the Board by providing for a delegation of authority to the Chief of the Office of Enforcement to either institute a proceeding or to dismiss a complaint seeking to institute a proceeding. In the case of the dismissal of a complaint, it is immediately appealable, by letter, to the Board. In the case of the institution of a proceeding, no sanction can be invoked except by order of the Board.

It is believed that such a procedure will expedite proceedings and eliminate unnecessary paper work and will divorce the prosecuting and judicial functions of the Board to a much greater extent. At the same time it will not result in the rights of any party being finally determined except by the Board.

12. *Rule 210.* Defines the parties to an economic enforcement proceeding to include a person whose formal complaint alleged violations which were later covered by the petition for enforcement and thus eliminates the necessity of filing a petition for intervention.

13. *Rule 217.* Establishes a procedure with respect to motions for the suspension of economic operating authority during the pendency of proceedings to revoke such authority which for the first time affords a party an opportunity for oral argument before the Board before its operating authority is suspended.

14. *Subpart C.* This subpart establishes special rules applicable to mail rate proceedings. (1) With respect to final mail rate proceedings (Rules 302–309), the rules are not changed in substance but are merely restated for purposes of clarity. (2) With respect to temporary rate proceedings (Rule 310), the rules recognize existing Board practice. (3) With respect to informal mail rate conference procedure (Rules 311–21), the revision incorporates the revision recently promulgated by the Board.

15. *Subpart D.* Establishes new, special rules applicable to exemption proceedings.

The rules provide a definite procedure designed to give certainty to the exemption process, to insure uniformity in the handling of exemptions, and to protect the rights of carriers in the presentation of facts to be considered by the Board in connection with the ruling on an application for exemption or the necessity for a hearing on such application.

16. *Subpart E.* Establishes special rules applicable to proceedings with respect to rates, fares and charges which do not materially change the Board's existing rules and practices with respect to such matters.

17. *Rule 506.* Fixes the burden of proof on the proponent of a rate, fare, charge, etc., thus clarifying a trouble spot which has given rise to the expenditure of much time and effort in case-by-case determinations.

18. *Subpart F.* Incorporates the rules recently promulgated by the Board to govern the handling of petitions to conduct charter trips or special services into areas protected by § 207.8 of the Economic Regulations.

It should be emphasized that the Board recognizes that there are in the proposed rules a number of procedures which are proposed for the first time and others which have been the subject of previous comment in one connection or another and concerning which there may well be differing views. It is, of course, for the very purpose of receiving and considering the views of all interested persons before any decision is reached that this circulation is being undertaken.

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

AUTHORITY: §§ 302.1 to 302.601 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 1001, 52 Stat. 1017; 49 U. S. C. 641.

§ 302.1 *Application and description of part*—(a) *Application.* The rules of practice in this part govern the conduct of all economic proceedings before the Board whether instituted by order of the Board or by the filing with the Board of an application, complaint or petition. However, there are exceptions to this section with respect to two classes of proceedings: (a) Proceedings involving "Alaskan air carriers" and "Alaskan pilot-owners" are governed by this part, but only as modified by Part 292 of the Board's Economic Regulations;[1] (b) proceedings governed by Part 301 and Part 303 of the Board's Procedural Regulations (Rules of Practice in Air Safety

[1] The Board's Economic and Procedural Regulations are codified in Title 14 of the Code of Federal Regulations.

Proceedings and Rules of Practice In Aircraft Accident Inquiries) are not governed by the regulations in this part.

(b) *Description.* Subpart A sets forth general rules applicable to all types of proceedings. Each of Subparts B through F sets forth special rules applicable to the type of proceedings described in the title of the subpart. Therefore, for information as to applicable rules, reference should be made to Subpart A and to the rules in the subpart relating to the particular type of proceeding, if any. In addition, reference should be made to the Civil Aeronautics Act, the Board's Principles of Practice (Procedural Regulations, Part 300), and to the substantive rules, regulations and orders of the Board relating to the proceeding.[2] Wherever there is any conflict between one of the general rules in Subpart A and a special rule in another subpart applicable to a particular type of proceeding, the special rule will govern.

§ 302.2 *Reference to part and method of citing rules.* This part shall be referred to as the "Rules of Practice". Each section, and any paragraph or subparagraph thereof, shall be referred to as a "Rule". The number of each rule shall include only the numbers and letters at the right of the decimal point. For example, "302.8 *Service of documents*", shall be referred to as "Rule 8". Subparagraph (2) of paragraph (a) of that rule, relating to service of documents by the parties, shall be referred to as "Rule 8 (a) (2)".

Subpart A—Rules of General Applicability

§ 302.3 *Filing of documents*—(a) *Filing address, date of filing, hours.* Documents required by any section of this part to be filed with the Board shall be filed with the Docket Section of the Civil Aeronautics Board, Washington 25, D. C. Such documents shall be deemed to be filed on the date on which they are actually received by the Board. The hours of the Board are from 8:30 a. m. to 5:00 p. m., eastern standard or daylight saving time, whichever is in effect in the District of Columbia at the time, Monday to Friday, inclusive, except on legal holidays for the Board.

(b) *Formal specifications of documents.* (1) All documents filed under the regulations in this part shall be on strong, durable paper not larger than 8½ by 14 inches in size except that tables, charts and other documents may be larger, folded to the size of the document to which they are attached. The left margin shall be at least 1½ inches wide and, if the document is bound, it shall be bound on the left side.

(2) Papers may be reproduced by printing or by any other process, provided the copies are clear and legible. Appropriate notes or other indications shall be used, so that the existence of any matters shown in color will be accurately indicated on photostatic copies.

(c) *Number of copies.* Unless otherwise specified, an executed original and nineteen (19) true copies of each document required or permitted to be filed under the regulations in this part, shall be filed with the Docket Section. The copies need not be signed but the name of the person signing the original shall be reproduced.

§ 302.4 *General requirements as to documents*—(a) *Contents.* In case there is no rule, regulation or order of the Board which prescribes the contents of the formal application, complaint or petition, such document shall contain a proper identification of the parties concerned, a reference to the provision of the statute and regulation under which the document is filed, and a concise but complete statement of the facts relied upon and the relief sought.

(b) *Subscription.* Every application, petition, complaint, motion or other document filed in a proceeding shall be signed by the party filing the same, or by a duly authorized officer or the attorney-at-law of record of such party, or by any other person: *Provided,* That, if signed by some other person, the reason therefor must be stated and the power of attorney or other authority authorizing such other person to subscribe the document must be filed with the document. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) *Designation of person to receive service.* The initial document filed by any person in any proceeding shall state on the first page thereof the name and post office address of one person who may be served with any documents filed in the proceeding.

§ 302.5 *Amendment of documents and dismissal.* If any document initiating, or filed in, a proceeding, such as a formal application, complaint or petition, or motion, is not in substantial conformity with the applicable rules or regulations of the Board as to the contents thereof, or is otherwise insufficient, the Board, on its own motion, or on motion of any party, may strike or dismiss such document, or require its amendment. If amended, the document may be made effective as of the date of original filing.

§ 302.6 *Answers.* Answers to formal complaints, petitions or other documents or orders instituting proceedings may be filed but will not usually be required. In case an answer is necessary, the parties will be notified. The issues in the proceeding will ordinarily be formulated at the prehearing conference. However, answers are required in economic enforcement proceedings and reference should be made to Subpart B of this part for such requirements.

§ 302.7 *Retention of documents by the Board.* All documents filed with or presented to the Board, shall be retained in the files of the Board. However, the Board may permit the withdrawal of original documents upon the submission of properly authenticated copies to replace such documents.

§ 302.8 *Service of documents*—(a) *Who makes service*—(1) *The Board.* Formal complaints, notices, orders to show cause, other orders, and similar documents issued by the Board will be served by the Board upon all parties to the proceeding.

(2) *The parties.* Answers, petitions, motions, briefs, exceptions, notices, or any other documents filed by any party or other person with the Board or an Examiner shall be served by the person filing such document upon all parties to the proceeding in which it is filed, and proof of service shall accompany the document when it is tendered for filing.

(b) *How service may be made.* Service may be made by regular mail, by registered mail, or by personal delivery. The means of service selected must be such as to permit compliance with section 1005 (c) of the act, which provides for service of notices, processes, orders, rules, and regulations by personal service or registered mail.

(c) *Who may be served.* Service upon a party or person may be made upon an individual, or upon a member of a partnership, or firm to be served, or upon the president or other officer of the corporation, company, firm, or association to be served, or upon the assignee or legal successor of any of the foregoing, or upon any attorney of record for the party, or upon the agent designated by an air carrier under section 1005 (b) of the act, but it shall be served upon the person designated by a party to receive service of documents in a particular proceeding in accordance with § 302.4 (c) once a proceeding has been commenced.

(d) *Where service may be made.* Personal service may be made on any of the persons described in paragraph (c) of this section wherever they may be found, except that an agent designated by an air carrier under section 1005 (b) of the act may be served only at his office or usual place of residence. Service by regular or registered mail shall be made at the principal place of business of the party to be served, or at his usual residence if he is an individual, or at the office of the party's attorney of record, or at the office or usual residence of the agent designated by an air carrier under section 1005 (b) of the act, or at the post office address stated for a person designated to receive service pursuant to § 302.4 (c).

(e) *Proof of service.* Proof of service of any document shall consist of one of the following: (1) A certificate of mailing, accompanied by the post office receipt for a document served by registered mail, executed by the person mailing the document. (2) An acknowledgment of service signed by a person receiving service personally, or a certificate of the person making personal service.

(f) *Date of service.* Whenever proof of service by mail is made, the date of mailing shall be the date of service.

[2] The Civil Aeronautics Act of 1938 may be found at 52 Stat. 973, and, as amended, at 49 U. S. C. 401 et seq. The Board's substantive rules may be found in its Economic Regulations and Civil Air Regulations, codified in Title 14 of the Code of Federal Regulations, and in Civil Aeronautics Board Reports, published by the Government Printing Office.

Whenever proof of service by personal delivery is made, the date of such delivery shall be the date of service.

§ 302.9 *Parties.* The term party wherever used in this part shall include any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and any trustee, receiver, assignee or legal successor thereof, and shall include Public Counsel and the Enforcement Attorney in any proceeding.

§ 302.10 *Substitution of parties.* Upon motion and for good cause shown, the Board may order a substitution of parties, except that in case of death of a party, substitution may be ordered without the filing of a motion.

§ 302.11 *Limitations on practice*—(a) *Registration.* Any person may appear before the Board and be heard in person or by attorney. No register of attorneys who may practice before the Board is maintained and no application for admission to practice is required. However, any person practicing before the Board or desiring so to practice may, for good cause shown, be barred or suspended from so practicing, but only after he has been afforded an opportunity to be heard in the matter.

(b) *Representation by persons formerly associated with the Board*—(1) *Appearance and representation.* (i) No person who has been associated with the Board as a member, officer, or employee shall be permitted at any time to appear before the Board in behalf of, or to represent in any manner, any party in connection with any proceeding or matter which such person has handled or passed upon while associated in any capacity with the Board. No person appearing before the Board in any matter or proceeding shall in relation thereto knowingly accept assistance from or share fees with any person who would himself be precluded by this section from appearing before the Board in such matter or proceeding.

(ii) No person who has been associated with the Civil Aeronautics Board as a member, officer, or employee thereof shall be permitted within six months from the date of the termination of such association, to appear before the Board in behalf of, or to represent in any manner, any party in connection with any proceeding which was pending before the Board at the time of his association with the Board, unless he shall first have obtained the written consent of the Board upon a verified showing that he did not give personal consideration to the matter or proceeding as to which consent is sought or gain particular knowledge of the facts thereof during his association with the Board.

(2) *Use of confidential information.* No person who has been associated with the Board as a member, officer or employee, or any person associated with him, shall ever use or undertake to use in any proceeding or matter before the Board any confidential facts or information which came into the possession or to the attention of any former member, officer, or employee during his official association with the Board without first applying for and obtaining the consent of the Board for the use of such facts or information.

(3) *Pending proceeding defined.* For the purpose of this section a proceeding shall be considered as pending from the date of receipt by the Docket Section of the Board of any formal application, complaint, or petition for the institution of a proceeding by the Board or from the date of adoption of any order to show cause or other procedures of the Board evidencing the initiation of a proceeding. A consolidated proceeding shall be considered as pending for the purpose of this section from the date of the first individual proceeding therein.

§ 302.12 *Consolidation.* The Board, upon its own initiative or upon petition, may consolidate for hearing or for other purposes two or more proceedings which involve substantially the same parties, or issues which are the same or closely related, if it finds that such consolidation will be conducive to the proper dispatch of its business and to the ends of justice. If a petition to consolidate two or more proceedings is filed with the Board, any party to any of such proceedings, or any person who has a petition for intervention pending, may file an answer to such petition within such period as the Board may permit. Ordinarily, requests for consolidation should be made at the prehearing conference, and be made orally. The Examiner may require that answers to such requests be stated orally at the prehearing conference.

§ 302.13 *Joinder of complaints or complainants.* Two or more grounds of complaints involving substantially the same purposes, subject or state of facts may be included in one complaint even though they involve more than one respondent. Two or more complainants may join in one complaint if their respective causes of complaint are against the same party or parties and involves substantially the same purposes, subject or state of facts. The Board may separate or split complaints if it finds that the joinder of complaints, complainants, or respondents will not be conducive to the proper dispatch of its business or the ends of justice.

§ 302.14 *Participation in hearings by persons not parties.* Any person, including any state, political division thereof, state aviation commission, or other public body, may appear at any hearing, other than in an enforcement proceeding, and present any evidence which is relevant to the issues. With the consent of the Examiner, or the Board, if the hearing is held by the Board, such person may also cross-examine witnesses directly.

§ 302.15 *Formal intervention*—(a) *Who may intervene.* (1) Any person who has a statutory right to be made a party to a proceeding shall be permitted to intervene therein. (2) Any person whose intervention will be conducive to the ends of justice and will not unduly impede the conduct of the Board's business may be permitted to intervene in such proceeding.

(b) *Considerations relevant to determination of petition to intervene.* In passing upon a petition to intervene, the Board shall consider, among other things, the following factors: (1) The nature of the petitioner's right under the statute to be made a party to the proceeding; (2) the nature and extent of the property, financial or other interest of the petitioner; (3) the effect of the order which may be entered in the proceeding on petitioner's interest; (4) the availability of other means whereby the petitioner's interest may be protected; (5) the extent to which petitioner's interest will be represented by existing parties; (6) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record; and (7) the extent to which participation of the petitioner will broaden the issue or delay the proceeding.

(c) *Petition to intervene*—(1) *Contents.* Any person desiring to intervene in a proceeding shall file a petition in conformity with the regulations in this part setting forth the facts and reasons why he thinks he should be permitted to intervene. The petition should make specific reference to the factors set forth in paragraph (b) of this section.

(2) *Time for filing.* Unless otherwise ordered by the Board, any petition for leave to intervene shall be filed within the following time limits:

(i) In a proceeding where the Board issues a show cause order proposing fair and reasonable mail rates, such petition shall be filed within the time specified for filing notice of objection.

(ii) In all other proceedings, including mail rate proceedings where no show cause order is issued, the petition shall be filed with the Board prior to the first prehearing conference, or, in the event that no such conference is to be held, not later than fifteen (15) days prior to the hearing.

A petition for leave to intervene which is not timely filed shall be dismissed unless the petitioner shall clearly show good cause for his failure to file such petition on time.

(3) *Answer.* Any party to a proceeding may file an answer to a petition to intervene, making specific reference to the factors set forth in paragraph (b) of this section, within seven (7) days after the petition is filed, except that, in the event a petition to intervene is filed after the close of the taking of evidence, no separate answer shall be permitted, and the position of any party with respect thereto shall be stated to the Board either in brief or oral argument.

(4) *Disposition.* The Board will issue an order granting, denying or otherwise ruling on any petition to intervene. It may do so without receiving testimony or oral argument either from the petitioner or other parties to the proceeding.

(d) *Effect of granting intervention.* A person permitted to intervene in a proceeding thereby becomes a party and shall be permitted to introduce evidence and examine witnesses at any formal hearing that may be held and to participate in all other procedural steps to the same extent as any other party. However, interventions herein provided are for administrative purposes only, and no decision granting leave to intervene shall

be deemed to constitute an expression by the Board that the intervening party has such a substantial interest in the order that is to be entered in the proceeding as will entitle it to judicial review of such order.

§ 302.16 *Computation of time.* In computing any period of time prescribed or allowed by the regulations in this part, by notice, order or regulation of the Board, the Chief Examiner, or an Examiner, or by any applicable statute, 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 Saturday, Sunday or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor holiday. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

§ 302.17 *Continuances and extensions of time.* Whenever a party has the right or is required to take action within a period prescribed by the regulations in this part, by a notice given thereunder, or by an order or regulation, the Board or the Examiner assigned to the proceeding may (a) before the expiration of the prescribed period, with or without notice, extend such period; or (b) upon motion, permit the act to be done after the expiration of the specified period, where the failure to act is clearly shown to have been the result of excusable neglect.

