

PART I



FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (1) is added to § 30.101 as follows:

§ 30.101 Definitions. . . .

(1) "Calendar year" means 260 basic work days (inclusive of holidays within the basic work weeks) during the period from January 1 through December 31.

2. Section 30.201 is amended to read as follows:

§ 30.201 Accrual of annual leave. Annual leave shall accrue and be credited to employees as follows:

(a) Permanent employees shall earn and be credited with twenty-six days of annual leave for each calendar year.

(b) For permanent employees, the total credit for a calendar year may be given at the beginning of the calendar year in which it accrues, or it may be given at the rate of one day per bi-weekly pay period: *Provided*, That the credit equals twenty-six days for a full calendar year of service. In computing annual leave accruals for less than a complete bi-weekly pay period; the table given below will govern in determining leave accruals for basic eight-hour work days in five-day work weeks. Fractions of work days shall be disregarded.

Basic work days:	Hours credit
1.....	1
2.....	2
3.....	2
4.....	3
5.....	4

(c) Permanent employees who are paid on a "when-actually-employed" basis, and who serve any continuous period of one month or more, shall earn and be credited with annual leave during the entire period of such continuous service in accordance with the provisions of paragraph (b) of this section.

(d) Temporary employees, including temporary employees paid on a "when-actually-employed" basis, shall earn and be credited with annual leave of two and

*This issue is in two parts, the second of which consists of Title 19, Chapter I, Bureau of Customs, Department of the Treasury.*

one-half days for each full continuous month of service.

3. Section 30.301 is amended to read as follows:

§ 30.301 Accrual of sick leave. (a) Permanent employees shall earn and be credited with sick leave at the rate of 1¼ days per calendar month, which may be credited at the beginning of the month, or at the beginning of the first pay period following the first day of the month. The minimum accrual and credit for sick leave shall be one hour, and additional accruals and credits shall be in multiples thereof.

(b) Employees, other than temporary employees, who are paid on a "when-actually-employed" basis, and who serve any continuous period of one month or more, shall earn and be credited with sick leave on the same basis as other permanent employees, at the rate of 1¼ days per month during the entire period of continuous service. Accruals and credits for such employees shall be in multiples of one hour.

(c) Temporary employees, including temporary employees paid on a "when-actually-employed" basis, shall earn and be credited with 1¼ days of sick leave for each full continuous month of service.

(d) Sick leave accruing during any month of service shall be available at any time during that or any subsequent month.

(e) Because of the difference in crediting sick leave to temporary and permanent employees the following method shall be followed in crediting sick leave when a temporary appointment is converted to a permanent appointment prior to the end of the service month: Service as a permanent employee shall be counted as temporary service for the purpose of completing the month of service. Sick leave shall thereafter be credited as a permanent employee.

(Continued on p. 7816)

CONTENTS

	Page
<b>Agriculture Department</b>	
See also Commodity Exchange Authority.	
Proposed rule making:	
Rice, national marketing quota for 1948.....	7867
Rules and regulations:	
Limitation of shipments:	
California and Arizona:	
Lemons.....	7817
Oranges.....	7819
Grapefruit in Arizona; Imperial County, Calif.; and part of Riverside County, Calif., south and east of San Geronio Pass.....	7818
Oranges, grapefruit and tangerines in Florida (3 documents).....	7816, 7817
Office of Experiment Stations; discontinuance of codification.....	7819
<b>Alien Property, Office of</b>	
Notices:	
Vesting orders, etc.:	
Chambre, Siegmund, and Max Chambre.....	7880
Hollweg, Louis.....	7877
Japan Cotton Co.....	7880
Klein, Hugo.....	7879
Mand, Agnes F.....	7878
Maurer, Peter.....	7878
Niecke, Pauline.....	7879
Plum, Erna.....	7877
Ruoff, Mrs. Madeleine.....	7880
Stark, Phillip.....	7878
Stumpp, Alfred.....	7879
<b>Civil Aeronautics Board</b>	
Rules and regulations:	
Editorial changes incident to preparation of 1949 Code of Federal Regulations.....	7861
<b>Civil Service Commission</b>	
Rules and regulations:	
Annual and sick leave; miscellaneous amendments.....	7813
<b>Commodity Exchange Authority</b>	
Rules and regulations:	
Reissuance of regulations:	
General regulations under Commodity Exchange Act.....	7834
Orders of the Commodity Exchange Commission.....	7860
Orders of the Secretary of Agriculture.....	7860
Rules of practice.....	7820



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#### CONTENTS—Continued

	Page
<b>Commodity Exchange Authority—Continued</b>	
Rules and regulations—Continued	
Reissuance of regulations—Con.	
Special provisions:	
Butter .....	7845
Cotton .....	7843
Cottonseed meal and soybean meal .....	7858
Eggs .....	7847
Fats .....	7854
Grains, flaxseed, and soybeans .....	7840
Millfeeds .....	7851
Oils .....	7856
Potatoes .....	7849
Wool tops .....	7852
<b>Customs Bureau</b>	
Notices:	
“No-consul list”, addition of St. Pierre-Miquelon, and Cartagena, Colombia, and removal of Tripoli, Libya .....	7868

#### RULES AND REGULATIONS

#### CONTENTS—Continued

	Page
<b>Customs Bureau—Continued</b>	
Rules and regulations:	
Air commerce regulations .....	7950
Appraisement .....	8034
Articles conditionally free; subject to reduced rate, etc. ....	7978
Cartage and lighterage .....	8077
Customs and navigation laws, enforcement .....	8094
Customs bonds .....	8111
Customs districts and ports .....	7881
Customs financial and accounting procedure .....	8105
Customs requirements, changes in procedure due to war .....	8121
Customs relations:	
Foreign territory, contiguous .....	7945
Insular possessions and Guantanamo Bay Naval Station .....	7957
Customs warehouses and control of merchandise therein .....	8063
Drawback .....	8079
Duties, liability for; entry of imported merchandise .....	7958
Duties, liquidation .....	8045
Duties of merchandise lost, stolen, destroyed, injured, abandoned, or short-shipped; relief .....	8043
Importation free of duty:	
Certain, during war .....	8120
Food, clothing, and medical, surgical, and other supplies under emergency proclamations of the President .....	8119
Importation of surplus Government property .....	8122
Importations by mail .....	7975
Imports and exports subject to the provisions of E. O. 8389, as amended and Proc. 2497, regarding “Blocked Nationals” .....	8117
Information, disclosure .....	8116
Merchandise:	
Special classes .....	8017
Unclaimed and abandoned, disposition .....	8075
Packing and stamping; marking; trade-marks and trade names; copyrights .....	8010
Protests and reappraisements .....	8052
Sugars, sirups, and molasses; petroleum products; wool and hair .....	8030
Time, extension, pursuant to proclamation of President under section 318, Tariff Act of 1930 .....	8121
“Trading With the Enemy Act,” regulations under .....	8117
Transportation in bond and merchandise in transit .....	8057
Vessels:	
Documentation .....	7909
Foreign and domestic trades .....	7925
Measurement .....	7887
<b>Federal Communications Commission</b>	
Notices:	
Frequency and modulation monitors, approved; use in standard broadcast stations. Hearings, etc.:	
Bay State Broadcasting Corp. and Whaling City Broadcasting Corp. ....	7871