§ 302.18 *Motions*—(a) *Generally.* An application to the Board or an Examiner for an order or ruling not otherwise specifically provided for in this part shall be by motion. After the assignment of an Examiner to a proceeding, and prior to his recommended decision, or the expiration of the period within which exceptions to his initial decision may be filed, or the certification of the record to the Board, all motions shall be addressed to the Examiner. At all other times motions shall be addressed to the Board. All motions shall be made at an appropriate time depending upon the nature thereof and the relief requested therein.

(b) *Form and contents.* Unless made during a hearing, motions shall be made in writing in conformity with §§ 302.3 and 302.4 shall state with particularity the grounds therefor and the relief or order sought, and shall be accompanied by any affidavits or other evidence desired to be relied upon. Motions made during hearings, answers thereto, and rulings thereon, may be made orally on the record unless the Examiner directs otherwise.

(c) *Answers to motions.* Within five (5) days after a motion is filed, or such other period as the Board or Examiner may fix, any party to the proceeding may file an answer in support of or in opposition to the motion, accompanied by such affidavits or other evidence as it desires to rely upon.

(d) *Oral arguments; briefs.* No oral argument will be heard on motions unless the Board or the Examiner otherwise directs. Written memoranda or briefs may be filed with motions or answers to motions, stating the points and authorities relied upon in support of the position taken.

(e) *Disposition of motions.* The Examiner shall pass upon all motions properly addressed to him, except that, if he finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision. The Board shall pass upon all motions properly submitted to it for decision.

(f) *Appeals to the Board from rulings of examiners.* Rulings of Examiners on motions may not be appealed to the Board prior to its consideration of the entire proceeding except in extraordinary circumstances and with the consent of the Examiner. An appeal shall be disallowed unless the Examiner finds, either on the record or in writing, that the allowance of such an appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If an appeal is allowed, any party may file a brief with the Board within such period as the Examiner directs. No oral argument will be heard unless the Board directs otherwise. The rulings of the Examiner on motion may be reviewed by the Board in connection with its final action in the proceeding irrespective of the filing of an appeal or any action taken on it.

(g) *Effect of pendency of motions.* The filing or pendency of a motion shall not automatically alter or extend the time fixed by the regulations in this part (or any extension granted thereunder) to take action.

§ 302.19 *Subpenas.* (a) An application for a subpena requiring the attendance of a witness or the production of documentary evidence at a hearing may be made without notice by any party to the Examiner designated to preside at the reception of evidence or, in the event that an Examiner has not been assigned to a proceeding or the Examiner is not available, to the Chief Examiner, for action by himself or by a member of the Board.

(b) A subpena for the attendance of a witness shall be issued on oral application at any time.

(c) An application for a subpena for documentary or tangible evidence shall be in duplicate except that if it is made during the course of a hearing, it may be made orally on the record with the consent of the Examiner. All such applications, whether written or oral, shall contain a statement or showing of general relevance and reasonable scope of the evidence sought, and shall be accompanied by two copies of a draft of the subpena sought which shall describe the documentary or tangible evidence to be subpenaed with as much particularity as is feasible.

(d) The Examiner or member of the Board considering any application for a subpena shall issue the subpena requested if the application complies with this section. No attempt shall be made to determine the admissibility of evidence in passing upon an application for a subpena, and no detailed or burdensome showing shall be required as a condition to the issuance of a subpena. It is the purpose of this section, on the one hand, to make subpenas readily available to parties, and, on the other hand, to prevent the improvident issuance of subpenas to secure evidence which is unrelated to the issues of the proceeding or wholly unreasonable in its scope.

(e) Where it appears at a hearing that the testimony of a witness or documentary evidence is relevant to the issues in a proceeding, the Examiner may issue on his own motion a subpena requiring such witness to attend and testify or requiring the production of such documentary evidence.

(f) Any person upon whom a subpena is served may within five (5) days after service or at any time prior to the return date thereof, whichever is earlier, file a motion to modify or quash the subpena.

§ 302.20 *Depositions.* (a) For good cause shown, a member of the Board or the Examiner assigned to a proceeding may order that the testimony of a witness be taken by deposition and that the witness produce documentary evidence in connection with such testimony. Ordinarily an order to take the deposition of a witness will be entered only if (1) the person whose deposition is to be taken would be unavailable at the hearing, or (2) the deposition is deemed necessary to perpetuate the testimony of the witness, or (3) the taking of the deposition is necessary to prevent undue and excessive expense to a party and will not result in an undue burden to other parties or in undue delay.

(b) Any party desiring to take the deposition of a witness shall make application therefor in duplicate to the Examiner designated to preside at the reception of evidence or, in the event that an Examiner has not been assigned to a proceeding or the Examiner is not available, to the Chief Examiner for action by himself or by a member of the Board, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the time and place proposed for the taking of the deposition, and a general description of the matters concerning which the witness will be asked to testify. If good cause be shown, the Examiner, the Chief Examiner or a member of the Board may, in his discretion, issue an order authorizing such deposition and specifying the witness whose deposition is to be taken, the general scope of the testimony to be taken, the time when, the place where, and the designated officer (authorized to take oaths) before whom the witness is to testify, and the number of copies of the deposition to be supplied. Such order shall be served upon all parties by the person proposing to take the deposition a reasonable period in advance of the time fixed for taking testimony.

(c) Witnesses whose testimony is taken by deposition shall be sworn or shall affirm before any questions are put to them. Each question propounded shall be recorded and the answers shall be taken down in the words of the witness.

(d) Objections to questions or evidence shall be in short form, stating the

grounds of objection relied upon, but no transcript filed by the officer shall include argument or debate. Objections to questions or evidence shall be noted by the officer upon the deposition, but he shall not have power to decide on the competency or materiality or relevance of evidence, and he shall record the evidence subject to objection. Objections to questions or evidence not made before the officer shall not be deemed waived unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(e) The testimony shall be reduced to writing by the officer, or under his direction, after which the deposition shall be subscribed by the witness and certified in usual form by the officer. The original deposition and exhibits shall be forwarded to the Docket Section of the Board and shall be filed in the proceedings.

(f) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. Ordinarily such procedure will only be authorized if necessary to achieve the purposes of an oral deposition and to serve the balance of convenience of the parties. The interrogatories shall be filed in quadruplicate with two copies of the application and a copy of each shall be served on each party. Within five (5) days after service any party may file with the person to whom application was made two copies of his objections, if any, to such interrogatories and may file such cross-interrogatories as he desires to submit. Cross-interrogatories shall be filed in quadruplicate, and a copy thereof together with a copy of any objections to interrogatories, shall be served on each party, who shall have three (3) days thereafter to file and serve his objections, if any, to such cross-interrogatories. Objections to interrogatories or cross-interrogatories shall be settled by the Examiner, the Chief Examiner or a member of the Board considering the application. Objections to interrogatories shall be made before the order for taking the deposition issues and if not so made shall be deemed waived. When a deposition is taken upon written interrogatories and cross-interrogatories, no party shall be present or represented, and no person other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words. The provisions of paragraph (e) of this section shall be applicable to depositions taken in accordance with this paragraph.

(g) All depositions shall conform to the specifications of § 302.3. Any fees of a witness, the stenographer, or the officer designated to take the deposition shall be paid by the person at whose instance the deposition is taken.

(h) The fact that a deposition is taken and filed in a proceeding as provided in this section does not constitute a determination that it is admissible in evidence or that it may be used in the proceeding. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

§ 302.21 *Attendance fees and mileage*—(a) *Where tender of attendance fees and mileage is a condition of compliance with subpena.* No person whose attendance at a hearing or whose deposition is to be taken shall be obliged to respond to a subpena unless upon service of the subpena he is tendered attendance fees and mileage by the party at whose instance he is called in accordance with the requirements of paragraph (b) of this section: *Provided,* That a witness summoned at the instance of the Board or one of its employees, or a salaried employee of the United States summoned to testify as to matters related to his public employment, need not be tendered such fees or mileage at that time.

(b) *Amount of mileage and attendance fees to be paid.* (1) Witnesses who are not salaried employees of the United States, or such employees summoned to testify on matters not related to their public employment, shall be paid the same fees and mileage paid to witnesses for like services in the courts of the United States, as provided in subdivisions (i) through (iii) of this subparagraph: *Provided,* That no employee, officer or attorney of an air carrier who may travel under the free or reduced rate provisions of section 403 (b) of the act shall be entitled to any fees or mileage which could have been avoided had he exercised the privileges granted under section 403 (b) of the act.

(i) *Per diem for attendance.* There shall be tendered $4.00 for each day of expected attendance at a hearing or place where deposition is to be taken, and for the time necessarily occupied in going to and return from the place of attendance.

(ii) *Allowance for subsistence.* In addition to per diem for attendance, when attendance is required at a point so far removed from the witness' residence as to prohibit daily return thereto, there shall be tendered an additional sum of $5.00 per day for expenses of subsistence for each day of expected attendance and for the time necessarily occupied in going to and returning from the place of attendance.

(iii) *Mileage.* There shall be tendered an amount equal to 7¢ per mile for the distance between the witness' place of residence and the place where attendance is required: *Provided,* That in lieu of this mileage allowance witnesses who are required to travel between the Territories, possessions or to and from the continental United States shall be tendered a ticket for such transportation at the lowest first-class rate available at the time of reservation plus the required per diem attendance fees: *And provided further,* That in Alaska where permitted by section 403 (b) of the Civil Aeronautics Act of 1938, as amended, the witness may, at his option, accept a pass for travel by air.

(2) Witnesses who are not salaried employees of the United States, or such employees summoned to testify on matters not related to their public employment, who are summoned to testify at the instance of the Board or one of its employees or the United States or one of its agencies shall be paid in accordance with the provisions of subparagraph (1) of this paragraph. Such witnesses shall be furnished appropriate forms and instructions for the submission of claims for attendance fees, subsistence and mileage from the Government before the close of the proceedings which they are required to attend. Only persons summoned by subpena shall be entitled to claim attendance fees, subsistence or mileage from the Government.

(3) Witnesses who are salaried employees of the United States and who are summoned to testify on matters relating to their public employment, irrespective of or at whose instance they are summoned, shall be paid in accordance with applicable Government regulations.

(4) Whenever the sums tendered to a witness are inadequate for reimbursement under the above requirements, and such witness has complied with the summons, he shall upon request within a reasonable period of time be entitled to such additional sums as may be due him under the provisions of this section. Whenever the sums tendered and paid to a witness are excessive under the above requirements, either because the witness was privileged to travel under the free or reduced rate provisions of section 403 (b) of the act, or for any other reason, the witness shall upon request within a reasonable period of time refund such sums as may be excessive under the provisions of this section.

§ 302.22 *Examiners*—(a) *Defined.* The term "Examiner" as used herein includes presiding officers, hearing examiners, individual members of the Board or any other representative of the Board assigned to hold a hearing in a proceeding.

(b) *Disqualification.* An Examiner shall withdraw from the case if at any time he deems himself disqualified. If, prior to the initial or recommended decision in the case, there is filed with the Examiner, in good faith, an affidavit of personal bias or disqualification with substantiating facts and the Examiner does not withdraw, the Board shall determine the matter, if properly presented by exception or brief, as a part of the record and decision in the case. The Board shall not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

(c) *Powers.* An Examiner shall have the following powers, in addition to any others specified in this part:

(1) To give notice concerning and to hold hearings;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpenas and to take or cause depositions to be taken;

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

(6) To regulate the course and conduct of the hearing;

(7) To hold conferences, before or during the hearing, for the settlement or simplification of issues;

(8) To rule on motions and to dispose of procedural requests or similar matters;

(9) Within his discretion, or upon the direction of the Board, to certify any question to the Board for its consideration and disposition;

(10) To make initial or recommended decisions as provided in § 302.27;

(11) To take any other action authorized by the regulations in this part, by the Administrative Procedure Act, or by the Civil Aeronautics Act.

The Examiner's authority in each case will terminate either upon the service of a recommended decision, or upon the certification of the record in the proceeding to the Board, or upon the expiration of the period within which exceptions to his initial decision may be filed, or when he shall have withdrawn from the case upon considering himself disqualified.

§ 302.23 *Prehearing conference*—(a) *In general.* Prior to any hearings there will ordinarily be a prehearing conference before an Examiner, although in economic enforcement proceedings where the issues are drawn by the pleadings such conference will usually be omitted. Written notice of the prehearing conference shall be sent by the Chief Examiner to all parties to a proceeding and to other persons who appear to have an interest in such proceeding. The purpose of such a conference is to define and simplify the issues and the scope of the proceeding, to secure statements of the positions of the parties with respect thereto and amendments to the pleadings in conformity therewith, to schedule the exchange of exhibits before the date set for hearing, and to arrive at such agreements as will aid in the conduct and disposition of the proceeding. For example, consideration will be given to: (1) Matters which the Board can consider without the necessity of proof; (2) admissions of fact and the genuineness of documents; (3) admissibility of evidence; (4) limitation of the number of witnesses; (5) reducing of oral testimony to exhibit form; (6) procedure at the hearing, etc. If necessary, the Examiner may require further conference, or responsive pleadings, or both. The Examiner may also on his own motion or on motion of any party direct any air carrier or any party to a proceeding to prepare and submit exhibits setting forth studies, forecasts, or estimates on matters relevant to the issues in the proceeding.

(b) *Report of prehearing conference.* The Examiner shall issue a report of prehearing conference, defining the issues, giving an account of the results of the conference, specifying a schedule for the exchange of exhibits and rebuttal exhibits, the date of hearing, and specifying a time for the filing of objections to such report. The report shall be served upon all parties to the proceeding and any person who appeared at the conference. Objections to the report may be filed by any interested person within the time specified therein. The Examiner may revise his report in the light of the objections presented. The revised report, if any, shall be served upon the same persons as was the original report. Exceptions may be taken on the basis of any timely written objection which has not been met by a revision of the report if they are filed within the time specified in the revised report. Such report shall constitute the official account of the conference and shall control the subsequent course of the proceeding, but it may be reconsidered and modified at any time to protect the public interest or to prevent injustice.

§ 302.24 *Hearings*—(a) *Notice.* The Examiner to whom the case is assigned or the Board shall give the parties reasonable notice of a hearing or of the change in the date and place of a hearing and the nature of such hearing.

(b) *Evidence.* Evidence presented at the hearing shall be limited to competent and material evidence relevant to the issues as drawn by the pleadings or as defined in the report of prehearing conference, subject to such later modifications of the issues as may be necessary to protect the public interest or to prevent injustice. Evidence shall be presented in written form by all parties wherever feasible, as the Examiner may direct.

(c) *Objections to evidence.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the Examiner. Rulings on such objections shall be a part of the transcript.

(d) *Exceptions.* Formal exceptions to the rulings of the Examiner made during the course of the hearing are unnecessary. For all purposes for which an exception otherwise would be taken, it is sufficient that a party, at the time of the ruling of the Examiner is made or sought, makes known the action he desires the Examiner to take or his objection to an action taken, and his grounds therefor.

(e) *Offers of proof.* Any offer of proof made in connection with an objection taken to any ruling of the Examiner rejecting or excluding preferred oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony, and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(f) *Exhibits.* When written exhibits are offered in evidence, one copy must be furnished to each of the parties at the hearing, and two copies to the Examiner, unless the parties previously have been furnished with copies or the Examiner directs otherwise. If the Examiner has not fixed a time for the exchange of exhibits, the parties shall exchange copies of exhibits at the earliest practicable time, preferably before the hearing or, at the latest, at the commencement of the hearing.

(g) *Substitution of copies for original exhibits.* In his discretion, the Examiner may permit a party to withdraw original documents offered in evidence and substitute true copies in lieu thereof.

(h) *Designation of parts of documents.* When relevant and material matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. The immaterial and irrelevant parts shall be excluded and shall be segregated insofar as practicable. If the volume of immaterial or irrelevant matter would unduly encumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the Examiner so directs, a true copy of such matter, in proper form, shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof.

(i) *Records in other proceedings.* In case any portion of the record in any other proceeding or civil or criminal action is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(1) The portion is specified with particularity in such manner as to be readily identified; and

(2) The party offering the same agrees unconditionally to supply such copies later, or when required by the Board; and

(3) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference upon compliance with subparagraphs (1) and (2) of this paragraph; and

(4) The Examiner directs such incorporation.

(j) *Receipt of documents after hearing.* No document or other writings shall be accepted for the record after the close of the hearing except in accordance with an arrangement made with the consent of the Examiner during the hearing and appearing on the record.

(k) *Transcript of hearings.* Hearings shall be recorded and transcribed by a contract reporter of the Board under supervision of the Examiner. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Board and the reporter.

(l) *Corrections to transcript.* Changes in the official transcript may be made only when they involve errors affecting substance. A motion to correct a transcript shall be filed with the Docket Section of the Board within ten (10) days after receipt of the completed transcript by the Board. If no objections to the motion are filed within ten

(10) days thereafter, the transcript may, upon the approval of the Examiner, be changed to reflect such corrections. If objections are received, the motion and objections shall be submitted to the official reporter, together with a request for a comparison of the transcript with the stenographic record of the hearing. After receipt of the report of the official reporter an order shall be entered by the Examiner settling the record and ruling on the motion.

§ 302.25 *Argument before the Examiner.* (a) The Examiner shall give the parties to the proceeding adequate opportunity during the course of the hearing for the presentation of arguments in support of or in opposition to motions, and objections and exceptions to rulings of the Examiner.

(b) When, in the opinion of the Examiner, the volume of the evidence or the importance or complexity of the issues involved warrants, he may, either of his own motion, or at the request of a party, permit the presentation of oral argument. He may impose such time limits on the argument as he may determine, having regard for other assignments for hearing before him. Such argument shall be transcribed and bound with the transcript of testimony and will be available to the Board for consideration in deciding the case.

§ 302.26 *Proposed findings and conclusions before the Examiner or the Board.* Within such reasonable time after the close of the reception of evidence fixed by the Examiner, any party may, upon request and under such conditions as the Examiner may prescribe, file for his consideration proposed findings and conclusions, together with reasons in support thereof. Such proposals shall be in writing, in briefs, or other appropriate form, and shall contain exact references to the record and authorities relied upon. The provisions of this section shall be applicable to proceedings in which the record is certified to the Board without the preparation of an initial or recommended decision by the Examiner, and in such cases the proposed findings and conclusions shall be considered by the Board before it issues any tentative decision.

§ 302.27 *Action by Examiner after hearing.* (a) Except where the Board directs otherwise, after the taking of evidence and the receipt of proposed findings and conclusions, if any, the examiner shall take the following action:

(1) *Rates, fares, charges, etc., mail compensation.* In cases relating to rates, fares, or charges, classification, rules or regulations or practices affecting such matters or value of service, or mail compensation, the examiner shall render an initial decision orally on the record or in writing if, before the close of the hearing, any party so requests, or, if no such request is made, he shall certify the record to the Board for decision.

(2) *Cases subject to section 801 of the act.* In cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the act, the examiner shall render a recommended decision orally on the record or in writing.

(3) *Other matters.* If the proceeding relates to any matter not provided for in subparagraph (1) or (2) of this paragraph, the examiner shall render an initial decision orally on the record or in writing.

(b) Every initial or recommended decision issued other than orally on the record shall state the names of the persons who are to be served with copies of it, the time within which exceptions to such decision may be filed, and the time within which briefs in support of the exceptions may be filed.

§ 302.28 *Effect of initial decision of Examiner.* An initial decision of an Examiner shall become final and constitute the Board's ultimate disposition of the case unless timely exceptions to it are filed by one of the parties (including Public Counsel or an Enforcement Attorney) or within the period for filing exceptions the Board orders that the initial decision be certified to it for review. The initial decision shall become effective within the time established therein by the Examiner but in no case less than fifteen (15) days from its issuance. In the event that exceptions are filed to an initial decision or it is certified to the Board for review, its effectiveness shall be stayed until the Board disposes of the exceptions, completes its review or orders otherwise.

§ 302.29 *Tentative decision of the Board.* (a) Except as provided in paragraph (b) of this section, whenever the Examiner certifies the record in a proceeding directly to the Board without issuing an initial or recommended decision in the matter, the Board shall, after consideration of any proposed findings and conclusions submitted by the parties, prepare a tentative decision and serve it upon the parties. Every tentative decision of the Board shall state the names of the persons who are to receive copies of it, the time within which exceptions to such decision may be filed, and the time within which briefs in support of the exceptions may be filed. If no exceptions are filed to the tentative decision of the Board within the period fixed, it shall become final at the expiration of such period unless the Board orders otherwise.

(b) Notwithstanding the provisions of paragraph (a) of this section, in rulemaking proceedings or proceedings determining applications for initial licenses, the Board may omit a tentative decision in any case in which it finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires.

§ 302.30 *Exceptions to initial or recommended decisions of Examiners or tentative decisions of the Board.* Within ten (10) days after service of any initial or recommended decision of an Examiner or tentative decision of the Board, or such longer period as may be fixed therein, any party to a proceeding (including Public Counsel or an Enforcement Attorney) may file exceptions to such decision with the Board. Each separately numbered exception shall identify the part of the initial, recommended or tentative decision excepted to, shall designate, by exact and specific reference, the portions of the record relied upon in support of such exception, and shall state the grounds for such exception, including the citation of the statutory provisions or principal authorities in support thereof. Any objection to a ruling, finding or conclusion which is not excepted to shall be deemed to have been waived, and the Board need not consider such objections if raised at a later time.

§ 302.31 *Briefs before the Board.* Within such period after service of any initial or recommended decision of an Examiner or tentative decision of the Board, as may be fixed therein, any party to a proceeding may file a brief before the Board in support of his exceptions to such decision, or in opposition to the exceptions filed by any other party. In cases where the Board or the Examiner is of the opinion that, because of the limited number of parties and the nature of the issues, the filing of opening, answering and reply briefs will not unduly delay the proceeding and will assist in its proper disposition, the Board or the Examiner may direct that the parties file briefs at different times rather than at the same time. Except by special permission of the Board, briefs shall not exceed fifty (50) pages in length and reply briefs shall not be received.

§ 302.32 *Oral argument before the Board.* (a) If any party desires to argue a case orally before the Board he must request leave to make such argument in his exceptions or brief. Such request shall be filed no later than the date when briefs before the Board are due in the proceeding. The Board will rule on such request, and if oral argument is to be allowed, all parties to the proceeding will be advised of the date and hour set for such argument and the amount of time allowed to each such party.

(b) Pamphlets, charts, and other written data may only be presented to the Board at oral argument in accordance with the following rules. All such material presented at the oral argument shall be limited to facts in the record of the case being argued. Except for maps and enlargements of exhibits or charts included in briefs, all such material shall be served on all parties to the proceeding and three copies transmitted to the Docket Section of the Board at least five (5) days in advance of the argument.

§ 302.33 *Waiver of procedural steps after hearing.* The parties to any proceeding may agree to waive any one or more of the following procedural steps provided in §§ 302.25 through 302.32: Oral argument before the Examiner, the filing of proposed findings and conclusions for the Examiner or for the Board, a recommended decision of the Examiner, a tentative decision of the Board, exceptions to an initial or recommended decision of the Examiner or to a tentative decision of the Board, the filing of briefs with the Board, or oral argument before the Board.

§ 302.34 *Petition for consideration of exceptions to initial decision which has become final.* Where a party has, within

the time allowed therefor, failed to file exceptions as to an initial decision, and such decision has become final, he may petition the Board for leave to file exceptions, but no such petition shall be granted except on a showing of unusual and exceptional circumstances, constituting good cause for failure to make timely filing. The petition shall be accompanied by the exceptions for which late filing is sought. Such exceptions shall comply with the requirements of § 302.30. No such petition shall be granted unless the exceptions raise a substantial doubt as to the correctness of the initial decision. A petition under this section does not affect the finality of the initial decision or suspend its operation. However, the Board may in its discretion suspend the effectiveness of such decision pending its decision on the petition and exceptions.

§ 302.35 *Shortened procedure.* In cases where a hearing is not required by law, §§ 302.23 through 302.34, relating to prehearing, hearing, and post-hearing procedures, shall not be applicable except to the extent that the Board shall determine that the application of some or all of such rules in the particular case will be conducive to the proper dispatch of its business and to the ends of justice.

§ 302.36 *Final decision of the Board.* Upon submittal of a case to the Board for final decision on the merits the Board will consider the whole record, including the initial or recommended decision of the Examiner or its tentative decision, and the exceptions thereto, will resolve all questions of fact by what it deems to be the greater weight of the evidence thereon, will make its decision, stating the reasons or basis therefor, and enter an appropriate order.

§ 302.37 *Petition for reconsideration.* A petition for reconsideration may be filed by any party to a proceeding within thirty (30) days after the date of service of a final order by the Board in such proceeding unless the time is shortened or enlarged by the Board. However, neither the filing nor the granting of such a petition shall operate as a stay of such final order unless specifically so ordered by the Board. After the expiration of the period for filing a petition, a motion for leave to file such petition may be filed; but no such motion shall be granted except on a showing of unusual and exceptional circumstances, constituting good cause for failure to make timely filing. A petition for reconsideration shall state, briefly and specifically, the matters of record alleged to have been erroneously decided, the grounds relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences which would result from the Board's order, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, on new matter, such new matter shall be set forth, accompanied by a statement to the effect that petitioner, with due diligence, could not have known or discovered such new matter prior to the time the case was submitted to the Board for decision. Within ten (10) days after a petition for reconsideration is filed any party to the proceeding may file an answer in support of or in opposition to the petition.

§ 302.38 *Petitions for rule-making*—(a) *Scope.* Any interested person may petition the Board for the issuance, amendment, modification, or repeal of any Economic Regulation. For purposes of this section, such proposed action will be termed rule-making. However, the procedures set forth in this section shall not apply to recommendations for rule-making submitted by other agencies of the Government.

(b) *Form and contents.* Petition for rule-making shall conform to the requirements of §§ 302.2 and 302.3; and no request for the issuance, amendment, modification, or repeal of a rule which does not conform to such requirements will be considered by the Board.

(c) *Procedure.* Petitions for rule-making will be given a docket number, and will become matters of public record upon filing. No public hearing, oral argument, or other form of proceedings will be held directly on any such proceeding, but if the Board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rule-making procedures, an appropriate notice of proposed rule-making will be issued. Thereafter, the procedures to be followed will be as set forth in section 4 (b) of the Administrative Procedure Act. Where the Board determines that the petition does not disclose sufficient reasons to justify the institution of public rule-making procedures, petitioner will be so notified together with the grounds for such denial. The provisions of this section shall not operate to prevent the Board, on its own motion, from acting on any matter disclosed in any petition.

§ 302.39 *Objections to public disclosure of information*—(a) *Information contained in paper to be filed.* Any person who objects to the public disclosure of any information contained in any paper filed in any proceeding, or in any application, report, or other document filed pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, or any rule, regulation, or order of the Board thereunder, shall segregate, or request the segregation of, such information into a separate paper and shall file it, or request that it be filed, with the Examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed, separately in a sealed envelope, bearing the caption of the enclosed paper and the notation "Classified or Confidential Treatment Requested Under Rule 39". At the time of filing such paper, or when the objection is made by a person not himself filing the paper, application, report or other document, within five (5) days after the filing of such paper, the objecting party shall file a motion to withhold the information from public disclosure, in accordance with the procedure outlined in paragraph (d) of this section, or in accordance with the procedure outlined in paragraph (c) of this section if objection is made by a Government department or a representative thereof. Notwithstanding any other provision of this section, copies of the filed paper and of the motion need not be served upon any other party unless so ordered by the Board.

(b) *Information contained in oral testimony.* Any person who objects to the public disclosure of any information sought to be elicited from a witness or dependent on oral examination shall, before such information is disclosed, make his objection known. Upon such objection duly made, the witness or dependent shall be compelled to disclose such information only in the presence of the Examiner or the person before whom the deposition is being taken, as the case may be, the official stenographer and such attorneys for and lay representative of each party as the Examiner or the person before whom the deposition is being taken, as the case may be, shall designate, and after all present have been sworn to secrecy. The transcript of testimony containing such information shall be segregated and filed in a sealed envelope, bearing the title and docket number of the proceeding, and the notation "Classified or Confidential Treatment Requested Under Rule 39—Testimony Given by (name of witness or dependent)". Within five (5) days after such testimony is given, the objecting person shall file a motion, except as hereinafter provided in paragraph (c) of this section, in accordance with the procedure outlined in paragraph (d) of this section, to withhold the information from public disclosure. Notwithstanding any other provision of this section, copies of the segregated portion of the transcript and of the motion need not be served upon any other party unless so ordered by the Board.

(c) *Objection by Government departments or representative thereof.* In the case of objection to the public disclosure of any information filed by or elicited from any Government department, or representative thereof, under paragraphs (a) or (b) of this section, the department, making such objection shall be exempted from the provisions of paragraphs (a), (b), and (d) of this section insofar as said paragraphs require the filing of a written objection to such disclosure. However, any department, or person representing said department, if it so desires, may file a memorandum setting forth the reasons on the basis of which it is claimed that a public disclosure of the information should not be made. If such a memorandum is submitted, it shall be filed and handled as is provided by this section in the case of a motion to withhold information from public disclosure.

(d) *Form of motion to withhold information from public disclosure.* Subject to the exception of paragraph (c), no information covered by paragraphs (a) and (b) of this section need be withheld from public disclosure unless written objection to such disclosure is filed with the Board in accordance with the following procedure:

(1) The motion shall be headed with the title and docket number of the proceeding and shall be signed by the objecting person, any duly authorized

officer or agent thereof, or by counsel representing such person in the proceeding.

(2) The motion shall include (i) a description of the information sought to be withheld, sufficient for identification of the same, and (ii) a full statement of the reasons on the basis of which it is claimed that a public disclosure of the information would adversely affect the interests of the objecting person and is not required in the interest of the public, or that the information is of a secret nature affecting the national defense.

(3) Such motion shall be filed with the Examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed.

If such motion relates to contracts, agreements, understandings, or arrangements filed pursuant to section 412 (a) of the Civil Aeronautics Act of 1938, as amended, and Part 261 of this chapter, or pursuant to Part 262 of this chapter, an executed original copy and two copies of such motion shall be filed.

(e) *Motions referred to the Board.* The order of the Board containing its ruling upon each such motion will specify the extent to which, and the conditions upon which, the information may be disclosed to the parties and to the public, which order shall become effective upon the date stated therein, unless, within five (5) days after the date of the entry of the Board's order with respect thereto, a petition is filed by the objecting person requesting reconsideration by the Board, or a written statement is filed indicating that the objecting person in good faith intends to seek judicial review of the Board's order.

(f) *Objections in proceeding before the Board.* Notwithstanding any of the provisions of this section, whenever the objection to disclosure of information shall have been made, in the first instance, before the Board itself, the written motion of objection contemplated by paragraphs (a), (b), and (d) of this section shall not be necessary but may be submitted if the parties so desire or if the Board, in a particular case, shall so direct.

§ 302.40 *Saving clause.* Repeal, revision or amendment of any Economic Regulation of the Board shall not affect any pending enforcement proceeding or any enforcement proceeding initiated thereafter with respect to causes arising or acts committed prior to said repeal, revision or amendment, unless the act of repeal, revision or amendment specifically so provides.

§ 302.41 *Applicability of Federal Rules of Civil Procedure.* In any situation not provided for or controlled by this part, the Civil Aeronautics Act of 1938, as amended, or the Administrative Procedure Act, the Rules of Civil Procedure for the District Courts of the United States, where applicable, shall govern.

SUBPART B—RULES APPLICABLE TO ECONOMIC ENFORCEMENT PROCEEDINGS

§ 302.200 *Applicability of this subpart*—(a) *In general.* This subpart sets forth the special rules applicable to proceedings for enforcement of the economic regulatory provisions of the act, and rules, regulations, orders, limitations, conditions and requirements issued thereunder. For information as to other applicable rules, reference should also be made to Subpart A of this part, to the act and to the substantive rules, regulations and orders of the Board.

(b) *Informal complaints.* Informal complaints may be made in writing with respect to anything done or omitted to be done by any person in contravention of any provision of the act or any requirement established pursuant thereto without compliance with the regulations in this part. Matters so presented may, if their nature warrants, be handled by the Board by correspondence or conference with the appropriate persons. Any matter not disposed of informally may be made the subject of a formal proceeding pursuant to this subpart. The filing of an informal complaint shall not bar the subsequent filing of a formal complaint.

§ 302.201 *Formal complaints.* Any person may make a formal complaint to the Board with respect to anything done or omitted to be done by any person in contravention of any economic regulatory provisions of the act, or any rule, regulation, order, limitation, condition, or other requirement established pursuant thereto. Every formal complaint shall conform to the requirements of § 302.3, concerning the form and filing of documents. The submission of a formal complaint shall not in itself result in the institution of a formal economic enforcement proceeding and a hearing with respect to the complaint unless and until the Chief of the Office of Enforcement dockets a petition for enforcement with respect to such complaint in accordance with § 302.205.

§ 302.202 *Subscription and verification.* Every formal complaint, supplemental complaint, answer or other pleading filed in an economic enforcement proceeding shall be signed by the party filing the same, or by a duly authorized officer, agent or attorney of such party. In addition, such documents shall be verified under oath by the person so signing. Such verification shall set forth that the person verifying the document has read the same and knows the contents thereof and the attached exhibits, if any, and that the matters and things therein stated are true of his own knowledge, except such matters therein stated on information and belief, and as to such matters he believes them to be true. If the subscription and verification, or either of them, be by anyone other than the party filing the same or an officer or attorney of such party, the reason therefor must be stated and the power of attorney or other authority authorizing such affiant to subscribe the document and make the verification must be filed with the document.

§ 302.203 *Insufficiency of formal complaint.* In any case where the Chief of the Office of Enforcement is of the opinion that a complaint does not sufficiently set forth the material required by any applicable rule, regulation or order of the Board, or is otherwise insufficient, he may advise the party filing the same of the deficiency and require that any additional information be supplied by amendment.

§ 302.204 *Satisfaction of formal complaint.* Prior to the institution of an enforcement proceeding pursuant to § 302.205, the person complained against in a complaint submitted pursuant to § 302.201 shall be afforded an opportunity for the submission of facts, offer of settlement or proposal of adjustment, unless time, the nature of the grounds of the complaint, or the public interest will not permit. This opportunity shall be extended in writing and shall be accompanied by a copy of the complaint. Responses to such opportunities shall also be in writing and shall be submitted to the Board within fifteen (15) days after notice of the complaint.