#### CONTENTS—Continued

	Page
<b>Federal Communications Commission—Continued</b>	
Notices—Continued	
Hearings, etc.—Continued	
Block, William H., Co. (WUTV) .....	7870
Michigan Bell Telephone Co. Transmitters, high power VHF State police; Commission policy on consideration of applications .....	7870
State police; Commission policy on consideration of applications .....	7869
Rules and regulations:	
Radio broadcast services; time of operation of stations .....	7867
<b>Federal Deposit Insurance Corporation</b>	
Notices:	
Committee on Administrative Procedure, Regulations and Forms; abolishment .....	7872
<b>Federal Mediation and Conciliation Service</b>	
Rules and regulations:	
Revision of chapter and statement of organization and delegation of final authority .....	7862
<b>Federal Power Commission</b>	
Notices:	
Southern California Edison Co.; hearing .....	7872
<b>Federal Trade Commission</b>	
Rules and regulations:	
Cease and desist order; Morton Salt Co. ....	7861
<b>Housing and Home Finance Agency</b>	
Rules and regulations:	
Veteran's emergency housing program, and rules of practice and procedure, including forms and instructions; revocation .....	7862
<b>Housing Expediter, Office of</b>	
Rules and regulations:	
Rent regulations, controlled:	
Housing .....	7862
Rooms in rooming houses and other establishments .....	7862
<b>Industry Cooperation, Office of</b>	
Notices:	
Steel products; proposed voluntary plan for allocation for construction of pipe line to supply natural gas to plant of Atomic Energy Commission at Oak Ridge, Tenn. ....	7868
<b>Interdepartmental Committee on Trade Agreements</b>	
Notices:	
Trade-agreement negotiations with Colombia, Denmark, Dominican Republic, El Salvador, Finland, Greece, Haiti, Italy, Liberia, Nicaragua, Peru, Sweden, and Uruguay; possible adjustments in preferential rates on Cuban products .....	7872
<b>Land Management Bureau</b>	
Notices:	
Alaska; withdrawal of public lands in aid of proposed legislation .....	7868

**CONTENTS—Continued**

<b>Land Management Bureau—Continued</b>	Page
Notices—Continued	
California; restoration of land to location and entry under mining laws.....	7868
Rules and regulations:	
Alaska:	
Survey of public lands.....	7865
Withdrawal of public lands in aid of proposed legislation..	7866
California; revocation of land withdrawal pending resurvey..	7866
<b>Maritime Commission</b>	
Rules and regulations:	
Editorial changes incident to publication of 1949 Code of Federal Regulations.....	7866
<b>National Park Service</b>	
Rules and regulations:	
Alaska; areas administered by National Park Service.....	7865
<b>Reciprocity Information, Committee for</b>	
Notices:	
Trade-agreement negotiations with Colombia, Denmark, Dominican Republic, El Salvador, Finland, Greece, Haiti, Italy, Liberia, Nicaragua, Peru, Sweden, and Uruguay; submission of information....	7875
<b>Securities and Exchange Commission</b>	
Notices:	
Hearings, etc.:	
Kings County Lighting Co....	7877
New Bedford Gas and Edison Light Co.....	7876
Public Service Corp. of New Jersey and South Jersey Gas Co.....	7876
United Light and Railways Co. and Continental Gas & Electric Corp.....	7876
<b>Selective Service System</b>	
Rules and regulations:	
Records administration in Federal records depots; supplying information from records..	7864
<b>State Department</b>	
Rules and regulations:	
Surplus property located in foreign areas; importation into United States.....	7864
<b>Tariff Commission</b>	
Notices:	
Trade agreement; investigation and public hearing.....	7875

**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.

<b>Title 3—The President</b>	Page
Chapter II—Executive Orders:	
5585 (revoked by PLO 536).....	7866
<b>Title 5—Administrative Personnel</b>	
Chapter I—Civil Service Commission:	
Part 30—Annual and sick leave regulations.....	7813

**CODIFICATION GUIDE—Con.**

<b>Title 7—Agriculture</b>	
Chapter VII—Production and Marketing Administration (Agricultural Adjustment):	
Part 730—Rice (proposed).....	7867
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders):	
Part 933—Oranges, grapefruit, and tangerines grown in Florida (3 documents).....	7816, 7817
Part 953—Lemons grown in California and Arizona.....	7817
Part 955—Grapefruit grown in Arizona; in Imperial County, Calif.; and in that part of Riverside, Calif., situated south and east of the San Geronio Pass.....	7818
Part 966—Oranges grown in California and Arizona.....	7819
Chapter XXI—Organization, Functions, and Procedure:	
Part 2407—Office of Experiment Stations.....	7819
<b>Title 14—Civil Aviation</b>	
Chapter I—Civil Aeronautics Board:	
Part 301—Organization, delegations of authority, and public information.....	7861
Part 302—Description of functions; course and method by which functions are channeled, scope and contents of documents.....	7861
Part 303—Substantive rules.....	7861
<b>Title 16—Commercial Practices</b>	
Chapter I—Federal Trade Commission:	
Part 3—Digest of cease and desist orders.....	7861
<b>Title 17—Commodity and Securities Exchanges</b>	
Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture:	
Reissuance.....	7820
Part 0—Rules of practice.....	7820
Part 1—General regulations under the Commodity Exchange Act.....	7834
Part 2—Special provisions applicable to grains, flaxseed, and soybeans.....	7840
Part 3—Special provisions applicable to cotton.....	7843
Part 4—Special provisions applicable to butter.....	7845
Part 5—Special provisions applicable to eggs.....	7847
Part 6—Special provisions applicable to potatoes.....	7849
Part 7—Special provisions applicable to millfeeds.....	7851
Part 8—Special provisions applicable to wool tops.....	7852
Part 9—Special provisions applicable to fats.....	7854
Part 10—Special provisions applicable to oils.....	7856
Part 11—Special provisions applicable to cottonseed meal and soybean meal.....	7858