§ 302.205 *Institution of enforcement proceedings.* Whenever in the opinion of the Chief of the Office of Enforcement there are reasonable grounds to believe that any provision of the act or any rule, regulation, order, limitation, condition or other requirement established pursuant thereto, has been or is being violated, that efforts to arrive at an adjustment or settlement insofar as required by § 302.204 have failed, and that investigation of the alleged violation is in the public interest, the Chief of the Office of Enforcement may institute an economic enforcement proceeding by docketing a petition for enforcement. The petition for enforcement shall be accompanied by a formal complaint submitted pursuant to the provisions of § 302.201 or a complaint complying with § 302.3 which is verified by an Enforcement Attorney of the Board. However, if a complaint submitted pursuant to § 302.201 has already been served on the respondent, it may be incorporated by reference in the petition for enforcement. The petition for enforcement, and accompanying complaint, if any, shall be formally served upon the respondent and the complainant. The proceedings thus instituted shall be processed in regular course in accordance with the regulations in this part. However, nothing in the regulations of this part shall be construed to limit the authority of the Board to institute or conduct any investigation or inquiry within its jurisdiction in any other manner or according to any other procedures which it may deem necessary or proper.

§ 302.206 *Procedure when no enforcement proceeding is instituted.* (a) Within a reasonable time after a formal complaint has been processed, the Chief of the Office of Enforcement shall either institute an enforcement proceeding in accordance with § 302.205 or shall advise the complainant in writing that no enforcement proceeding will be instituted with respect to his complaint and the reasons therefor.

(b) The letter of the Chief of the Office of Enforcement shall be deemed an order of the Board dismissing the complaint unless the complainant requests the Board to review such ruling

in accordance with the provisions of paragraph (c) of this section.

(c) Within ten days after receipt of a letter from the Chief of the Office of Enforcement refusing to institute an enforcement proceeding with respect to a complaint, the complainant may file a motion with the Board to review such action. The proceedings on such motion shall be in accordance with § 302.18. Upon conclusion of such proceedings, the Board shall enter an order either dismissing the complaint or directing such other action as it deems appropriate.

§ 302.207 *Answer.* Within fifteen (15) days after the date of service of a petition for enforcement docketed pursuant to § 302.205, the respondent shall file an answer to the complaint attached thereto or referred to therein. All answers shall fully and completely advise the parties and the Board as to the nature of the defense and shall admit or deny specifically and in detail each allegation of the complaint unless the respondent is without knowledge, in which case, the respondent shall so state and his statement shall operate as a denial. Allegations of fact not denied or controverted shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered and shall, in the absence of a reply, be deemed to be controverted.

§ 302.208 *Default.* Failure of a respondent to file and serve an answer within the time and in the manner prescribed by the regulations in this part shall be deemed to authorize the Board, in its discretion, to find the facts alleged in the petition to be true and to enter such order as may be appropriate, without notice or hearing, or, in its discretion, to proceed to take proof, without notice, of the allegations or charges set forth in the complaint or order.

§ 302.209 *Reply.* The Board (or the Examiner) may, in its discretion, require or permit the filing of a reply in appropriate cases, otherwise no reply shall be filed.

§ 302.210 *Parties.* The parties to an economic enforcement proceeding shall be the Board (represented by an Enforcement Attorney), the respondent, any person whose formal complaint alleged violations which were later covered by the petition for enforcement, and any other person permitted to intervene pursuant to § 302.15.

§ 302.211 *Prehearing conference.* Ordinarily the issues in an economic enforcement proceeding will be drawn by the pleadings and no prehearing conference shall be held. However, such a conference may be held where the Board or the Examiner believes that the fair and expeditious disposition of the proceeding so requires. In the event a prehearing conference is to be held it shall be conducted in accordance with § 302.23.

§ 302.212 *Admissions as to facts and documents.* At any time after answer has been filed, any party may file with the Board and serve upon the opposing side a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request or for the admission of the truth of any relevant matters of fact stated in the request with respect to such documents. Each of the matters of which an admission is requested shall be deemed admitted unless within a period designated in the request, not less than ten (10) days after service thereof, or within such further time as the Board or the Examiner may allow upon motion and notice, the party to whom the request is directed serves upon the requesting party a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny such matters. Service of such request and answering statement shall be made as provided in § 302.9. Any admission made by a party pursuant to such request is only for the purposes of the pending proceeding, or any proceeding or action instituted for the enforcement of any order entered therein, and shall not constitute an admission by him for any other purpose or be used against him in any other proceeding or action.

§ 302.213 *Hearing.* After the issues have been formulated, whether by the pleadings or otherwise, the Examiner or the Board shall give the parties reasonable written notice of the time and place of the hearing.

§ 302.214 *Appearances by persons not parties.* With consent of the Examiner or the Board, appearances may be entered without request for or grant of permission to intervene by interested persons who are not parties to a proceeding. Such persons may, with consent of the Examiner or the Board, cross-examine a particular witness or suggest to any party or counsel therefor questions or interrogations to be propounded to witnesses called by any party, but may not otherwise examine witnesses and may not introduce evidence or otherwise participate in the proceeding.

§ 302.215 *Offers of settlement.* Any party to an economic enforcement proceeding at any time prior to final decision thereof may submit offers of settlement or proposals of adjustment. Each such offer or proposal shall be submitted in writing and addressed to the Board. The submission of such offer or proposal shall not alter or delay the course of the proceeding unless so ordered by the Board.

§ 302.216 *Evidence of previous violations.* Evidence of previous violations by any person of any provision of the act or any requirement thereunder found by the Board or a court in any other proceeding or criminal or civil action may, if relevant and material, be admitted in any enforcement proceeding involving such person.

§ 302.217 *Motions for immediate suspension of operating authority pendente lite.* All motions for the suspension of the economic operating authority of an air carrier during the pendency of proceedings to revoke such authority shall be filed with, and decided by the Board. Proceedings on the motion shall be in accordance with § 302.18. In addition, the Board shall afford the parties an opportunity for oral argument on such motion.

Subpart C—Rules Applicable to Mail Rate Proceedings

§ 302.300 *Applicability of this subpart.* This subpart sets forth the special rules applicable to proceedings for the establishment of mail rates by the Board. For information as to other applicable rules, reference should be made to Subpart A of this part, to the Civil Aeronautics Act, and to the substantive rules, regulations and orders of the Board.

§ 302.301 *Parties to the proceeding.* The parties to the proceeding shall be the air carrier or carriers for whom rates are to be fixed, the Postmaster General, Public Counsel, and any other person whom the Board permits to intervene. (See § 302.15.)

Final Mail Rate Proceedings

§ 302.302 *Participation by persons other than parties.* In addition to participation in hearings in accordance with § 302.14, persons other than parties may, within the time fixed for filing notice of objections to an order to show cause in a mail rate proceeding as provided in § 302.305, submit a memorandum of opposition to, or in support of, the position taken in the petition or order. Such memorandum shall not be received as evidence in the proceeding.

§ 302.303 *Institution of proceedings.* Proceedings for the determination of rates of compensation for the transportation of mail may be commenced by the filing of a petition by an air carrier whose rate is to be fixed, or the Postmaster General, or upon the issuance of an order by the Board. The petition shall set forth the rate or rates sought to be established, the reasons supporting the request for a change in rate, and a detailed economic justification sufficient to establish the reasonableness of the rate or rates proposed.

Procedure When an Order to Show Cause Is Issued

§ 302.304 *Order to show cause.* Whether the proceeding is commenced by the filing of a petition or upon the Board's own initiative, the Board may issue an order directing the respondent to show cause why the Board should not adopt such provisional findings and conclusions, and such rates, as may be specified in the order to show cause.

§ 302.305 *Objections and answer to order to show cause.* (a) Any person having objections to the provisional rates specified in such order shall file with the Board a notice of objection within ten (10) days after the date of service of such order.

(b) If such notice is filed as aforesaid, written answer and any supporting documents shall be filed within thirty (30) days after the service of the order to show cause. The Board may specify different times for filing a notice of objection or an answer. An answer to an order to show cause shall contain specific objections, and exhibits in support thereof, and shall set forth the findings and conclusions, the rates, and the

supporting exhibits which would be substituted for the corresponding items in the Statement of Provisional Findings and Conclusions, if such objections were found valid.

(c) A notice or answer filed by a person who is neither a party nor a person ultimately permitted to intervene shall be treated as a memorandum filed under § 302.302.

§ 302.306 *Effect of failure to file notice or answer.* If no notice, or if after notice, no answer is filed within the designated time, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing rates, and the Board may thereupon, upon the basis of all of the documents filed in the proceeding, enter a final order fixing the fair and reasonable rate or rates.

§ 302.307 *Procedure after answer.* If an answer is filed within the time designated in the Board's order, a prehearing conference and hearing shall be held unless waived by all parties. The issues shall be limited to those specifically raised by the answer, except that at the prehearing conference, the Examiner may permit the parties to raise such additional issues as he deems necessary to a full and fair determination of a fair and reasonable rate. (Reference should be made to Subpart A of this part for rules applicable to hearings.)

§ 302.308 *Evidence.* All direct evidence shall be in writing and shall be filed in exhibit form in advance of the hearing unless, for good cause shown, the Examiner otherwise directs.

PROCEDURE WHEN NO ORDER TO SHOW CAUSE IS ISSUED

§ 302.309 *Hearing to be ordered.* When no order to show cause is to be issued by the Board, the Board will order a hearing before an Examiner similar to that provided for in §§ 302.307 and 302.308, except that the issues at such hearing shall be formulated initially at a prehearing conference.

TEMPORARY RATE PROCEEDINGS

§ 302.310 *Temporary rate petitions and orders*—(a) *Petitions.* Upon its own initiative or upon petition of an air carrier, or the Postmaster General, the Board may, in appropriate cases, fix temporary rates of compensation for the transportation of mail by aircraft for any period after the commencement of a final mail rate proceeding.

(b) *Orders.* Where the Board deems it appropriate to fix a temporary rate, it shall issue an order fixing such rate, which shall become effective without further order of the Board ten (10) days after service thereof unless notice of objection is filed thereto within such period, since in the absence of such notice all persons shall be deemed to have waived all objections to the rate and all rights to any procedural steps which might otherwise be required.

(c) *Effect of objection by petitioner for intervention.* Where the only timely notice of objection to a temporary rate order is filed by a petitioner for intervention, such notice shall postpone the effectiveness of the temporary rate order until the Board rules on the petition for intervention. If the Board denies the petition for intervention, its ruling thereon shall also provide for the temporary rate order to become effective as of the date of such denial and for the dismissal of the notice of objection of the petitioner for intervention.

(d) *Applicability of final mail rate procedure.* Proceedings with respect to an order fixing a temporary rate shall in all other respects be the same as those provided for final mail rate proceedings, except that an answer to a temporary rate order shall be filed within twenty (20) days after service of such order in view of the need for expedition in fixing temporary rates.

INFORMAL MAIL RATE CONFERENCE PROCEDURE

§ 302.311 *Invocation of procedure.* Conferences between members of the Board's staff, representatives of air carriers, the Post Office Department and other interested persons may be called by the Board's staff for the purpose of considering and clarifying issues and factual material in pending proceedings for the establishment of rates for the transportation of mail.

§ 302.312 *Scope of conferences.* The mail rate conferences shall be limited to the discussion of, and possible agreement on, particular issues and related factual material in accordance with sound rate-making principles. The duties and powers of the Board's staff in rate conferences essentially will not be different, therefore, from the duties and powers it has in the processing of rate cases not involving a rate conference. The staff function in both instances is to present clearly to the Board the issues and the related material facts, together with recommendations. The Board will make an independent determination of the soundness of the staff's analyses and recommendations.

§ 302.313 *Participants in conferences.* The persons entitled to be present in mail rate conferences will be the representatives of the carrier whose rates are in issue, the staff of the Postmaster General, and the Board's staff. No other person will attend unless the Board's staff deems his presence necessary in the interest of one or more purposes to be accomplished, and in such case his participation will be limited to such specific purposes. No person, however, shall have the duty to attend merely by reason of invitation by the Board's staff.

§ 302.314 *Conditions upon participation*—(a) *Nondisclosure of information.* As a condition to participation, every participant, during the period of the conferences and for 90 days after its termination, or until the Board takes public action with respect to the facts and issues covered in the conferences, whichever is earlier: (1) Shall, except for necessary disclosures in the course of employment in connection with conference business, hold the information obtained in conference in absolute confidence and trust; (2) shall not deal, directly or indirectly, for the account of himself, his immediate family, members of his firm or company, or as a trustee, in securities of the carrier involved in the rate conference except that under exceptional circumstances special permission may be obtained in advance from the Board; and (3) shall adopt effective controls for the confidential handling of such information and shall instruct personnel under his supervision, who by reason of their employment come into possession of information obtained at the conference, that such information is confidential and must not be disclosed to anyone except to the extent absolutely necessary in the course of employment, and must not be misused. The word "information", as used in paragraph (d) of this section, shall refer only to information obtained at the conference regarding the future course of action or position of the Board or the Board's staff with respect to the facts or issues discussed at the conference.

(b) *Signed statement required.* Every representative of a carrier actually present at any conference shall sign a statement that he has read this entire instruction and promises to abide by it and advise any other participant to whom he discloses any confidential information of the restrictions imposed above. Every representative of the Postmaster General actually present at any conference shall, on his own behalf, sign a statement to the same effect.

(c) *Presumption of having conference information.* A director of any carrier, which has had a representative at the conference, who deals either directly or indirectly for himself, his immediate family, members of his firm or company, or as a trustee, in securities of the air carrier involved in the conference, during the restrictive period set forth in paragraph (a) of this section, shall be presumed to have come into possession of information obtained at the conference knowing that such information was subject to the restrictions imposed above; but such presumption shall be rebuttal.

(d) *Compliance report required.* Within ten (10) days after the expiration of the time specified for keeping conference matters confidential every participant, as defined in this section, shall file a verified compliance report with the Secretary of the Board stating that he has complied in every respect with the conditions of this section, or if he has not so complied, stating in detail in what respects he has failed to comply.

(e) *Persons subject to the provisions of this section.* For the purposes of this section, participants shall include (1) any representative of any carrier and any representative of the Postmaster General actually present at the conference; (2) the carrier and the officers of any carrier which has had a representative at the conference; (3) the directors of any carrier, which has had a representative at the conference, the members of any firm of attorneys or consultants, which has had a representative at the conference, and the members of the Postmaster General's staff, who come into possession of information obtained

at the conference, knowing that such information is subject to the restrictions imposed above.[3]

§ 302.315 *Information to be requested from carrier.* With respect to the rate for the future period, the carrier will be requested to submit detailed estimates as to traffic, revenues and expenses by appropriate periods and the investment which will be required to perform the operations for a full future year. Full and adequate support shall be presented for all estimates, particularly where such estimates deviate materially from the carrier's past experience. With respect to the rate for a past period, essentially the same procedure shall be followed. Other information or data likewise may be requested by the Board's staff. All data submitted by the carrier shall be certified by a responsible officer.

§ 302.316 *Staff analysis of data for submission of answers thereto.* After a careful analysis of these data, the Board's staff will, in most cases, send the carrier what might be termed a statement of exceptions showing areas of differences. Where practicable, the carrier may submit its answer to these exceptions. Conferences will then be scheduled to work out a clear understanding and resolution of the issues and facts from the standpoint of sound ratemaking principles.

§ 302.317 *Availability of data to Post Office Department.* The representatives of the Postmaster General shall have access to all conference data and, insofar as practicable, shall be furnished copies of all pertinent data prepared by the Board's staff and the carrier, and a reasonable time shall be allowed to get acquainted with the facts and issues and to make any presentation deemed necessary.

§ 302.318 *Post-conference procedure.* The rate conferences not being in the nature of proceedings, no briefs, or argument, or any formal steps, will be entertained by the Board. The form, content and time of the staff's presentation to the Board are entirely matters of internal procedure. Any participant is at liberty, however, further to urge his contentions by way of memoranda addressed to the Board's staff and may request that such memoranda be presented to the Board as a more effective way of stating his position.

§ 302.319 *Effect of conference agreements.* No agreements or understanding reached in rate conferences as to facts or issues shall in any respect be binding on the Board or any participant. Any party to the mail rate proceedings will have the same rights to file an answer and take other procedural steps as though no rate conference had been held. The fact, however, that rate conferences were held and certain agreements or understandings may have been reached on certain facts and issues renders it proper to provide that upon the filing of an answer by any party to the rate proceeding all issues going to the establishment of a rate shall be open, except insofar as limited in prehearing conference in accordance with § 302.23.

§ 302.320 *Waiver of §§ 302.313 and 302.314.* After the termination of a mail rate conference hereunder, the carrier, whose rates were in issue, may petition the Board for a release from the obligations imposed upon it and all other persons by §§ 302.313 and 302.314. The Board will grant such petition only after a detailed and convincing showing is made in the petition and supporting exhibits and documents that there is no reasonable possibility that any of the abuses sought to be prevented will occur or that the Board's processes will in any way be prejudiced. There will be no hearing or oral argument on the petition and the Board will grant or deny the request without assigning reasons therefor.