**CODIFICATION GUIDE—Con.**

<b>Title 17—Commodity and Securities Exchanges—Con.</b>	Page
Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture—Continued	
Part 100—Orders of the Secretary of Agriculture.....	7860
Part 150—Orders of the Commodity Exchange Commission.....	7860
<b>Title 19—Customs Duties</b>	
Chapter I—Bureau of Customs, Department of the Treasury:	
Parts 1-59. See Part II of this issue.	
<b>Title 24—Housing Credit</b>	
Chapter VII—Housing and Home Finance Agency:	
Part 707—Veterans' emergency housing program.....	7862
Part 753—Rules of practice and procedure, including forms and instructions.....	7862
Chapter VIII—Office of Housing Expediter:	
Part 825—Rent regulations under the Housing and Rent Act of 1947, as amended (2 documents).....	7862
<b>Title 29—Labor</b>	
Chapter XII—Federal Mediation and Conciliation Service:	
Revision of chapter.....	7862
<b>Title 32—National Defense</b>	
Chapter VI—Selective Service System:	
Part 670—Records administration in Federal record depots..	7864
Chapter XXIV—Department of State, Disposal of Surplus Property:	
Part 8508—Disposal of surplus property located in foreign areas.....	7864
<b>Title 36—Parks, Forests, and Memorials</b>	
Chapter I—National Park Service, Department of the Interior:	
Part 1—Areas administered by the National Park Service....	7865
<b>Title 43—Public Lands: Interior</b>	
Chapter I—Bureau of Land Management, Department of the Interior:	
Part 78—Surveys.....	7865
Appendix—Public land orders:	
536.....	7866
538.....	7866
<b>Title 46—Shipping</b>	
Chapter II—United States Maritime Commission:	
Part 200—Organization, functions, and delegations of final authority.....	7866
Part 201—Rules of procedure before the Commission.....	7866
Part 204—Records available for inspection.....	7866
Part 205—Rule making.....	7866
Part 206—Ancillary matters....	7866
Part 211—Adoption of existing regulations.....	7866

## CODIFICATION GUIDE—Con.

Title 46—Shipping—Continued	Page
Chapter II—United States Maritime Commission—Continued	
Part 243—Commercial forwarding of certain exports for foreign relief and rehabilitation	7866
Part 300—General provisions	7866
Part 301—General regulations	7866
Part 302—Contracts with vessel owners and rates of compensation relating thereto	7866
Part 303—Contracts for carriage on vessels owned or chartered by the War Shipping Administration	7866
Part 304—Labor	7866
Part 305—Insurance	7866
Part 306—General agents and agents	7866
Part 307—War Shipping Administration Price Adjustment Board	7866
Part 321—Directives	7866
Part 343—Freight forwarders forwarding of foreign relief cargoes	7866
Appendix A—Maritime War Emergency Board	7866
<b>Title 47—Telecommunication</b>	
Chapter I—Federal Communications Commission:	
Part 3—Radio broadcast services	7867

4. Section 30.408 is amended to read as follows:

§ 30.408 *Disposition of sick leave account on transfer.* When an employee is appointed, reappointed, or transferred to another position with no break in service, or a break of less than 90 days, or within one year after notice of proposed separation by reduction in force or displacement order of the Civil Service Commission, his sick leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the sick leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed, reappointed, or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his sick leave account and if he is subsequently appointed, reappointed, or transferred to a position within the purview of such acts, with no break in service or a break of less than 90 days, or within one year after the notice of proposed separation from the former position within the purview of the leave acts, the leave shown to be due shall be credited to his account.

5. Section 30.410 is amended to read as follows:

§ 30.410 *Transfer from position not within purview of leave acts to position within purview of leave acts.* (a) Any employee who is or has been appointed, reappointed, or transferred from a position under the Sick Leave Act of March 14, 1936, to a position not under the act, shall be recredited upon reappointment

to a position under the act with the sick leave he had to his credit at the time of his leaving the position under the act of March 14, 1936: *Provided*, That upon such reappointment, he has had no break in service, or a break or breaks of less than:

30 days immediately preceding any reappointment which occurred during the period from January 1, 1944, to March 1, 1946; or 90 days immediately preceding any reappointment which occurred on or after March 1, 1946; or

One year following a reduction-in-force notice, when the reappointment occurred on or after March 21, 1947.

(b) Any employee who meets the above conditions and whose reappointment has already occurred shall be recredited currently with the sick leave, or such part of the sick leave he had to his credit as will bring the amount of accumulated sick leave to his credit to not in excess of 90 days.

(c) Any employee who, before the lump sum leave payment act of December 21, 1944, was appointed, reappointed, or transferred without a break in service from a position under the Annual Leave Act of March 14, 1936 to a position not under the act, shall be recredited upon reappointment to a position under the act with the annual leave he had to his credit at the time of leaving the position under the act: *Provided*, That, upon such reappointment, he has had no break in service, or a break of less than 90 days.

6. These amendments shall be effective upon publication in the FEDERAL REGISTER.

(E. O. 9414, Jan. 13, 1944, 3 CFR 1944 Supp.)

NOTE: The above amendments are designed to make it unnecessary to carry forward fractions into 1949 leave records. In order to accomplish this purpose the Commission finds that good cause exists for making the amendments effective upon publication in the FEDERAL REGISTER.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] H. B. MITCHELL,  
President.

[F. R. Doc. 48-11015; Filed, Dec. 17, 1948; 8:49 a. m.]

## TITLE 7—AGRICULTURE

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 155]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

## LIMITATION OF SHIPMENTS

§ 933.414 *Orange Regulation 155—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the

committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. and Supp. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for such effective date.

(b) *Order.* Except as otherwise provided in subparagraph (2) of this paragraph:

(1) During the period beginning at 12:01 a. m., e. s. t., December 20, 1948, and ending at 12:01 a. m., e. s. t., January 17, 1949, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (a) are in the same container with oranges which grade at least U. S. No. 1 Russet and (b) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) During the period beginning at 12:01 a. m., e. s. t., December 24, 1948, and ending at 12:01 a. m., e. s. t., January 3, 1949, no handler shall ship any oranges, including Temple oranges, grown in Regulation Area I or Regulation Area II.

(3) As used in this section, the terms "handler," "ship," "Regulation Area I," and "Regulation Area II" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5336).

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of December 1948.

[SEAL] C. F. KUNKEL,  
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-11082; Filed, Dec. 17, 1948; 9:02 a. m.]

[Tangerine Reg. 79]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.415 *Tangerine Regulation 79—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* Except as otherwise provided in subparagraph (2) of this paragraph:

(1) During the period beginning at 12:01 a. m., e. s. t., December 20, 1948, and ending at 12:01 a. m., e. s. t., January 17, 1949, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions  $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$  inches; capacity 1,726 cubic inches).

(2) During the period beginning at 12:01 a. m., e. s. t., December 24, 1948, and ending at 12:01 a. m., e. s. t., January 3, 1949, no handler shall ship any tangerines grown in the State of Florida.

(3) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (13 F. R. 4790). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of December 1948.

[SEAL] C. F. KUNKEL,  
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-11079; Filed, Dec. 17, 1948; 9:02 a. m.]

[Grapefruit Reg. 106]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.416 *Grapefruit Regulation 106—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. and Sup. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* Except as otherwise provided in subparagraph (2) of this paragraph:

(1) During the period beginning at 12:01 a. m., e. s. t., December 20, 1948, and ending at 12:01 a. m., e. s. t., January 17, 1949, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., December 24, 1948, and ending at 12:01 a. m., e. s. t., January 3, 1949, no handler shall ship any grapefruit of any variety grown in the State of Florida.

(3) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of December 1948.

[SEAL] C. F. KUNKEL,  
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-11080; Filed, Dec. 17, 1948; 9:02 a. m.]

[Lemon Reg. 305]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.412 *Lemon Regulation 305—(a)*

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interests to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be

## RULES AND REGULATIONS

handled during the period beginning at 12:01 a. m., P. s. t., December 19, 1948; and ending at 12:01 a. m., P. s. t., December 26, 1948; is hereby fixed as follows:

- (1) District 1: 219 carloads;  
(ii) District 2: 6 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of December 1948.

(SEAL) C. F. KUNKEL,  
*Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

## PRORATE BASE SCHEDULE

## DISTRICT NO. 1

Storage date: December 12, 1948

[12:01 a. m. Dec. 19, 1948, to 12:01 a. m. Jan. 2, 1949]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.238
American Fruit Growers, Inc., Fullerton	.407
American Fruit Growers, Inc., Lindsay	.000
American Fruit Growers, Inc., Upland	.477
Hazeltine Packing Co.	.751
Ventura Coastal Lemon Co.	3.786
Ventura Pacific Co.	1.456
Total A. F. G.	7.115
Klink Citrus Association	.874
Lemon Cove Association	.835
Glendora Lemon Growers Association	3.445
La Verne Lemon Association	.844
La Habra Citrus Association, The	1.962
Yorba Linda Citrus Association, The	.959
Alta Loma Heights Citrus Association	.635
Etiwanda Citrus Fruit Association	1.063
Mountain View Fruit Association	.393
Old Baldy Citrus Association	1.675
Upland Lemon Growers Association	8.694
Central Lemon Association	.802
Irvine Citrus Association, The	.729
Placentia Mutual Orange Association	1.113
Corona Citrus Association	.490
Corona Foothill Lemon Co.	2.461
Jameson Co.	1.123
Arllington Heights Citrus Co.	.361
College Heights Orange & Lemon Association	5.376
Chula Vista Citrus Association, The	.401
El Cajon Valley Citrus Association	.152
Escondido Lemon Association	1.495
Falibrook Citrus Association	1.842
Lemon Grove Citrus Association	.493
San Dimas Lemon Association	2.842
Carpinteria Lemon Association	1.978
Carpinteria Mutual Citrus Association	2.447
Goleta Lemon Association	2.103
Johnston Fruit Co.	3.189
North Whittier Heights Citrus Association	.586

## PRORATE BASE SCHEDULE—Continued

## DISTRICT NO. 1—continued

Handler	Prorate base (percent)
San Fernando Heights Lemon Association	2.085
San Fernando Lemon Association	.032
Sierra Madre-Lamanda Citrus Association	2.392
Tulare Co. Lemon & Grapefruit Association	.933
Briggs Lemon Association	1.332
Culbertson Investment Co.	.872
Culbertson Lemon Association	.746
Fillmore Lemon Association	1.910
Oxnard Citrus Association	4.569
Rancho Sespe	.591
Santa Paula Citrus Fruit Association	2.118
Sattcoy Lemon Association	3.538
Seaboard Lemon Association	2.115
Somis Lemon Association	2.384
Ventura Citrus Association	1.262
Limoneira Co.	1.299
Teague-McKevett Association	.357
East Whittier Citrus Association	.813
Leffingwell Rancho Lemon Association	.406
Murphy Ranch Co.	2.009
Whittier Citrus Association	.638
Whittier Select Citrus Association	.170

Total C. F. G. E. 84.138

Chula Vista Mutual Lemon Association	.645
Escondido Co-op. Citrus Association	.206
Index Mutual Association	.237
La Verne Co-op. Citrus Association	3.055
Orange Co-op. Citrus Association	.054
Ventura Co. Orange & Lemon Association	2.175
Whittier Mutual Orange & Lemon Association	.173

Total M. O. D. 6.545

California Citrus Groves, Inc., Ltd.	.130
Dunning, William A.	.055
El Rio Lemon Co.	.083
Evans Brothers Packing Co.	.074
Flint, Arthur E.	.000
Harding & Leggett	.267
Johnson, Fred	.028
Lorbeer, Carroll W. C.	.084
MacDonald, Hugh J.	.025
Orange Belt Fruit Distributors	.926
Reimers, Don H.	.111
San Antonio Orchard Company	.201
Sentinel Butte Corporation	.065
Zaninovich Brothers, Inc.	.153

Total Independents 2.202

## DISTRICT NO. 2

Total	100.000
Consolidated Citrus Growers	14.193
Phoenix Citrus Packing Co.	7.253
Total A. F. G.	21.446
Arizona Citrus Growers	15.518
Desert Citrus Growers Co.	11.330
Mesa Citrus Growers	7.780
Tempe Citrus Co.	4.299
Total C. F. G. E.	38.927

Leppla Henry Produce Co.	15.899
Pioneer Fruit Co.	12.488

Total M. O. D. 28.387

Morris Bros. 11.240

Total Independents 11.240

[F. R. Doc. 48-11081; Filed, Dec. 17, 1948; 9:02 a. m.]

[Grapefruit Reg. 60]

PART 955—GRAPEFRUIT GROWN IN ARIZ.; IMPERIAL COUNTY, CALIF.; AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

## LIMITATION OF SHIPMENTS

§ 955.321 *Grapefruit Regulation 60—*

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. and Sup. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., December 19, 1948, and ending at 12:01 a. m., P. s. t., January 16, 1949, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, unless such grapefruit are well colored and graded at least U. S. No. 2 grade (as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona), 12 F. R. 1975); or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States or in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3<sup>11</sup>/<sub>16</sub> inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided*, That in determining the percentage of

grapefruit in any lot which are smaller than 3 1/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 1/16 inches in diameter and smaller.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order; and the term "well colored" shall have the same meaning as is given to such term in the aforesaid revised United States Standards for Grapefruit (California and Arizona). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 955.1)

Done at Washington, D. C., this 14th day of December 1948.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Branch, Production and Marketing Administration.

[F. R. Doc. 48-11029; Filed, Dec. 17, 1948; 8:51 a. m.]

[Orange Reg. 259]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.405 Orange Regulation 259—(a) Findings. (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) Order. (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 19, 1948; and ending at 12:01 a. m., P. s. t., December 26, 1948; is hereby fixed as follows:

(i) Valencia oranges. (a) Prorate District No. 1: no movement;

(b) Prorate District No. 2: unlimited movement;

(c) Prorate District No. 3: no movement.

(ii) Oranges other than Valencia oranges. (a) Prorate District No. 1: 450 carloads;

(b) Prorate District No. 2: unlimited movement;

(c) Prorate District No. 3: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of December 1948.