§302.321 *Time of commencing and terminating conference.* At the commencement of an informal mail rate conference pursuant to this section, the members of the Board's staff conducting such conferences shall issue to each person present at such conference a written statement to the effect that such conference is being conducted pursuant to this section and stating the time of commencement of such conference; and at the termination of such conference the members of the Board's staff conducting such conference shall note in writing on such statement the time of termination of such conference.

Subpart D—Rules Applicable to Exemption Proceedings

§ 302.400 *Applicability of this subpart.* This subpart sets forth the special rules applicable to a proceeding on an application filed by an air carrier with the Board for an exemption, pursuant to section 1 (2) or 416 (b) (1) of the act, from any of the requirements of the act, or any rule, regulation, term, condition, or limitation prescribed thereunder. For information as to other applicable rules, reference should be made to Subpart A of this part, to the Civil Aeronautics Act, and to the substantive rules, regulations and orders of the Board.

§ 302.401 *Filing of application*—(a) *Filing.* An application for exemption shall conform to the formal requirements of §§ 302.3 and 302.4. Such application shall be assigned a docket number and any additional documents filed in connection with such exemption shall be identified by the assigned docket number.

§ 302.402 *Contents of application*—(a) *Title.* An application filed pursuant to this subpart shall be entitled "Application for Exemption".

(b) *Factual detail.* The application shall set forth the section or sections of the act, or the rule, regulation, term, condition, or limitation prescribed thereunder from which exemption is desired and shall state in detail the facts relied upon to establish that the enforcement of the provisions from which exemption is sought, is or would be an undue burden upon the applicant by reason of the limited extent of, or unusual circumstances affecting, the operations of such applicant and that enforcement of such provision is not in the public interest.

(c) *Supporting evidence.* The application shall be accompanied by a statement of economic data or other matters which the applicant desires the Board to officially notice, and by affidavits establishing such other facts as the applicant desires the Board to rely upon.

(d) *Record of service.* An application shall indicate the names of the parties served as required by § 302.403.

§ 302.403 *Service of application*—(a) *Manner of service.* An application for exemption shall be served as provided by § 302.8.

(b) *Persons to be served.* Except in the case of an application for an exemption from sections 403 and 404 of the act or an application for exemption which will permit the applicant to render irregular services only, a copy of an application shall be served on the following parties who shall be presumed to have an interest in the subject matter of the application: (1) Any air carrier which is authorized to render regular service to any point involved in the application; (2) any person whose application for a certificate of public convenience and necessity, or for an exemption, authorizing regular service to or from any such point has been filed with, and has not finally been disposed of by, the Board; (3) the chief executive of any State, territory, or possession of the United States in which any such point is located; and (4) the chief executive of the city, town, or other unit of local government at any such point located in the United States or any territory or possession thereof.

(c) *Additional service of notice.* The Board may, in its discretion, order additional service made on such person or persons as the facts of the situation warrant.

§ 302.404 *Posting of application.* The Board shall cause a copy of every application for exemption filed with it to be posted promptly on a public bulletin board at its principal offices in Washington, D. C.

§ 302.405 *Dismissal of incomplete application*—(a) *Dismissal.* The Board may, on its own motion or the motion of any party in interest, dismiss an application for exemption which fails in any material respect to comply with the requirements of the regulations in this part.

(b) *Additional data.* The Board may request the filing of additional data with respect to any application for exemption or any answer or reply filed by a party in interest in connection therewith.

§ 302.406 *Answers to applications for exemptions.* Within ten (10) days after filing of an application for exemption, any party in interest may file an answer in support of or in opposition to the grant of a requested exemption. Such answer shall set forth in detail the rea-

[3] Restrictions upon the Board's staff on disclosure of confidential information and dealing in air carrier securities have existed for some time under limitations established pursuant to the Civil Aeronautics Act of 1938, as amended, page C2-27 of the Federal Personnel Manual of the Civil Service Commission, and section 93 of the Criminal Code.

sons why the party believes the exemption should be granted or denied. The answer shall be accompanied by a statement of economic data or other matters which it is desired that the Board officially notice, and by affidavits establishing such other facts as are relied upon.

§ 302.407 *Reply.* Within seven (7) days after service of an answer, an applicant for exemption may file a reply thereto in conformity with the provisions of § 302.402.

§ 302.408 *Request for hearing.* Although in the usual course of disposition of an application for exemption no formal hearing will be granted to the applicant or to a party in interest opposing such exemption, the Board may, in its discretion, order such proceeding set down for hearing. Any applicant, or any party in interest opposing an application, who desires to request a hearing on an application for exemption shall set forth in detail in his request the reasons why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the application, and, to the extent that such request is dependent upon factual assertions, shall accompany such request by affidavits establishing such facts. In the event a hearing is ordered by the Board, Subpart A of this part shall govern the proceedings.

§ 302.409 *Exemptions on the Board's initiative.* Notwithstanding the other provisions of this subpart, the Board may, upon request but without notice or hearing, enter orders exempting air carriers from the requirements of any provision of the act, or any rule, regulation, term, condition, or limitation prescribed thereunder, in conformity with sections 1 (2) or 416 (b) (1) of the act.

SUBPART F—RULES APPLICABLE TO PROCEEDINGS WITH RESPECT TO RATES, FARES AND CHARGES

§ 302.500 *Applicability of this subpart.* This subpart sets forth the special rules applicable to proceedings with respect to rates, fares and charges. For information as to other applicable rules, reference should be made to Subpart A of this part, to the Civil Aeronautics Act, and to the substantive rules, regulations and orders of the Board.

§ 302.501 *Institution of proceedings.* A proceeding to determine rates, fares, or charges for the transportation of persons or property by aircraft, or the lawful clasification, rule, regulation, or practice affecting such rates, fares or charges, may be instituted by the filing of a petition or complaint by any person, or by the issuance of an order by the Board.

§ 302.502 *Contents of petition or complaint.* If a petition or complaint is filed it shall state the reasons why the rates, fares, or charges, or the classification, rule, regulation, or practice complained of are unlawful and shall support such reasons with a full factual analysis.

§ 302.503 *Dismissal of petition or complaint.* If the Board is of the opinion that a petition or complaint does not state facts which warrant an investigation or action on its part, it may dismiss such petition or complaint without hearing.

§ 302.504 *Order of investigation.* The Board on its own initiative, or if it is of the opinion that the facts stated in a petition or complaint warrant it, may issue an order instituting an investigation of present or proposed rates, fares, or charges for the transportation of persons or property by aircraft of the lawful classification, rule, regulation, or practice effecting such rates, fares, or charges, and assigning the proceeding for hearing before an examiner. (Reference should be made to Subpart A of this part for rules applicable to hearings.)

§ 302.505 *Complaints requesting suspension of tariffs.* (a) Formal complaints seeking suspensions of tariffs pursuant to section 1002 (g) of the act shall fully identify the tariff and include reference to the name of the publishing carrier or agent, to the CAB number, and to specific items or particular provisions protested or complained against. The complaint should indicate in what respect the tariff is considered to be unlawful, and state what complainant suggests by way of substitution.

(b) A complaint requesting suspension of any tariff filed under the act ordinarily will not be considered unless made in conformity with this section and filed with the Board at least fifteen (15) days before the effective date of the tariff. In an emergency satisfactorily shown by complainant, and within the time limits herein provided, a telegraphic complaint may be sent to the Board and to the publishing carrier or agent stating the grounds relied upon, but such telegraphic complaint must immediately be confirmed by complaint filed and served in accordance with this section.

§ 302.506 *Burden of going forward with the evidence.* At any hearing involving a change in a rate, fare, or charge for the transportation of persons or property by aircraft, or the lawful classification, rule, regulation, or practice affecting such rate, fare, or charge, the burden of going forward with the evidence shall be upon the person proposing such change to show that the proposed changed rate, fare, charge, classification, rule, regulation or practice is just and reasonable, and not otherwise unlawful.

SUBPART F—RULES APPLICABLE TO PROCEEDINGS FOR LEAVE TO CONDUCT CHARTER TRIPS OR SPECIAL SERVICES

§ 302.600 *Applicability of this subpart.* This subpart sets forth the special rules applicable to proceedings brought by air carriers holding certificates of public convenience and necessity who seek to obtain Board approval to perform charter trips or special services in overseas or foreign air transportation to points or areas where such service would otherwise be contrary to the provisions of § 207.8 of the Economic Regulations.

§ 302.601 *Petitions to conduct charter trips or special services into areas protected by § 207.8 of the Economic Regulations.* (a) Petitions filed pursuant to this section need not conform to the requirements of §§ 302.2 and 302.3 but must be submitted in triplicate, signed by a managing officer of the company. Such petition shall set forth the proposed date(s), number of trips, and area(s) or point(s) between which the service is desired to be performed, together with the equipment to be utilized, the approximate number of passengers or amount and kind of cargo to be carried, and the compensation to be received. In the case of charter trips, a copy of the proposed charter agreement(s) shall be annexed to the petition. A copy of the petition, together with all supporting documents, shall be served upon the air carrier certificated to serve the points or areas concerned at its principal office, and proof of such service shall accompany the petition when filed with the Board.

(b) The air carrier certificated to serve the points or areas concerned shall have five days (not including Saturday or Sunday or legal holidays) after the filing of such a petition in which to file notice of objections thereto, if any, with the Board and if such notice is filed, an additional ten days (not including Saturday or Sunday or legal holidays) in which to file supporting reasons or arguments as to why the petition should not be granted in the public interest. Such objections shall include a statement as to the objecting carrier's ability to handle the traffic and may, if desired, include the terms upon which the service requested would be performed by it.

(c) Thereafter the Board will grant the petition to such extent and subject to such terms and conditions as it finds to be in the public interest. Petitions for the approval of service which it finds not in the public interest will be denied.

[F. R. Doc. 51-6932; Filed, June 14, 1951; 8:54 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE JAVA-NEW YORK RATE AGREEMENT, 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. 90–6, between the member lines of the Java-New York Rate Agreement, modifies the member lines' basic agreement (No. 90) to include clauses providing that all rates of freight shall be strictly net and no brokerage allowed, and that not more than one agent shall be employed by any party to the agreement at any one port or place. Also, certain obsolete designations are eliminated.

Agreement No. 6060–9, between the member lines of the Pacific/Indonesian Conference, modifies the basic agreement of said conference (No. 6060) by removing therefrom the provision requiring service commencing at Pacific Coast Ports of the United States or Canada as a prerequisite for regular membership. The provision for associate membership is also removed.

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 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.

Dated: June 12, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51–6930; Filed, June 14, 1951; 8:52 a. m.]

National Production Authority

[NPA Delegation 1, Supp. 1 as Amended June 15, 1951]

SECRETARY OF DEFENSE

DELEGATION OF FURTHER AUTHORITY AS TO CERTAIN PROGRAMS

NPA Supp. 1 to Del. 1 is hereby amended by redesignating the paragraphs, by deleting list A, and by revising paragraph 1 (a) to authorize rescheduling of all materials required in support of Department of Defense aircraft programs. As so amended Supp. 1 to Del. 1 reads as follows:

1. This amended supplement to NPA Del. 1 is issued pursuant to the Defense Production Act of 1950. The Secretary of Defense has been delegated certain authority to apply and assign ratings by NPA Del. 1. In addition to such authority, there is hereby delegated to the Secretary of Defense the following authority:

(a) To reschedule deliveries of the materials which are required in support of the Department of Defense aircraft programs (DO–O1 or DO–A1): *Provided, however,* That such authority (1) shall be applicable only to deliveries to fill orders rated by or under the authority of the Secretary of Defense; and (2) shall be applicable only to the extent that such rescheduling of deliveries requires no change in production schedules.

(b) To redelegate the authority hereby delegated to appropriate agencies of the Department of Defense or its authorized agents.

2. The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Munitions Board and subject to approval by the National Production Authority.

This supplement as amended shall take effect on June 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–6990; Filed, June 14, 1951; 11:03 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 412), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Hughestown Garment Co., 36 Center Street, Hughestown Boro, Pittston, Pa., effective 6–1–51 to 5–31–52; for normal labor turnover, 10 percent or 5 learners, whichever is greater (women's street dresses, jackets and skirts).

Lackawanna Dress Manufacturing Co., Inc., 414 Pine Street, Scranton, Pa., effective 5–28–51 to 5–27–52; 10 learners for normal labor turnover (dresses).

Leo Dress Co., 1372 South Main Street, Pittston, Pa., effective 6–1–51 to 5–31–52; 10 percent for normal labor turnover (dresses).

McTague Manufacturing Co., Inc., Fifteenth and Pine Streets, Philipsburg, Pa., effective 6–1–51 to 11–30–51; 15 learners for expansion purposes (Government field jackets; men's and boys' sport jackets).

Samuel Meltzer, East College Street, Dyer, Tenn., effective 5–31–51 to 5–30–52; 10 percent for normal labor turnover (men's and boys' pajamas).

Stanley Manufacturing Co., 787 Hazle Street, Ashley, Pa., effective 6–4–51 to 6–3–52; seven learners for normal labor turnover (ladies' dresses).

Terre Hill Manufacturing Co., Inc., 123 West Main Street, Terre Hill, Pa., effective 5–29–51 to 4–30–52; for normal labor turnover, 10 percent of total number of productive factory workers engaged in manufacture of apparel products only (ladies' slips made of woven and knitted purchased material) (replacement certificate).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Budd Cigar Co., Quincy, Fla., effective 6–4–51 to 6–3–52; for normal labor turnover, 10 percent of total number of productive factory workers engaged in each of the occupations listed; cigar machine operators 320 hours, packing cigars retailing for 6 cents or less 160 hours, and machine stripping 160 hours; 60 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Lee Hosiery Mill, Inc., Landrum, S. C., effective 5–31–51 to 5–30–52; five learners for normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Hansley Mills, Inc., 1800 South Main Street, Paris, Ky., effective 5–29–51 to 11–28–51; 20 learners for expansion purposes only.

Hansley Mills, Inc., 1800 South Main Street, Paris, Ky., effective 5–29–51 to 5–28–52; 5 percent normal labor turnover.

Laros Textiles Co., East Broad at Wood Street, Bethlehem, Pa., effective 5–31–51 to 5–30–52; 5 percent for normal labor turnover.

Laros Textiles Co., 313 Market Street, Kingston, Pa., effective 5–31–51 to 11–21–51; 5 percent for normal labor turnover (replacement certificate).

I. Mathews & Bros., 274 Belleville Avenue, New Bedford, Mass., effective 6–4–51 to 4–30–52; five learners for normal labor turnover (replacement certificate).

Terre Hill Manufacturing Co., Inc., 123 West Main Street, Terre Hill, Pa., effective 5–29–51 to 4–30–52; for normal labor turnover, five learners for work on knitted wear products only (replacement certificate).

Wextex Manufacturing Co., Headland, Ala., effective 6–4–51 to 12–3–51; 20 learners for expansion purposes.

School Operated Industries. The following special learner certificates were issued to the school-operated industries listed below:

Maplewood Academy, 700 North Main Street, Hutchinson, Minn., effective 6–2–51 to 9–15–51. Bindery industry: bindery worker, sewing, pressing, mending and related skilled and semiskilled operations, 20 learners, 200 hours at 50 cents, 200 hours at 55 cents and 200 hours at 65 cents per hour. Craft shop, woodwork: sawing, sanding, assembly, milling and related skilled and semiskilled operations, 15 learners, 250 hours at 50 cents, 250 hours at 55 cents, and 250 hours at 65 cents per hour.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn., effective 6–2–51 to 9–15–51. Industry: print shop; compositor, pressman, typesetter, and related skilled and semiskilled operations, six learners; 350 hours at 50 cents, 325 hours at 55 cents and 325 hours at 65 cents per hour. Industry: clerical; typesetting, record-keeping, invoicing and other skilled and semiskilled operations; 200 hours at 50 cents, 200 hours at 55 cents and 200 hours at 65 cents per hour.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Frederick Tailoring Co., Inc., 809 Pasteur Street, New Berne, North Carolina, effective 6–4–51 to 6–3–52; 7 percent for normal labor turnover; machine operators (except cutting), pressers, and hand sewers, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's slacks and suit trousers).

Moore Business Forms, Inc., Marion, Ky., effective 6–4–51 to 12–1–51; 10 learners for normal labor turnover; jogger, stapler, collator, perforator and carbon notcher, 160 hours; 65 cents per hour (sales books).

The Springfield Co., 88 Birnie Avenue, Springfield, Mass., effective 6–4–51 to 12–3–51; 10 percent for normal labor turnover; ball stitcher, 480 hours; 65 cents per hour for first 240 hours and 70 cents per hour for remaining 240 hours (sporting goods).

Zion Industries, Inc., 2669–77 Sheridan Road, Zion, Ill., effective 6–4–51 to 12–3–51; three learners for normal labor turnover; sewing machine operator, 240 hours; 60 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 6th day of June 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51–6906; Filed, June 14, 1951; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4786 et al.]