C. F. KUNKEL,  
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Dec. 19, 1948, to 12:01 a. m. Dec. 26, 1948]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.3687
A. F. G. Porterville	2.1161
A. F. G. Sides	.5158
Ivanhoe Cooperative Association	.5860
Dofflemyer & Sons, W. Todd	.6550
Earlibest Orange Association	1.2972
Elderwood Citrus Association	.8413
Exeter Citrus Association	2.5695
Exeter Orange Growers Association	1.2138
Exeter Orchards Association	1.6596
Hillside Packing Association	1.6499
Ivanhoe Mutual Orange Association	1.0406
Klink Citrus Association	4.5131
Lemon Cove Association	1.8721
Lindsay Citrus Growers Association	2.5347
Lindsay Coop. Citrus Association	1.5450
Lindsay District Orange Co.	1.1166
Lindsay Fruit Association	1.6597
Lindsay Orange Growers Association	.8698
Naranjo Packing House Co.	.9749
Orange Cove Citrus Association	3.1658
Orange Cove Orange Growers	1.9275
Orange Packing Co.	1.2907
Orosi Foothill Citrus Association	1.2544
Paloma Citrus Fruit Association	1.0300
Rocky Hill Citrus Association	1.7430
Sanger Citrus Association	3.6376
Sequoia Citrus Association	1.0300
Stark Packing Corp.	2.1093
Visalia Citrus Association	1.6548

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Waddell & Son	1.8880
Butte County Citrus Association, Inc	1.3214
James Mills Orchards Co.	.5244
Orland Orange Growers Association, Inc	1.2173
Andrews Bro. of Calif.	.0009
Baird-Neece Corp.	1.7328
Beattie Association, Agnes M.	.6616
Grand View Heights Citrus Association	2.3909
Magnolia Citrus Association	2.3530
Porterville Citrus Association, The	1.5262
Richgrove-Jasmine Citrus Association	1.3166
Sandilands Fruit Co.	1.6823
Strathmore Coop. Association	1.7096
Strathmore District Orange Association	1.5203
Strathmore Fruit Growers Association	1.1618
Strathmore Packing House Co.	1.5892
Sunflower Packing Association, Inc.	2.3195
Sunland Packing House Co.	2.7143
Terra Bella Citrus Association	1.1664
Tule River Citrus Association	1.1688
Kroells Bros., Ltd.	1.0226
Lindsay Mutual Groves	1.5699
Martin Ranch	1.2993
Woodlake Packing House	2.0252
Anderson Packing Co., R. M.	.4055
Baker Bros.	.1352
Batkin Jr., Fred A.	.0870
California Citrus Groves, Inc., Ltd.	1.6542
Chess Co., Meyer W.	.3283
Edison Groves, Inc.	.7351
Evans Bros. Packing Co.	.0316
Exeter Groves Packing Co.	.8651
Furr, N. C.	.5634
Ghlanda Ranch	.0316
Harding & Leggett	1.4608
Justman-Frankenthal Co.	.1832
Lo Bue Bros.	1.0051
Marks, W. & M.	.4078
Panno Fruit Co., Carlo	.2160
Randolph Marketing Co.	2.0859
Reimers, Don H.	.3577
Rooke Packing Co., B. G.	1.0973
Webb Packing Co., Inc.	.5418
Wollenman Packing Co.	1.1139
Woodlake Heights Packing Corp.	.5514
Zaninovich Bros.	.7412

[F. R. Doc. 48-11110; Filed, Dec. 17, 1948; 11:23 a. m.]

Chapter XXI—Organization, Functions, and Procedure

PART 2407—OFFICE OF EXPERIMENT STATIONS

DISCONTINUANCE OF CODIFICATION

The codification of Part 2407 is discontinued. Future amendments to descriptions of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

December 15, 1948.

[SEAL] E. C. ELTING,  
Associate Chief,  
Office of Experiment Stations.

[F. R. Doc. 48-11028; Filed, Dec. 17, 1948; 8:51 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

#### REISSUANCE OF REGULATIONS

Because of amendments and additions which have been made since the original codification of Title 17, Chapter I, of the Code of Federal Regulations, the chapter is reprinted in its entirety in this issue of the **FEDERAL REGISTER**. All amendments and additions made since June 1, 1938, the effective date of the original codification, through November 8, 1948, and which are currently effective, have been incorporated in this reprint. The purpose of this reprint is to provide a convenient reference to material appearing in this chapter and no changes in substance have been made.

[SEAL] **A. J. LOVELAND,**  
*Acting Secretary of Agriculture  
and Chairman, Commodity  
Exchange Commission.*

DECEMBER 15, 1948.

Part	
0	Rules of practice.
1	General regulations under the Commodity Exchange Act.
2	Special provisions applicable to grains, flaxseed, and soybeans.
3	Special provisions applicable to cotton.
4	Special provisions applicable to butter.
5	Special provisions applicable to eggs.
6	Special provisions applicable to potatoes.
7	Special provisions applicable to mill-feeds.
8	Special provisions applicable to wool tops.
9	Special provisions applicable to fats.
10	Special provisions applicable to oils.
11	Special provisions applicable to cottonseed meal and soybean meal.
100	Orders of the Secretary of Agriculture.
150	Orders of the Commodity Exchange Commission.

#### PART 0—RULES OF PRACTICE

##### SUBPART A—RULES APPLICABLE TO PROCEEDINGS BEFORE THE SECRETARY OF AGRICULTURE

Sec.	
0.0	Scope and applicability of rules of practice.
0.1	Meaning of words.
0.2	Definitions.

##### RULES APPLICABLE TO DISCIPLINARY PROCEEDINGS

0.3	Institution of proceedings.
0.4	Stipulations and consent orders.
0.5	Complaints.
0.6	Docket number.
0.7	Referees.
0.8	Intervention.
0.9	The answer.
0.10	Motions and requests.
0.11	Oral hearing before referee.
0.12	Depositions.
0.13	Subpenas.
0.14	Fees of witnesses.
0.15	Prehearing conferences.
0.16	Referee's report.
0.17	Shortened procedure.
0.18	Transmittal of record.
0.19	Argument before Secretary.
0.20	Preparation and issuance of order.

## RULES AND REGULATIONS

Sec.	
0.21	Applications for reopening hearings; for rehearings or rearguments of proceedings; or for reconsideration of orders.
0.22	Filing; service; extensions of time; additional time for filing; and computation of time.

##### RULES OF PRACTICE APPLICABLE TO RULE-MAKING PROCEEDINGS

0.23	Requests for promulgation, amendment, or rescission of regulations.
0.24	Status of persons requesting promulgation, amendment, or rescission of regulations.
0.25	Notice of hearing.
0.26	Conduct of hearing.
0.27	Preparation and issuance of order.

##### RULES APPLICABLE TO ALL PROCEEDINGS

0.28	Hearings before the Secretary.
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##### SUBPART B—RULES APPLICABLE TO PROCEEDINGS BEFORE THE COMMODITY EXCHANGE COMMISSION

Sec.	
0.50	Scope and applicability of rules of practice.
0.51	Meaning of words.
0.52	Definitions.

##### RULES APPLICABLE TO DISCIPLINARY PROCEEDINGS

0.53	Institution of proceedings.
0.54	Stipulations and consent orders.
0.55	Complaints.
0.56	Docket number.
0.57	Referees.
0.58	Intervention.
0.59	The answer.
0.60	Motions and requests.
0.61	Oral hearing before referee.
0.62	Depositions.
0.63	Subpenas.
0.64	Fees of witnesses.
0.65	Prehearing conferences.
0.66	Referee's report.
0.67	Shortened procedure.
0.68	Transmittal of record.
0.69	Argument before Commission.
0.70	Preparation and issuance of order.
0.71	Applications for reopening hearings; for rehearings or rearguments of proceedings; or for reconsideration of orders.
0.72	Filing; service; extensions of time; additional time for filing; and computation of time.

##### RULES OF PRACTICE APPLICABLE TO RULE-MAKING PROCEEDINGS

0.73	Requests for promulgation, amendment, or rescission of regulations.
0.74	Status of persons requesting promulgation, amendment, or rescission of regulations.
0.75	Notice of hearing.
0.76	Conduct of hearing.
0.77	Preparation and issuance of order.

##### RULES APPLICABLE IN 6A PROCEEDINGS

0.78	Complaints.
0.79	Docket number.
0.80	Referees.
0.81	Intervention.
0.82	The answer.
0.83	Motions and requests.
0.84	Oral hearing before referee.
0.85	Depositions.
0.86	Subpenas.
0.87	Fees of witnesses.
0.88	Prehearing conferences.
0.89	Referee's report.
0.90	Shortened procedure.
0.91	Transmittal of record.
0.92	Argument before the Commission.
0.93	Preparation and issuance of order.

Sec.	
0.94	Applications for reopening hearings; for rehearings or rearguments of proceedings; or for reconsideration of orders.
0.95	Filing; service; extensions of time; additional time for filing; and computation of time.

##### RULES APPLICABLE TO ALL PROCEEDINGS

0.96	Hearings before the Commission.
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##### SUBPART A—RULES APPLICABLE TO PROCEEDINGS BEFORE THE SECRETARY OF AGRICULTURE

AUTHORITY: §§ 0.0 to 0.28 issued under sec. 8a, as added by sec. 10, 49 Stat. 1501; 7 U. S. C. 12a.

§ 0.0 *Scope and applicability of rules of practice.* Sections 0.1–0.22, inclusive, shall apply to the conduct of all disciplinary proceedings as hereinafter defined in § 0.2 (j).

Sections 0.1, 0.2 and 0.23–0.27, inclusive, shall apply to the conduct of all rule-making proceedings as hereinafter defined in § 0.2 (k).

§ 0.1 *Meaning of words.* Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 0.2 *Definitions.* As used in this subpart, the terms as defined in section 2 of the act shall apply with equal force and effect. In addition, and except as may be provided otherwise herein:

(a) The term "act" means the Commodity Exchange Act, approved September 21, 1922 (42 Stat. 998); as amended June 15, 1936 (49 Stat. 1491; 7 U. S. C. 1–17a), and other legislation supplementary thereto and amendatory thereof;

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any person to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead;

(d) The term "Commodity Exchange Authority" means the Commodity Exchange Authority, United States Department of Agriculture;

(e) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935, as amended (49 Stat. 500, as amended; 44 U. S. C.; and Sup., ch. 8B).

(f) The term "hearing" means that part of the proceeding which involves the submission of evidence and means either an oral or a written hearing;

(g) The term "party" includes the Secretary in those instances where he is named as a party of record in the proceeding;

(h) The term "complainant" means the party upon whose complaint the proceeding is instituted;

(i) The term "respondent" means the party proceeded against;

(j) The term "disciplinary proceeding" means any proceeding before the Secretary arising under the act, in which proceeding it is required by law that the order or other determination of the Secretary shall be made only after an opportunity for a hearing, and, if a hear-



ing be held, only upon the basis of a record made in the course of such hearing;

(k) The term "rule-making proceeding" means any proceeding before the Secretary arising under section 5a (4) and (5) of the act;

(l) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington 25, D. C.;

(m) The term "referee" means an examiner conducting a proceeding under the act;

(n) The term "referee's report" (presiding officer's report) means the referee's report to the Secretary, and includes the referee's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions and orders submitted by the parties;

(o) The term "Act Administrator" means the Administrator of the Commodity Exchange Authority, United States Department of Agriculture, in his capacity as Administrator of the Commodity Exchange Act, or any officer or employee of the Commodity Exchange Authority to whom he has heretofore lawfully delegated or may hereafter lawfully delegate the authority to act in his stead;

(p) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

#### RULES APPLICABLE TO DISCIPLINARY PROCEEDINGS

§ 0.3 *Institution of proceedings*—(a) *Application to institute proceeding.* Any interested person having any information of any violation of the act, or of any of the regulations promulgated thereunder, by any person (other than a contract market) may file with the Act Administrator an application requesting the institution of such proceeding as is authorized under the act. Such application shall be in writing, signed by or on behalf of the applicant, and shall include a short and simple statement of the facts constituting the alleged violation and the name and address of the applicant and the name and address of the person against whom the applicant complains.

(b) *Status of applicant.* The person filing an application as described in paragraph (a) of this section shall have no legal status in the proceeding which may be instituted as a result of the application, except where the applicant may be permitted to intervene therein, in the manner hereinafter provided, or may be called as a witness, and the applicant's identity shall not be divulged by any employee of the Department, except with the applicant's prior consent or upon court order.

(c) *Who may institute.* If, after investigation of the matters complained of in the application described in paragraph (a) of this section, or after investigation made on his own motion, the Secretary "has reason to believe that any person (other than a contract market) is violating or has violated any of the

provisions of the act, or any of the rules and regulations made pursuant to its requirements, or has manipulated or is attempting to manipulate the market price of any commodity, in interstate commerce, or for future delivery on or subject to the rules of any board of trade,"<sup>1</sup> he will institute a proceeding: *Provided*, That in any case, except one of wilfulness or one in which the public health, interest or safety otherwise requires, prior to the institution of a proceeding for the suspension or revocation of a registration or license, facts or conditions which may warrant such action shall be called, in writing, to the attention of the person complained against, and such person shall be accorded opportunity to demonstrate or achieve compliance with all lawful requirements. Proceedings will be instituted only upon complaints issued by the Secretary and will not be instituted upon pleadings filed by private persons.

§ 0.4 *Stipulations and consent orders*—(a) *Stipulation of compliance.* At any time prior to the issuance of the complaint in any proceeding, the Secretary, in his discretion, may enter into a stipulation with the prospective respondent, whereby the latter admits the material facts and agrees to discontinue the acts or practices which are intended to be set up as violative of the act. Such stipulations shall be admissible as evidence of such acts and practices in any subsequent proceeding against such person before the Secretary.

(b) *Consent order.* At any time after the issuance of the complaint and prior to the hearing in any proceeding, the Secretary, in his discretion, may allow the respondent to consent to an order. In so consenting, the respondent must submit, for filing in the record, a stipulation or statement in which he admits at least those facts necessary to the Secretary's jurisdiction and agrees that an order may be entered against him. Upon a record composed of the complaint and the stipulation or agreement consenting to the order, the Secretary may enter the order consented to by the respondent, which shall have the same force and effect as an order made after oral hearings.

§ 0.5 *Complaints*—(a) *Filing and service.* All complaints shall be filed with the hearing clerk. The provisions of § 0.22 shall govern the filing, number of copies, and service of complaints.

(b) *Contents.* A complaint shall state briefly and clearly the allegations of fact which constitute a basis for the proceeding and shall specify with particularity the matters or things in issue. Complaints shall not include charges, implied charges, or requirements phrased generally in the words of the act, but the words of the act may be identified and quoted or used in preliminary recitals.