NATIONAL AIRLINES, INC., DC–6 DAYLIGHT COACH CASE

NOTICE OF ORAL ARGUMENT

In the matter of the investigation of the fares, rules, and charges and other provisions proposed by National Airlines, Inc., pursuant to its Local Passenger Tariff, C. A. B. No. 43 and first Revised Page 2 thereto.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on June 25, 1951, at 10:00 a. m. e. d. s. t., in room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 11, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51–6931; Filed, June 14, 1951; 8:54 a. m.]

HOUSING AND HOME FINANCE AGENCY

OFFICIALS IN THE HOUSING AND HOME FINANCE AGENCY

DELEGATION OF AUTHORITY WITH RESPECT TO ORDER M–4 OF THE NATIONAL PRODUCTION AUTHORITY

The authority of the Housing and Home Finance Administrator under Delegation No. 14 of the National Production Authority, effective June 7, 1951, to approve or deny applications for authorization to commence residential and related construction under section 6 of NPA Order M–4 (16 F. R. 4196, 4463), applications for adjustment or exception under section 11 of said order, and appeals from denials of such applications, is hereby delegated as follows:

1. To the Federal Housing Commissioner and his designated representatives with respect to multi-unit residential and related construction to be assisted by mortgage, loan, or yield insurance under the National Housing Act, as amended.

2. To each Regional Representative of the Office of the Administrator, Housing and Home Finance Agency with respect to multi-unit residential and related construction by an educational institution (except as to any such construction included in paragraph 1 hereof).

3. To the Public Housing Commissioner and his designated representatives with respect to multi-unit residential and related construction by Federal, State, or local public agencies (except as to any such construction included in paragraph 1 or paragraph 2 hereof).

4. To the Director, Defense Liaison Staff (Division of Plans and Programs) of the Housing and Home Finance Agency with respect to residential and related construction not included in paragraph 1, paragraph 2, or paragraph 3 hereof.

(Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Del. 1, Jan. 24, 1951; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; Dept. of Commerce Order 123, Sept. 28, 1950, 15 F. R. 6726; NPA Del. No. 14, June 7, 1951, 16 F. R. 5401)

Effective as of the 15th day of June 1951.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51–6905; Filed, June 14, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2644]

ARKANSAS NATURAL GAS CORP. AND ARKANSAS LOUISIANA GAS CO.

NOTICE OF FILING OF PROPOSED BANK BORROWING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of June A. D. 1951.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, ("act") by Arkansas Natural Gas Corporation ("Arkansas Natural"), a registered holding company, and its subsidiary, Arkansas Louisiana Gas Company ("Arkansas Louisiana"). Declarants have designated sections 6 (a), 7, and 12 (b) of the act and Rule U-45 thereunder as applicable to the proposed transactions.

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

Arkansas Louisiana, pursuant to orders of the Commission dated August 6, 1947 (Holding Company Act Release No. 7624) and September 6, 1949 (Holding Company Act Release No. 9315) entered into a Loan Agreement dated as of October 15, 1947, with Guaranty Trust Company of New York ("Bank") and a Supplemental Loan Agreement dated September 15, 1949 under which it made certain loans from time to time. At present, the amounts owed the Bank under such agreements aggregate $23,000,000, evidenced by the company's outstanding 2¼ percent installment promissory note in the principal amount of $7,500,000 (payable in installments of $625,000 each, beginning October 15, 1951 and ending April 15, 1957), 2¾ percent promissory notes in the principal amount of $13,000,000 due September 15, 1952, and 2½ percent promissory notes in the principal amount of $2,500,000 due October 15, 1947.

Arkansas Louisiana now proposes to enter into a Second Supplemental Agreement dated as of April 1, 1951, supplementing and amending the aforesaid

Supplemented Loan Agreement, pursuant to which it proposes to borrow from the Bank additional sums not to exceed $4,000,000 on or prior to September 15, 1951. Borrowings under the Second Supplemental Loan Agreement are to be evidenced by promissory notes to be issued by Arkansas Louisiana bearing interest at the rate of 2¾ percent per annum and maturing on September 15, 1952. In consideration of the commitment of the Bank to extend such additional credit, Arkansas Louisiana will pay the Bank on June 15 and September 15, 1951, a commitment fee computed at the rate of ½ of 1 percent per annum from April 1, 1951, the date of the Second Supplemental Agreement, on the daily average unused amount which the Bank is obligated to lend. The other terms and conditions of the Second Supplemental Agreement are substantially the same as those contained in the Loan Agreement dated October 15, 1947, as amended by the Supplemental Agreement dated September 15, 1949.

Arkansas Louisiana proposes to apply the proceeds of such additional borrowings to construction expenditures made, and to be made, during the calendar year 1951, estimated in the amount of $8,562,000.

Arkansas Natural is a holder of a 4½ percent Sinking Fund Debenture due 1955 of Arkansas Louisiana in the principal amount of $6,500,000. In connection with the execution of the original Loan Agreement and the Supplemental Agreement, Arkansas Natural entered into a Subordination Agreement with Arkansas Louisiana and the Bank providing for the subordination of the said Debenture, with respect to payment of principal and interest thereon, to the payment of notes heretofore issued under the Loan Agreement as supplemented. In accordance with those agreements, the Debenture was stamped with an appropriate legend. Similarly, in connection with the proposed Second Supplemental Loan Agreement, Arkansas Natural, Arkansas Louisiana and the Bank propose to enter into a Second Supplemental Subordination Agreement supplementing and amending the Subordination Agreement dated as of October 15, 1947, as amended by the Supplemental Subordination Agreement dated September 15, 1949, providing for the subordination of the said 4¼ percent Debenture to the additional notes to be issued under the Second Supplemental Loan Agreement and to appropriately note the subordination by legend to be placed on the Debenture.

Fees and expenses, exclusive of commitment fees, have been estimated at $7,000, of which $5,000 is for legal fees.

Declarants request that the Commission's order herein issue at the earliest date possible and in any event prior to June 30, 1951, and that it become effective upon issuance.

Notice is further given that any interested person may, not later than June 25, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reason for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders 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 June 25, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and 100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6896; Filed, June 14, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26156]

GRAIN FROM OR TO KANSAS AND OKLAHOMA

APPLICATION FOR RELIEF

JUNE 12, 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. 3940.

Commodities involved: Grain and grain products, carloads.

Between: Points in Kansas and Oklahoma, on the one hand, and points in Louisiana west of the Mississippi River, Texas, Arkansas, and Mississippi River crossings, on the other.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3940, Supp. 7.

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. 51-6902; Filed, June 14, 1951; 8:46 a. m.]

[4th Sec. Application 26157]

PAPER AND PAPER ARTICLES FROM CORNELL, WIS., TO ILLINOIS

APPLICATION FOR RELIEF

JUNE 12, 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: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3432.

Commodities involved: Paper and paper articles, carloads.

From: Cornell, Wis.

To: Illinois and western trunk-line territory.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3432, Supp. 150.

Any interested person desiring the Commission to hold a hearing upon such

UNITED STATES TARIFF COMMISSION

[List No. 23 (E)]

NATIONAL CHEESE INSTITUTE, INC.

APPLICATION FOR INVESTIGATION

JUNE 11, 1951.

Application has been filed with the United States Tariff Commission for investigation, under the escape clause procedure, to determine whether as a result of unforeseen developments and of the concession granted in a trade agreement the articles listed below are being imported in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles. The application was filed under the provisions of Part III of Executive Order 10082 of October 5, 1949.

Name of article	Date received	Name and address of applicant
Blue-mold cheese (Item 710, Schedule XX (Annecy) of the General Agreement on Tariffs and Trade).	June 11, 1951	National Cheese Institute, Inc., Chicago, Ill.

The application listed above is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 51-6897; Filed, June 14, 1951; 8:45 a. m.]

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. 51-6903; Filed, June 14, 1951; 8:46 a. m.]

[4th Sec. Application 26158]

FULPBOARD FROM PORT WENTWORTH AND SAVANNAH, GA., TO RICHMOND, VA.

APPLICATION FOR RELIEF

JUNE 12, 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 C. A. Spaninger's tariff I. C. C. No. 1069.

Commodities involved: Pulpboard and fiberboard, carloads.

From: Port Wentworth and Savannah, Ga.

To: Richmond, Va.

Grounds for relief: Competition with water carriers.

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. 51-6904; Filed, June 14, 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 17846]

JOHN JURGENSEN

In re: Rights of John Jurgensen under Insurance Contract. File No. F-28-31425-H-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 John Jurgensen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to John Jurgensen under a contract of insurance evidenced by policy No. 1964672, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to John Jurgensen, together with the right to demand, receive and collect said net proceeds,

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 May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6909; Filed, June 14, 1951; 8:47 a. m.]

[Vesting Order 17844]

WILHELM C. DEVRIENT ET AL.

In re: Rights of Wilhelm C. Devrient et al. under Insurance Contract. File No. F-28-7730-H-1.

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

1. That Wilhelm C. Devrient, Elizabeth Devrient and Anselm Ludwig Devrient, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 388,348, issued by the Home Life Insurance Company, New York, New York, to Wilhelm C. Devrient, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm C. Devrient or Elizabeth Devrient or Anselm Ludwig Devrient, 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 May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6908; Filed, June 14, 1951; 8:47 a. m.]

[Vesting Order 17849]

HAKUO KINOSHITA ET AL.

In re: Rights of Hakuo Kinoshita et al. under Insurance Contract. File No. F-39-6996-H-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 Hakuo Kinoshita and Itsuko Kinoshita, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance

evidenced by policy No. WS–244077, issued by the California-Western States Life Insurance Company, Sacramento, California, to Hakuo Kinoshita, together with the right to demand, receive and collect said net proceeds, 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, Hakuo Kinoshita or Itsuko Kinoshita, the aforesaid nationals of a designated enemy country (Japan);

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 (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 May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–6910; Filed, June 14, 1951; 8:47 a. m.]

[Vesting Order 17850]

ILSE MOLCK-UDE

In re: Rights of Ilse Molck-Ude under Insurance Contract. File No. F–28–26653–H–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 Ilse Molck-Ude, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 796,387, issued by the Massachusetts Mutual Life Insurance Company, Springfield, Massachusetts, to Rudolf Molck-Ude, together with the right to demand, receive and collect said net proceeds,

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 May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–6911; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17852]

SHUNICHI SUMIYOSHI

In re: Rights of Shunichi Sumiyoshi under Insurance Contract. File No. F–39–5937–H–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 Shunichi Sumiyoshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Shunichi Sumiyoshi under a contract of insurance evidenced by policy No. 555,893, issued by The Manufacturers Life Insurance Company, Toronta, Canada, to Shunichi Sumiyoshi, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

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 May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–6912; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17924]

JOHN D. KROOG

In re: Estate of John D. Kroog, deceased File No. D–28–13006; E&T No. 17134.

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 Adelheit Kroog, Johann Kroog, Martin Kroog and Johannes Kroog, 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 Martin Kroog, 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 subparagraph 1 and 2 hereof, and each of them, in and to the estate of John D. Kroog, 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 Emma Kroog, as executrix, 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 identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martin Kroog, 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 May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6913; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17941]

THOS. COOK & SON (BANKERS), LTD.

In re: Accounts maintained in the name of Thos. Cook & Son (Bankers) Ltd., New York Agency, New York, New York, and owned by persons whose names are unknown. F-27-6820.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons 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.

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, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Thos. Cook & Son (Bankers) Ltd., New York Agency, New York, N. Y.]

Column I Name and address of institution which maintains account	Column II Designation of account
Bankers Trust Co., 16 Wall St., New York, N. Y.	Deposit account, as described by Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. BK-1.

[F. R. Doc. 51-6915; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17927]

MAX SCHOOS

In re: Max Schoos Trust. File No. F-28-31446.

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 Max Schoos, 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 identified in subparagraph 1 hereof, in and to the sum of $4,737.85 and accruals thereto held by the Clerk of the Superior Court of Garfield County, Washington, in an account designated as the Max Schoos Trust,

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 meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6914; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17970]

KATSUYA SATO AND NOBUMASA SATO

In re: Debts owing to Katsuya Sato and Nobumasa Sato. F-39-3237, F-39-3238.

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 Katsuya Sato, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That Nobumasa Sato, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York 12, New York, arising out of accepted accounts payable representing issued and outstanding checks drawn by The Yokohama Specie Bank, Ltd., New York Office on Guaranty Trust Company, New York,

New York, payable to Katsuya Sato, and more particularly described below:

Check No.	Amount	Date
20785	$121.32	June 4, 1941
22512	100.00	July 15, 1941
22513	100.00	July 15, 1941
22514	128.12	July 15, 1941
22630	77.28	July 17, 1941

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,

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, Katsuya Sato, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York 12, New York, arising out of an accepted account payable representing issued and outstanding check No. 22511 drawn by The Yokohama Specie Bank, Ltd., New York Office on Guaranty Trust Company, New York, New York, in the amount of $520.00, dated July 15, 1941, and payable to Nobumasa Sato, 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, Nobumasa Sato, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 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 (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 May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6922; Filed, June 14, 1951; 8:50 a. m.]

[Vesting Order 17942]

C. V. MAATSCHAPPIJ, VOOR BUITENLANDSCHEN "MIJBUH" A/C N. V. ADMINISTRATIEKANTOOR "PROVIDENTIA"

In re: Accounts maintained in the name of C. V. Maatschappij, voor Buitenlandschen "MBijbuh" A/C N. V. Administratiekantoor "Providentia," Amsterdam, the Netherlands, and owned by persons whose names are unknown. F-49-701.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and set-offs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons 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.

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, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of C. V. Maatschappij, voor Buitenlandschen Handel "Mijbuh" A/C N. V. Administratiekantoor "Providentia", Amsterdam, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the city of New York, 18 Pine St., New York, N. Y.	C. V. Maatschappij, voor Buitenlandschen Handel "Mijbuh" A/C N. V. Administratiekantoor "Providentia", containing securities of determinable value and of indeterminable value, as described by The Chase National Bank of the city of New York in its report on Form OAP-700 bearing its Serial No. 232.

[F. R. Doc. 51-6916; Filed, June 14, 1951; 8:49 a. m.]

[Vesting Order 17943]

HOPE & CO.

In re: Accounts maintained in the name of Hope & Co., Amsterdam, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1360.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all de-

cleared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned, or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons 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.

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, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hope & Co., Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
J. P. Morgan & Co., Inc., 23 Wall St., New York 8, N. Y.	(a) Hope & Co., Amsterdam, (S-2067), and (b) Hope & Co., Amsterdam (2067); as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700, bearing its Serial No. 22.

[F. R. Doc. 51-6917; Filed, June 14, 1951; 8:49 a. m.]

[Vesting Order 17945]

BANKIERSKANTOOR VAN MENDES GANS & CO., N. V.

In re: Stock registered in the name of Bankierskantoor van Mendes Gans & Co., N. V., or N. V. Bankierskantoor van Mendes Gans & Co., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1270.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Bankierskantoor van Mendes Gans & Co., N. V., or N. V. Bankierskantoor van Mendes Gans & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons 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.

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, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I. The Kansas City Southern Railway Company no par value common stock evidenced by one 10-share Certificate No. B-49562.

II. The Kansas City Southern Railway Company $100 Par Value Preferred Stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. B-39033, B-41190, B-41236, B-41444, B-41459, B-41664, B-41810, B-41812, B-41813.

III. Southern Railway Company Preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 11485, 31066.

IV. Pittsburgh Coal Company $100 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. NY 026361, NY 026378, NY 026908, NY 026909, NY 026916, NY 027664, NY 027665, NY 027670, NY 027689, NY 027692 NY 027787 NY 030436 NY 027943 NY 028200 NY 029436 NY 029437 NY 029442, NY 030435.

V. The United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 2877, 2920, 2921, 2924, 4235, 4248, 4598, 4605, 4606, 4607, 4608, 4614, 5185, 6258, 7153, 7310, 7630, 8878, 8909, 8910, 8920, 9746, 9864, 9865, 10393, 12822, 13590, 13591, 13592, 14383, 15251, 17240, 18682.

[F. R. Doc. 51-6918; Filed, June 14, 1951; 8:49 a. m.]

[Vesting Order 17948]

N. V. MAATSCHAPPIJ VORIJN, FIRMA JOH. A. H. DIKKEN

In re: Stock registered in the name of N. V. Maatschappij Vorijn, Firma Joh. A. H. Dikken, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1260.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of N. V. Maatschappij Vorijn, Firma Joh. A. H. Dikken, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on

or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons 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.

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, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I. Southern Ry. Co., no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 5639, 100559, 101341, 102383, 105255.

II. Southern Ry. Co., Preferred stock, evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 23118, 23493, 24631.

[F. R. Doc. 51-6920; Filed, June 14, 1951; 8:50 a. m.]

[Vesting Order 17946]

BANQUE GENERALE POUR L'INDUSTRIE ELECTRIQUE

In re: Stocks registered in the name of Banque Generale Pour L'Industrie Electrique, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-2278.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788, and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Banque Generale Pour L'Industrie Electrique, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons 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.