(c) *Amendments.* At any time prior to the close of the hearing, the complaint may be amended; but, in case of an amendment adding new provisions, the hearing shall, at the request of the

respondent, be adjourned for a period not exceeding 15 days. Amendments subsequent to the first amendment or subsequent to the filing of an answer by the respondent may be made only with leave of the referee or with the written consent of the adverse party.

§ 0.6 *Docket number.* Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk, and thereafter the proceeding shall be referred to by such number.

§ 0.7 *Referees*—(a) *Assignment.* No referee shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any party to the proceeding, or (3) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the complaint or in the development of the evidence to be introduced therein.

(b) *Disqualification of referee.* Any party may file with the hearing clerk a timely affidavit of disqualification of the referee which shall set forth with particularity the grounds of alleged disqualification. After such investigation or hearing as the Secretary may deem necessary, he may find the affidavit without merit or may direct that another referee be assigned to the proceeding. Where the affidavit is found without merit, the affidavit, any record made thereon, and the finding and order of the Secretary shall be made a part of the record.

A referee shall ask to be withdrawn from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.* The referee shall conduct the proceeding in a fair and impartial manner and, save to the extent required for the disposition of *ex parte* matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(d) *Powers of referee.* Subject to review by the Secretary as provided elsewhere in this subpart, the referee, in any proceeding assigned to him, shall have power to:

- (1) Rule upon motions and requests;
- (2) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;
- (3) Administer oaths and affirmations and take affidavits;
- (4) Issue subpoenas requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;
- (5) Summon and examine witnesses and receive evidence;
- (6) Take or order the taking of depositions;
- (7) Admit or exclude evidence;
- (8) Hear oral argument on facts or law;
- (9) Do all acts and take all measures necessary for the maintenance of order and efficient conduct of the proceeding.

<sup>1</sup> Words in quotation marks from sec. 6 (b), 42 Stat. 1001, as amended; 7 U. S. C. 15.

(e) *Who may act in the absence of the referee.* In case of the absence of the referee, or his inability to act, the powers and duties to be performed by him under this subpart in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other referee.

§ 0.8 *Intervention.* At any time after the institution of a proceeding, and before it has been submitted to the Secretary for final consideration, the Secretary or the referee may, upon petition in writing and for good cause shown, permit any person to intervene therein. The petition shall state with preciseness and particularity: (a) The petitioner's relationship to the matters involved in the proceeding, (b) the nature of the material he intends to present in evidence, (c) the nature of the argument he intends to make, (d) any other reason that he should be allowed to intervene.

§ 0.9 *The answer—(a) Filing and service.* Within 20 days after service of the complaint, the respondent shall file, in triplicate, with the hearing clerk, an answer, signed by the respondent or his attorney: *Provided,* That the Secretary may order that the hearing be held without answer or other pleading. The answer shall be served upon the complainant, and any other party of record, in the manner provided in § 0.22.

(b) *Contents; failure to file.* Such answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing.

Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the referee, without further investigation or hearing, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. Unless the parties have waived service of the referee's report, it shall be served upon them in the manner provided in § 0.22. The parties shall be given an opportunity to file exceptions to the report, to file briefs in support of such exceptions, and to make oral argument thereon before the Secretary. Any request to make oral argument before the Secretary must be filed in the manner and within the time provided in § 0.16 (d).

§ 0.10 *Motions and requests—(a) General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of an oral hearing may be filed with the referee or may be stated orally and made a part of the transcript.

The referee is authorized to rule upon all motions and requests filed or made prior to the filing of his report with the hearing clerk, as hereinafter provided. The Secretary will rule upon all motions and requests filed after that time.

(b) *Motions entertained.* Any motion will be entertained except a motion to dismiss on the pleadings.

The submission or certification of any motion, request, objection, or other question to the Secretary prior to the time when the referee's report is filed with the hearing clerk shall be in the discretion of the referee.

§ 0.11 *Oral hearing before referee—(a) Request for oral hearing.* Any party may request an oral hearing on the facts by including such request in the complaint or answer or by a separate request in writing filed with the hearing clerk. Failure by the respondent to request an oral hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing, and any respondent so failing to request an oral hearing will be deemed to have agreed that the proceeding may be decided upon a record formed under the shortened procedure provided for in § 0.17.

Waiver of oral hearing shall not be deemed to be a waiver of the right to make oral argument before the Secretary upon exceptions to the referee's report. Such argument will be allowed in accordance with the provisions of § 0.19.

(b) *Time and place.* If and when the proceeding has reached the stage where an oral hearing is to be held, the referee, giving careful consideration to the convenience of the parties, shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place. If any change in the time or place of the hearing is made, the referee shall file with the hearing clerk a notice of such change, which notice shall be served upon the parties, unless it is made during an oral hearing and made a part of the transcript.

(c) *Appearances—(1) Representation.* In any proceeding, the parties may appear in person or by counsel or other representative. The Secretary, if represented by counsel, shall be represented by an attorney assigned by the Solicitor of the Department.

Persons who appear as counsel or in a representative capacity at a hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States. Whenever the Secretary finds, after notice and opportunity for hearing, that a person, who is acting or has acted as counsel or representative for another person in any proceeding before the Secretary, is unfit to act as such representative or counsel, he will order that such person be precluded from acting as counsel or representative in any proceeding under the act. The procedure in such case will be governed by the applicable provisions of this subpart.

(2) *Failure to appear.* If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing

and no party appears for the opposing side, the party who is present shall have an election to present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the referee.

Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the referee's report and to file exceptions and make oral argument before the Secretary with respect thereto, in the manner provided hereinafter.

(d) *Order of proceeding.* Except as may be determined otherwise by the referee, the complainant shall proceed first at the hearing.

(e) *Evidence—(1) In general.* The testimony of witnesses at a hearing shall be upon oath or affirmation administered by the referee and shall be subject to cross-examination.

Any witness may, in the discretion of the referee, be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

The referee shall exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the referee. The transcript shall not include argument or debate thereon except as ordered by the referee. The ruling of the referee on any objection shall be a part of the transcript.

Only objections made before the referee may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner provided in and subject to the provisions of § 0.12.

(4) *Affidavits.* Except as is otherwise provided in this subpart, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree that affidavits may be used.

(5) *Proof of documents.* A true copy of every written entry in the records of the Department, made by an officer or employee thereof in the course of his official duty, and relevant to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(6) *Exhibits.* Except where the referee finds that the furnishing of copies is impracticable, a copy of each exhibit, in addition to the original, shall be filed with the referee for the use of each other party to the proceeding. The referee shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

(7) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical or scientific fact of established character:

*Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the referee's report or tentative order or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof*. Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript *in toto*. In such event, it shall be considered a part of the transcript if the Secretary decides that the referee's ruling in excluding the evidence was erroneous. The referee shall not allow the insertion of such evidence *in toto* if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the referee's ruling in excluding the evidence was erroneous, the hearing shall be reopened to permit the taking of such evidence.

(f) *Oral argument before referee*. In disciplinary proceedings, oral argument before the referee shall be allowed unless the referee finds that the denial of such argument will not deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument may be limited by the referee to any extent that he finds necessary for the expeditious disposition of the proceeding.