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, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I. European Gas & Electric Company common stock, evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

Number of shares:	*Certificate Nos.*
50	TC0179
50	TC0268
90	TC0274
100	TC209
100	TC210
100	TC211
100	TC212
100	TC299
100	TC300
100	TC301
100	TC302
1,000	TC0321
10	TC0271

II. European Gas & Electric Company $7.00 cum. second preferred stock, evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

Number of shares:	*Certificate Nos.*
90	T2P0220
82	T2P0314
10	T2P0311
18	T2P0317

[F. R. Doc. 51-6919; Filed, June 14, 1951; 8:49 a. m.]

[Vesting Order 17974]

ULRICH WOLF

In re: Debt owing to Ulrich Wolf. F-28-31468.

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 Ulrich Wolf, whose last known address is Volksgartenstrasse 178 M. Gladbach/RHLD, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ulrich Wolf by The Budd Company, 2450 Hunting Park Avenue, Philadelphia, Pennsylvania, representing the proceeds of redemption of 5 shares of Edward G. Budd Manufacturing Company, 7% Cumulative Preferred stock, Series of 1925, evidenced by a certificate numbered PO 1864, 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 (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 May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6923; Filed, June 14, 1951; 8:51 a. m.]

[Vesting Order 17980]

ALEX J. HENDRIX

In re: Stock registered in the name of Alex J. Hendrix, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1361.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Alex J. Hendrix, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons 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.

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, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

10 shares of Southern Railway Company preferred stock evidenced by certificate No. 26511.

[F. R. Doc. 51-6924; Filed, June 14, 1951; 8:51 a. m.]

[Vesting Order 17981]

L. KORIJN & CO.

In re: Stock registered in the name of L. Korijn & Co., Amsterdam, the Netherlands, and owned by persons whose names are unknown. D-49-570.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of L. Korijn & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons 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.

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, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

New York Ontario & Western Railway common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates

N 35982, N 35984, N 35987, N 35988, N 35989, N 36009, N 36017, N 38318, N 38320, N 38321, N 38324, N 38325, N 38326, N 39382, N 39383, N 39384, N 39385, N 39386, N 39387, N 39388, N 39389, N 39390, N 39391, N 39392, N 39395, N 39399, N 39400, N 39468, N 39469, N 39471, N 39472, N 39474, N 39475, N 39476, N 39478, N 39481, N 39482, N 39484, N 39485, N 39589, N 39593, N 39595, N 39597, N 39598, N 39613, N 39615, N 39616, N 39617.

N 42618, N 42620, N 42621, N 42623, N 42624, N 42625, N 42626, N 42627, N 42628, N 42629, N 42631, N 42632, N 42633, N 42634, N 42635, N 42636, N 42637, N 42638, N 42640, N 42641, N 42642, N 42644, N 42645, N 42646, N 42650, N 42653, N 42654, N 42655, N 42656, N 42657, N 42658, N 42659, N 42660, N 42661, N 42662, N 42663, N 42664, N 42666, N 42668, N 42669, N 42670, N 42671, N 42673, N 42674, N 42676, N 42677, N 42678, N 42679.

N 42680, N 42681, N 42682, N 42684, N 42685, N 42686, N 42688, N 42690, N 42691, N 42692, N 42693, N 42696, N 42698, N 42699, N 42701, N 42702, N 42703, N 42704, N 42705, N 42707, N 42708, N 42710, N 42712, N 42791, N 42792, N 42793, N 42801, N 42803, N 42804, N 42806, N 42807, N 42809, N 42810, N 42811, N 42812, N 42814, N 42815, N 42817, N 42818, N 42820, N 42828, N 42830, N 42831, N 42832, N 42833, N 42834, N 42835, N 42836.

N 42837, N 42840, N 42841, N 42842, N 42846, N 42851, N 42854, N 42855, N 42856, N 42859, N 42860, N 42861, N 42862, N 42863, N 42864, N 42865, N 42867, N 42868, N 42869, N 42870, N 42871, N 42873, N 42874, N 42876, N 42877, N 42878, N 42879, N 42880, N 45958, N 45959, N 45960, N 45961, N 45962, N 45963, N 45964, N 45965, N 45966, N 47110, N 47228, N 47486, N 47487, N 47488, N 47489, N 47490, N 47491, N 47492, N 47493, N 47494.

N 47495, N 47567, N 47568, N 47569, N 47570, N 47571, N 47572, N 47573, N 47574, N 47575, N 47576, N 47667, N 47668, N 47669, N 47670, N 47671, N 47672, N 47675, N 47676, N 47677, N 47678, N 47679, N 47680, N 47681, N 47682, N 47683, N 47684, N 47685, N 47686, N 47687, N 47688, N 47689, N 47690, N 47691, N 47692, N 47693, N 47694, N 47695, N 47722, N 47723, N 47724, N 47726, N 47727, N 47728, N 47729, N 47730, N 47731, N 48015.

N 48017, N 48018, N 48019, N 48020, N 48021, N 48022, N 48024, N 48216, N 48217, N 48219, N 48220, N 48221, N 48222, N 48223, N 48224, N 48225, N 48226, N 48227, N 48230, N 48232, N 48233, N 48234, N 48235, N 48236, N 48239, N 48240, N 48241, N 48242, N 48243, N 48244, N 48245, N 48246, N 48247, N 48248, N 48249, N 48250, N 48251, N 48252, N 48253, N 48254, N 48255, N 48256, N 48257, N 48258, N 48259, N 48260.

N 48266, N 48267, N 48268, N 48269, N 48270, N 48271, N 48272, N 48273, N 48274, N 48275, N 48276, N 48278, N 48279, N 48280, N 48281, N 48282, N 48283, N 48284, N 48285, N 48286, N 48288, N 48289, N 48291, N 48292, N 48293, N 48294, N 48297, N 48299, N 48300, N 48302, N 48303, N 48304, N 48305, N48306, N 48307, N 48308, N 48309, N 48310, N 48311, N 48312, N 48313, N 48314, N 48315, N 48414, N 48415, N 48416, N 48417, N 48418.

N 48419, N 48420, N 48421, N 48422, N 48423, N 48424, N 48425, N 48426, N 48427, N 48429, N 48430, N 48431, N 48432, N 48433, N 48434, N 48435, N 48437, N 48438, N 48439, N 48440, N 48441, N 48443, N 48444, N 48445, N 48446, N 48447, N 48448, N 48449, N 48451, N 48452, N 48453, N 48455, N 48456, N 48457, N 48458, N 48459, N 48460, N 48461, N 48462, N 48463, N 48527, N 48528, N 48529, N 48530, N 48531, N 48532, N 48533, N 48534.

N 48536, N 48537, N 48538, N 48539, N 48540, N 48541, N 48542, N 48543, N 48544, N 48546, N 48547, N 48548, N 48549, N 48550, N 48551, N 48553, N 48554, N 48557, N 48559, N 48560, N 48561, N 48562, N 48563, N 48564, N 48565, N 48566, N 48567, N 48568, N 48569, N 48570, N 48571, N 48572, N 48573, N 48574, N 48576, N 48578, N 48579, N 48580, N 48582, N 48583, N 48584, N 48585, N 48589, N 48590, N 48591, N 48592, N 48593, N 48594.

N 48595, N 48596, N 48597, N 48631, N 48632, N 48633, N 48634, N 48635, N 48636, N 48637, N 48638, N 48640, N 48641, N 48642, N 48643, N 48644, N 48645, N 48646, N 48647, N 48648, N 48649, N 48650, N 48651, N 48652, N 48653, N 48654, N 48655, N 48656, N 48657, N 48658, N 48659, N 48660, N 48670, N 48671, N 48672, N 48673, N 48674, N 48675, N 48676, N 48677, N 48678, N 48679, N 48680, N 48681, N 48684, N 48685, N 48686, N 48687.

N 48688, N 48826, N 48827, N 48828, N 48830, N 48832, N 48833, N 48834, N 48901, N 48902, N 48903, N 48904, N 48905, N 48906, N 48907, N 48909, N 48912, N 48913, N 48914, N 48915, N 48916, N 48917, N 48918, N 48919, N 48920, N 48925, N 48926, N 48927, N 48928, N 48931, N 48932, N 48933, N 48934, N 48954, N 48955, N 48956, N 48957, N 48958, N 48959, N 48960, N 48961, N 48962, N 48963, N 48964, N 48965, N 48966, N 48967, N 48968.

N 48969, N 48970, N 48971, N 48972, N 48973, N 48974, N 48975, N 48976, N 48977, N 48978, N 48979, N 48980, N 48981, N 48982, N 48983, N 49183, N 49184, N 49185, N 49186, N 49187, N 49188, N 49192, N 49526, N 49527, N 49528, N 49529, N 49530, N 49531, N 49532, N 49533, N 49534, N 49546, N 49548, N 49549, N 49550, N 49552, N 49553, N 49554, N 49555, N 49556, N 49557, N 49558, N 49559, N 49560, N 49561, N 49562, N 49563, N 49564.

N 49565, N 49943, N 49944, N 49946, N 49948, N 49949, N 49950, N 49952, N 50802, N 50803, N 50804, N 50805, N 50807, N 50808, N 50809, N 50810, N 50964, N 50965, N 50966, N 50967, N 50968, N 50969, N 50972, N 50974, N 50975, N 50976, N 50977, N 50978, N 50980, N 50981, N 50982, N 50983, N 50984, N 50985, N 50986, N 50987, N 50988, N 50989, N 50990, N 50991, N 51044, N 51046, N 51047, N 51048, N 51049, N 51050, N 51051, N 51053.

N 51056, N 51057, N 51059, N 51060, N 51061, N 51062, N 51065, N 51066, N 51068, N 51069, N 51070, N 51071, N 51072, N 51073, N 51074, N 51075, N 51076, N 51077, N 51078, N 51079, N 51081, N 51082, N 51083, N 51084, N 51085, N 51087, N 51088, N 51090, N 51091, N 51092, N 51093, N 51094, N 51095, N 51097, N 51098, N 51099, N 51100, N 51103, N 51316, N 51317, N 51318, N 51319, N 51320, N 51321, N 51322, N 51323, N 51324, N 51325.

N 51329, N 51330, N 51331, N 51332, N 51333, N 51334, N 51335, N 51336, N 51338, N 51339, N 51340, N 51341, N 51344, N 51345, N 51737, N 51738, N 51739, N 51740, N 51741, N 51742, N 51743, N 51744, N 51745, N 51766, N 51767, N 51768, N 51769, N 51771, N 51772, N 51774, N 51775, N 51776, N 51777, N 51778, N 51779, N 51780, 51781, N 51782, N 51799, N 51800, N 51801, N 51802, N 51803, N 51804, N 51805, N 51806, N 51807, N 51808.

N 51809, N 51813, N 51814, N 51815, N 51816, N 51817, N 52687, N 52688, N 52689, N 52690, N 52691, N 52692, N 52693, N 52694, N 52695, N 52696, N 52697, N 52698, N 52699, N 52700, N 52701, N 52702, N 52703, N 52704, N 52705, N 52706, N 52708, N 52709, N 52710, N 52711, N 52712, N 52713, N 52714, N 52715, N 52716, N 52717, N 53242, N 53243, N 53244, N 53245, N 53246, N 53247, N 53248, N 53546, N 53547, N 53548, N 53549.

N 53550, N 53551, N 53552, N 53553, N 53554, N 53555, N 53556, N 53557, N 53558, N 53559, N 53560, N 53561, N 53562, N 53563, N 53564, N 53565, N 53566, N 53567, N 53568, N 53569, N 53570, N 53571, N 53572, N 53573, N 53574, N 53575, N 53576, N 53577, N 53585, N 53586, N 53587, N 53591, N 53592, N 53593, N 53594, N 53595, N 53596, N 53597, N 53598, N 53599, N 53601, N 53602, N 53603, N 53608, N 53604, N 53609, N 53610.

N 53611, N 53612, N 53613, N 53614, N 53615, N 54998, N 54999, N 55000, N 55001, N 55002, N 55003, N 55004, N 55005, N 55006, N 55007, N 55008, N 55009, N 55010, N 55011, N 55012, N 55013, N 55014, N 55015, N 55016, N 55017, N 55018, N 55019, N 55020, N 55021, N 55022, N 55023, N 55024, N 55025, N 55026, N 55027, N 50963.

[F. R. Doc. 51-6925; Filed, June 14, 1951; 8:51 a. m.]

[Vesting Order 17949]

PIERSON & Co.

In re: Stock registered in the name of Pierson & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1261.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Pierson & Co. together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons 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.

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, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

N. Y. Ontario & Western Railway common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates

N 38397, N 38398, N 38399, N 38400, N 38402, N 38403, N 38404, N 38405, N 38406, N 38530, N 38533, N 38534, N 38537, N 38538, N 38987, N 39988, N 38989, N 38990, N 38991, N 38993, N 38994, N 38996, N 38997, N 38998, N 38999, N 39000, N 39009, N 39011, N 39013, N 39014, N 39015, N 39178, N 39179, N 39181, N 39186, N 39549, N 39550, N 39556, N 39558, N 39559, N 39560, N 39561, N 39562, N 39564, N 39565, N 35966, N 39567, N 39001.

N 39568, N 39570, N 39571, N 39573, N 39575, N 39577, N 39578, N 39582, N 39587, N 39589, N 39591, N 39592, N 39593, N 39594, N 39595, N 39596, N 39598, N 39599, N 39602, N 39603, N 39604, N 39605, N 39606, N 39607, N 39608, N 39609, N 39611, N 39623, N 39626, N 39627, N 39628, N 39630, N 39631, N 39633, N 39636, N 39637, N 39638, N 39640, N 39644, N 39655, N 39656, N 39657, N 39658, N 39659, N 39661, N 39663, N 39664, N 39666.

N 39669, N 39672, N 39674, N 39675, N 39706, N 39707, N 39708, N 39709, N 39710, N 39711, N 39712, N 39713, N 39714, N 39715, N 39728, N 39729, N 39730, N 39731, N 39733, N 39734, N 39736, N 39771, N 39773, N 39774, N 39775, N 39776, N 39777, N 39778, N 39779, N 39781, N 39782, N 39783, N 39785, N 39786, N 39787, N 39790, N 39791, N 39832, N 39834, N 39836, N 39837, N 39877, N 39878, N 39880, N 39881, N 39882, N 39919.

N 39920, N 39922, N 39923, N 39925, N 39926, N 39927, N 39928, N 39929, N 39931, N 39932, N 39933, N 39935, N 39938, N 39939, N 39940, N 39943, N 40185, N 40186, N 40187, N 40189, N 40190, N 40192, N 40193, N 40194, N 40196, N 40199, N 40204, N 40205, N 49207, N 40209, N 40210, N 40211, N 40213, N 40215, N 40217, N 40218, N 40219, N 40220, N 40221, N 40224, N 40225, N 40226, N 40227, N 40228, N 40231, N 40232, N 40233.

N 40234, N 40239, N 40240, N 40241, N 40243, N 40245, N 40246, N 40247, N 40248, N 40350, N 40351, N 40355, N 40357, N 40358, N 40359, N 40361, N 40362, N 40365, N 40366, N 40368, N 40370, N 40371, N 40372, N 40373, N 40374, N 40375, N 40376, N 40377, N 40378, N 40384, N 40386, N 40387, N 40390, N 40392, N 40393, N 40490, N 40491, N 40492, N 40493, N 40497, N 40499, N 40500, N 40501, N 40504, N 40505, N 40506, N 40508.

N. 40509, N 40510, N 40511, N 40512, N 40513, N 40514, N 40515, N 40519, N 40525, N 40526, N 40527, N 40528, N 40529, N 40532, N 40533, N 40536, N 40537, N 40542, N 40543, N 40544, N 40546, N 40548, N 40550, N 40551, N 40552, N 40554, N 40557, N 40558, N 40560, N 40561, N 40563, N 40565, N 40566, N 40568, N 40569, N 40570, N 40571, N 40572, N 40574, N 40576, N 40577, N 40578, N 40583, N 40584, N 40585, N 40586, N 40587, N 40634.

N 40637, N 40638, N 40639, N 40640, N 40641, N 40642, N 40643, N 40644, N 40645, N 40646, N 40647, N 40662, N 40663, N 40664, N 40665, N 40668, N 40669, N 40670, N 40672, N 40673, N 40674, N 40675, N 40676, N 40680, N 40749, N 40750, N 40751, N 40752, N 40753, N 40755, N 40756, N 40757, N 40759, N 40760, N 40761, N 40762, N 40763, N 40765, N 40767, N 40768, N 40838, N 40839, N 40842, N 40843, N 40844, N 40846, N 40918, N 40920.

N 40921, N 40927, N 40931, N 40932 N 40934, N 40937, N 40938, N 40940, N 40942, N 40943, N 40944, N 40946, N 40947, N 40948, N 40953, N 40954, N 40955, N 40957, N 40958, N 40961, N 40963, N 40964, N 40965, N 40966, N 40967, N 40969, N 40971, N 40972, N 40974, N 40976, N 40978, N 40984, N 40989, N 40994, N 40995, N 40997, N 40999, N 41000, N 41001, N 41002, N 41003, N 41005, N 41006, N 41007, N 41009 N 41010, N 41011, N 40929.

N 41014, N 41017, N 41018, N 41021, N 41024, N 41025, N 41026, N 41080, N 41081, N 41082, N 41084, N 41189, N 41245, N 41246, N 41247, N 41248, N 41249, N 41250, N 41251, N 41252, N 41253, N 41254, N 41256, N 41257, N 41258, N 41259, N 41287, N 41388, N 41391, N 41403, N 41404, N 41407, N 41478, N 41494, N 41495, N 41496, N 41497, N 41498, N 41538, N 41600, N 41601, N 41640, N 41694, N 41695, N 41696, N 41698, N 41699, N 41700.

N 41701, N 41702, N 41703, N 41704, N 41707, N 41709, N 41710, N 41712, N 41713, N 41714, N 41715, N 41716, N 41717, N 41718, N 41720, N 41721, N 41800, N 41801, N 41803, N 41808, N 41810, N 41811, N 41813, N 41815, N 41816, N 41818, N 41819, N 41820, N 41824, N 41825, N 41826, N 41827, N 41828, N 41830, N 41831, N 41832, N 41833, N 41834, N 41835, N 41836, N 41837, N 41839, N 41840, N 41841, N 41842, N 41844, N 41845, N 41849.

N 41850, N 41851, N 41852, N 41853, N 41854, N 41867, N 41881, N 41882, N 41883, N 41884, N 41885, N 41886, N 41934, N 41951, N 41958, N 41959, N 41960, N 41962, N 41969, N 41970, N 41982, N 41983, N 41984, N 41985, N 41989, N 41990, N 42015, N 42044, N 42097, N 42103, N 42111, N 42129, N 42130, N 42131, N 42143, N 42173, N 42327, N 42328, N 42389, N 42391, N 42475, N 42476, N 42477, N 42478, N 42512, N 42513, N 42514, N 42515.

N 42516, N 42518, N 42519, N 42521, N 42524, N 42525, N 42537, N 42539, N 42541, N 42542, N 42543, N 42544, N 42549, N 42550, N 42551, N 42552, N 42553, N 42554, N 42720, N 42556, N 42557, N 42559, N 42560, N 42563, N 42564, N 42565, N 42566, N 42567, N 42568, N 42569, N 42570, N 42571, N 42589, N 42590, N 42592, N 42593, N 42594, N 42595, N 42599, N 42601, N 42603, N 42604, N 42605, N 42606, N 42609, N 42610, N 42611, N 42612.

N 42721, N 42722, N 42723, N 42725, N 42726, N 42727, N 42728, N 42729, N 42730, N 42732, N 42733, N 42734, N 42736, N 42737, N 42738, N 42739, N 42740, N 42753, N 42754, N 42755, N 42756, N 42757, N 42758, N 42761, N 42762, N 42763, N 42765, N 42766, N 42768, N 42769, N 42770, N 42771, N 42772, N 42773, N 42774, N 42776, N 42778, N 42779, N 42782, N 42785, N 42786, N 42787, N 42789, N 42904, N 42906, N 42907, N 42908, N 42909.

N 42910, N 42911, N 42912, N 42913, N 42939, N 42940, N 42942, N 42943, N 42944, N 42945, N 42946, N 42947, N 42948, N 42949, N 42950, N 43001, N 43002, N 43012, N 43013, N 43014, N 43034, N 43035, N 43036, N 43037, N 43038, N 43072, N 43073, N 43074, N 43080, N 43082, N 43126, N 43230, N 43231, N 43467, N 43468, N 43469, N 44094, N 44146, N 44233, N 44234, N 44656, N 44657, N 45483, N 46010, N 46011, N 46012, N 46013, N 44826.

N 46015, N 46018, N 46019, N 46020, N 46022, N 46025, N 46026, N 46027, N 46028, N 46029, N 46031, N 46032, N 46033, N 46034, N 46035, N 46036, N 46037, N 46038, N 46039, N 46235, N 46237, N 46241, N 46242, N 46243, N 46244, N 46282, N 46812, N 46814, N 46815, N 46816, N 46817, N 46818, N 46819, N 46820, N 46821, N 47148, N 47150, N 47151, N 47153, N 47154, N 47156, N 47157, N 47158, N 47159, N 47241, N 47878, N 47879.

N 47880, N 47881, N 47883, N 47884, N 47885, N 47886, N 47887, N 47888, N 47889, N 47890, N 47892, N 47893, N 47894, N 47895, N 47896, N 47898, N 47901, N 47902, N 47905, N 47906, N 47907, N 47908, N 47909, N 47910, N 47912, N 47913, N 47914, N 47915, N 47916, N 47917, N 47918, N 47919, N 47921, N 47922, N 47923, N 47924, N 47926, N 47927, N 47930, N 47931, N 47932, N 47933, N 47934, N 47935, N 47936, N 47942, N 47943, N 47944.

N 48032, N 48033, N 48034, N 48035, N 48036, N 48038, N 48039, N 48040, N 48041, N 48042, N 48043, N 48044, N 48045, N 48046, N 48047, N 48048, N 48049, N 48050, N 48051, N 48611, N 48612, N 48613, N 48614, N 48615, N 48616, N 48617, N 48619, N 48620, N 48621, N 48622, N 48623, N 48624, N 48625, N 48627, N 48628, N 48630, N 49427, N 49428, N 49429, N 49430, N 49432, N 49434, N 49436, N 49535, N 49536, N 49537, N 49538, N 49539.

N 49589, N 49590, N 49592, N 49593, N 49594, N 49596, N 49597, N 49598, N 49870, N 49871, N 49873, N 49874, N 49875, N 49876, N 49877, N 49878, N 49879, N 50148, N 50149, N 50150, N 50151, N 50152, N 50153, N 50154, N 50155, N 50156, N 50771, N 50772, N 50773, N 50774, N 50775, N 50776, N 50777, N 50778, N 50779, N 50780, N 50782, N 50783, N 50789, N 50791, N 50792, N 50796, N 50797, N 50798, N 50799, N 50800, N 51136, N 51137.

N 51138, N 51139, N 51140, N 51141, N 51142, N 51143, N 51144, N 51145, N 51149, N 51150, N 51151, N 51152, N 51153, N 51154, N 51155, N 51159, N 51160, N 51162, N 51166, N 51167, N 51168, N 51171, N 51172, N 51173, N 51174, N 51175, N 51176, N 51178, N 51180, N 51181, N 51182, N 51183, N 51185, N 51186, N 51188, N 51189, N 51190, N 51191, N 51194, N 51195, N 51196, N 51197, N 51198, N 51199, N 51200, N 51201, N 51202, N 51203.

N 51204, N 51206, N 51209, N 51210, N 51211, N 51214, N 51215, N 51216, N 51217, N 51218, N 51219, N 51220, N 51224, N 51225, N 51226, N 51227, N 51228, N 51229, N 51230, N 51231, N 51232, N 51233, N 51236, N 51237, N 51238, N 51239, N 51240, N 51241, N 51242, N 51243, N 51244, N 51246, N 51247, N 51248, N 51249, N 51250, N 51252, N 51253, N 51254, N 51255, N 51256, N 51257, N 51259, N 51260, N 51261, N 51262, N 51263, N 51265.

N 51267, N 51268, N51269, N 51270, N 51271, N 51276, N 51277, N 51278, N 51279, N 51281, N 51282, N 51283, N 51285, N 51286, N 51295, N 51296, N 51297, N 51298, N 51300, N 51301, N 51302, N 51303, N 51304, N 51305, N 51306, N 51307, N 51308, N 51309, N 51312, N 51313, N 51314, N 51751, N 51752, N 51753, N 51754, N 51755, N 51756, N 51757, N 51758, N 51759, N 51760, N 51913, N 51914, N 51916, N 51918, N 51919, N 51920, N 51921.

N 51922, N 51994, N 51996, N 51997, N 51998, N 51999, N 52001, N 52002, N 52003, N 52396, N 52397, N 52400, N 52401, N 52402, N 52403, N 52404, N 52405, N 52308, N 52409, N 52410, N 52411, N 52412, N 52413, N 52414, N 52415, N 52416, N 52417, N 52418, N 52419, N 52420, N 52421, N 52422, N 52423, N 52424, N 52425, N 52426, N 52427, N 52428, N 52429, N 52430, N 52431, N 52432, N 52433, N 52434, N 52435, N 52436, N 52437, N 52438.

N 52039, N 52040, N 52041, N 52042, N 52043, N 52044, N 52045, N 52046, N 52047, N 52048, N 52049, N 52050, N 52051, N 52052, N 52053, N 52054, N 52055, N 52056, N 52057, N 52059, N 52061, N 52064, N 52065, N 52790, N 52791, N 52792, N 52793, N 52794, N 52795, N 52796, N 52797, N 52798, N 53097, N 53098, N 53099, N 53100, N 53101, N 53102, N 53103, N 53104, N 53105, N 53106, N 53107, N 53108, N 53109, N 53110, N 53111, N 53112.

N 53113, N 53114, N 53115, N 53116, N 53117, N 53118, N 53119, N 53120, N 53121, N 53122, N 53123, N 53124, N 53125, N 53126, N 53127, N 53128, N 53129, N 53130, N 53131, N 53132, N 53133, N 53134, N 53135, N 53136, N 53181, N 53182, N 53183, N 53184, N 53185, N 53186, N 53187, N 53188, N 53189, N 53190, N 53255, N 53256, N 53258, N 53259, N 53260, N 53261, N 53262, N 53263, N 53264, N 53667, N 53668, N 53669, N 53689, N 53690.

N 53691, N 53692, N 53693, N 53694, N 53695, N 53696, N 53697, N 53698, N 53699, N 53700, N 53701, N 53702, N 53703, N 53704, N 53705, N53706, N 53707, N 53708, N 53709, N 53710, N 53711, N 53712, N 53713, N 53714, N 53715, N 53716, N 53717, N 53718, N 53719, N 53720, N 53721, N 53722, N 53724, N 53725,

N 53726, N 53727, N 53728, N 53729, N 53730, N 53731, N 53732, N 53733, N 53734, N 53735, N 53736, N 53737, N 53738.

N 53739, N 53740, N 53741, N 53742, N 53744, N 53745, N 53746, N 53747, N 53748, N 53749, N 53750, N 53751, N 53752, N 53753, N 53755, N 53756, N 53757, N 53758, N 53759, N 53760, N 53761, N 53762, N 53763, N 53764, N 53765, N 53766, N 53767, N 53768, N 53770, N 53771, N 53772, N 53773, N 53774, N 53775, N 53776, N 53778, N 53779, N 53780, N 53781, N 53782, N 53784, N 53785, N 53786, N 53787, N 53788, N 53791, N 53792, N 53793.

N 53794, N 53795, N 53796, N 53798, N 53799, N 53800, N 53801, N 53802, N 53803, N 53804, N 53805, N 53807, N 53808, N 53809, N 53810, N 53811, N 53812, N 53814, N 53815, N 53816, N 53818, N 53819, N 53820, N 53822, N 53823, N 53824, N 53825, N 53826, N 53827, N 53828, N 53830, N 53831, N 53832, N 53833, N 53834, N 53835, N 53836, N 53837, N 53839, N 53840, N 53841, N 53842, N 53844, N 53845, N 53846, N 53847, N 53797.

N 53848, N 53850, N 53851, N 53852, N 53853, N 53854, N 53855, N 53856, N 53857, N 53858, N 53859, N 53860, N 53861, N 53862, N 53863, N 53864, N 53865, N 53866, N 53867, N 53868, N 53872, N 53873, N 53874, N 53875, N 53876, N 53877, N 53879, N 53880, N 53881, N 53882, N 53883, N 53884, N 53885, N 53886, N 53887, N 53888, N 53889, N 53890, N 53891, N 53892, N 53893, N 53894, N 53895, N 53896, N 53897, N 53898, N 53878,.

N 53899, N 43900, N 53901, N 53902, N 53903, N 53904, N 53905, N 53906, N 53907, N 53908, N 53909, N 53910, N 53911, N 53912, N 53913, N 53914, N 53915, N 53916, N 53917, N 53918, N 53921, N 53922, N 53923, N 52934, N 53925, N 53926, N 53927, N 53928, N 53929, N 53930, N 53931, N 53933, N 53934, N 53935, N 53936, N 53937, N 53938, N 53939, N 53940, N 53941, N 53942, N 53943, N 53944, N 53945, N 53946, N 53948, N 53949, N 53950.

N 53951, N 53952, N 53953, N 53954, N 53956, N 53960, N 53961, N 53962, N 53963, N 53964, N 53965, N 53966, N 53967, N 53968, N 53969, N 53970, N 53971, N 53972, N 53973, N 53974, N 53975, N 53977, N 53978, N 53979, N, 53980, N 53981, N 53982, N 53984, N 53985, N 53987, N 53988, N 53989, N 53990, N 53991, N 53992, N 53994, N 53995, N 53996, N 53997, N 53998, N 53999, N 54000, N 54001, N 54002, N 54004, N 54005, N 54006, N 53955.

N 54007, N 54008, N 54009, N 54010, N 54011, N 54012, N 54013, N 54014, N 54015, N 54016, N 54017, N 54018, N 54020, N 54021, N 54022, N 54023, N 54024, N 54025, N 54026, N 54027, N 54028, N 54029, N 54030, N 54031, N 54032, N 54033, N 54034, N 54035, N54038, N 54039, N 54040, N 54051, N 54052, N 54053, N 54054, N 54055, N 54056, N 54057, N 54058, N 54059, N 54060, N54061, N 54062 N, 54063, N 54064, N 54065, N 54066, N 54067.

N 54068, N 54069, N 54070, N 54071, N 54072, N 54073, N 54074, N 54075, N 54076, N 54077, N 54079, N 54080, N 54081, N 54082, N 54083, N 54085, N 54086, N 54087, N 54088, N 54222, N 54223, N 54224, N 54225, N 54226, N 54227, N 54229, N 54230, N 54231, N 54292, N 54293, N 54294, N 54295, N 54296, N 54297, N 54298, N 54299, N 54300, N 54302, N 54303, N 54304, N 54305, N 54306, N 54307, N 54308, N 54309, N 54310, N 54311, N 54312.

N 54313, N 54314, N 54315, N 54317, N 54321, N 54860, N 54861, N 54862, N 54863, N 54864, N 54865, N 54866, N 54867, N 54868, N 54869, N 54870, N 54873, N 54874, N 54875, N 54876, N 54877, N 54878, N 54879, N 54880, N 54881, N 54882, N 54883, N 54884, N 54885, N 54886, N 54887, N 54889, N 54890, N 54891, N 54892, N 54893, N 54894, N 54895, N 54896, N 54897, N 54898, N 54899, N 54900, N 54901, N 54902, N 54888.

N 54903, N 54904, N 54905, N 54906, N 54907, N 54908, N 54909, N 54910, N 54912, N 54913, N 54914, N 54915, N 54916, N 54917, N 54918, N 54919, N 55029, N 55030, N 55031, N 55032, N 55033, N 55034, N 55035, N 55036, N 55037, N 55038, N 55039, N 55040, N 55041, N 55042, N 55043, N 55044, N 55045, N 55046, N 55047, N 55048, N 55049, N 55050, N 55051, N 55052, N 55053, N 55054, N 55055, N 55056, N 55057, N 55058, N 55063, N 55064.

N 55065, N 55066, N 55067, N 55068, N 55069, N 55070, N 55071, N 55072, N 55073, N 55074, N 55075, N 55077, N 55078, N 55079, N 55080, N 55081, N 55082, N 55091, N 55092, N 55093, N 55094, N 55095, N 55096, N 55097, N 55098, N 55099, N 55100, N 55101, N 55102, N 55103, N 55104, N 55105, N 55106, N 55107, N 55108, N 55109, N 55110, N 55111, N 55112, N 55113, N 55114, N 55115, N 55116, N 55117, N 55118, N 55119, N 55125.

N 55126, N 55127, N 55128, N 55129, N 55130, N 55131, N 55132, N 55133, N 55134, N 55135, N 55136, N 55137, N 55138, N 55139, N 55140, N 55141, N 55142, N 55143, N 55145, N 55147, N 55148, N 55149, N 55150, N 55151 N 55152, N 55153, N 55154, N 55155, N 55156, N 55157, N 55158, N 55159, N 55160, N 55161, N 55162, N 55163, N 55164, N 55165, N 55166, N 55167, N 55168, N 55169, N 55170, N 55171, N 55172 N 55173, N 55174, N 55175.

N 55176, N 55177, N 55178, N 55179, N 55180, N 55181, N 55182, N 55183, N 55184, N 55185, N 55186, N 55187, N 55188, N 55189, N 55190, N 55191, N 55192, N 55193, N 55194, N 55195, N 55196, N 55197, N 55198, N 55199, N 55200, N 55205, N 55206, N 55207, N 55208, N 55209, N 55210, N 55211, N 55212, N 55213, N 55214, N 55217, N 55218, N 55219, N 55220, N 55221, N 55222, N 55223, N 55224, N 55225, N 55226, N 55227, N 55228, N 55229.

N 55230, N 55231, N 55232, N 55233, N 55234, N 55235, N 55236, N 55237, N 55239, N 55240, N 55241, N 55242, N 55243, N 55244, N 55245, N 55246, N 55247, N 55248, N 55249, N 55250, N 55251, N 55252, N 55253, N 55254, N 55255, N 55256, N 55257, N 55258, N 55259, N 55702.

[F. R. Doc. 51-6921; Filed June 14, 1951; 8:50 a. m.]