(g) *Transcript*. Copies of the transcript may be obtained upon written application filed with the reporter, and upon payment of fees at the rate provided in the contract between the reporter and the Secretary.

§ 0.12 *Depositions* — (a) *Application for taking deposition*. Upon the application of a party to the proceeding, the referee may, at any time after the filing of the complaint, order the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer"), qualified under in this subpart to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which should be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(b) *Referee's order for taking deposition*. If the referee is satisfied that good cause for taking the deposition is present, he may order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) The time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and

the time and place need not be the same as those suggested in the application.

(c) *Qualifications of officer*. The deposition "may be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceedings".<sup>1</sup>

(d) *Procedure on examination*. The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral cross-examination, parties may transmit written cross-interrogatories to the officer prior to the examination and the officer shall propound such cross-interrogatories to the deponent.

The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the referee, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the other parties to the proceeding at least five days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(e) *Signature by witness*. The transcript of the deposition shall be read to or by the deponent, unless such reading is waived by the parties and the deponent. Any changes which the deponent wishes to make shall be entered upon the deposition by the officer, with a statement of the reasons given by the deponent for such changes. The deposition shall be signed by the deponent unless the parties by stipulation waive such signing, or unless the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign, the officer shall sign and shall state on the record the reason why the deponent did not sign. In such case the deposition shall be as valid as though signed by the deponent, unless the referee finds that the reason given by the deponent for his refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification by officer*. The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the

deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of depositions*. A deposition ordered and taken in accord with the provisions of this section may be used in a proceeding if the referee finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a greater distance than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored but has been unable to procure the attendance of the witness by subpoena; or (5), in any event, upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interests of justice and with due regard to the importance of presenting the testimony orally before the referee, to allow the deposition to be used. If any part of a deposition is put in evidence by a party, any other party may require the production of the remainder, or any other portion, of the deposition.

§ 0.13 *Subpenas* — (a) *Issuance of subpoenas*. The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpoena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the referee, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpoena duces tecum*. Subpenas for the production of documentary evidence, unless issued by the referee upon his own motion, shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity of their production.

(c) *Service of subpoenas*. Subpenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpoena addressed to the person to be served at his or its last known principal place of business or residence. Proof of service may be made by the return of service on the subpoena by the United States Marshal or his deputy; or, if served by an individual other than a United States Marshal or his deputy, by an affidavit of such person, stating that he personally served a copy of the subpoena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpoena that it was mailed as provided herein and by the signed return post-office receipt: *Provided*, That where the subpoena is issued on behalf of the Secretary, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person mak-

<sup>1</sup> Words in quotation marks are from 24 Stat. 383; 49 U. S. C. 12, which is made applicable to proceedings under the Commodity Exchange Act by sec. 6 (b), 42 Stat. 1001, as amended; 7 U. S. C. 15.

ing service shall leave a copy of the subpoena with the person subpoenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

§ 0.14 *Fees of witnesses.* Witnesses summoned before the referee or before the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

§ 0.15 *Prehearing conferences.* In any proceeding in which it appears that such procedure will expedite the proceeding, the referee, at any time prior to the commencement of the oral hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of expert or other witnesses; and (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the referee shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the referee may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The referee shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the referee shall submit a written summary for the record if any action is taken.

§ 0.16 *Referee's report*—(a) *Filing the transcript of evidence.* As soon as practicable after the close of the hearing, the reporter shall transmit to the hearing clerk the transcript of the testimony and the exhibits introduced in evidence at the hearing, except such portions of the transcript and exhibits as shall have been delivered to the referee. The hearing clerk will advise each party to the proceeding as to the date on which the transcript was filed.

(b) *Proposed findings of fact, conclusions, and orders.* Within 10 days after receipt of notice that the transcript has been filed, each party may file with the hearing clerk proposed findings of fact, conclusions, and orders, based solely upon the record, and a brief in support thereof.

(c) *Referee's report.* The referee, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the

basis of the record, and shall file with the hearing clerk, his report, a copy of which shall be served upon each of the parties.

(d) *Exceptions.* Within 20 days after receipt of the referee's report, the parties may file exceptions to the report. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the referee at the hearing, as set out in § 0.11, upon which the party wishes to rely, referring, where relevant, to the pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, he shall be deemed to have waived such oral argument.

§ 0.17 *Shortened procedure* — (a) *Consent of parties.* Whenever it appears to the referee who is assigned to a proceeding that the proceeding can be more expeditiously handled under the informal procedure provided for in this section, he shall suggest to the parties that they consent to the use of such procedure. Except where oral hearing has been waived by failure to request it in proper time or otherwise, parties are free to consent to such procedure if they choose; declination of consent will not affect or prejudice the rights or interests of any party. A party, if he has not waived oral hearing, may consent to the use of the shortened procedure on the condition that the statements of fact be submitted in the form of depositions rather than affidavits. In such case, if the other parties agree, depositions shall be required to be filed in lieu of affidavits. If any party who has not waived oral hearing does not consent to the use of the shortened procedure, the proceeding will be set for oral hearing. The request that the shortened procedure be used need not originate with the referee; any party may address a request to the referee asking that the shortened procedure be used. The referee, in his suggestion to the parties, will set a short period of time in which the parties may indicate their consent to the shortened procedure; at the end of that period, the referee will notify the parties that the shortened procedure will or will not be used. All requests, suggestions, and notices mentioned in this section shall be filed with the hearing clerk.

(b) *Complainant's opening statement.* Within 20 days after receipt of notice that the shortened procedure will be used, the complainant shall file with the hearing clerk, in triplicate, in support of the complaint, an opening statement of the facts. A copy of such document shall be served promptly by the hearing clerk upon the respondent.

(c) *Respondent's answering statement.* Within 20 days after receipt of the complainant's opening statement, the respondent may file with the hearing

clerk, in triplicate, in support of his answer, an answering statement of the facts. A copy of the answering statement shall be served promptly by the hearing clerk upon the complainant.

(d) *Complainant's statement in reply.* Within 10 days after receipt of the answering statement, the complainant may file with the hearing clerk, in triplicate, a statement in reply, which shall be confined strictly to replying to the facts and arguments set forth in the answering statement.

(e) *Contents of statements.* As used in this section, the term "statement" includes (1) statements of fact signed and sworn to by persons having knowledge of those facts; (2) documents filed as a part of the proof of the alleged facts (which documents shall be properly identified by verified statements in the statement filed or otherwise authenticated in such a manner that they would be admissible in evidence at an oral hearing under the rules in this subpart); and (3) briefs containing argument to sustain the contentions of the party submitting the statement. When practicable, the documents which constitute the record of any transaction in dispute should be made a part of the statement.

(f) *Verification.* Any facts stated in the statement must be sworn to (before a person legally authorized to administer oaths or before a person designated by the Secretary for the purpose) by a person who states in the affidavit that he has actual knowledge of the facts. Except under unusual circumstances, which shall be set forth in the affidavit, any such person shall be one who would appear as a witness if an oral hearing were held. The original of each document must show the signature, capacity, and impression seal (if the officer is required by law to have a seal) of the officer administering the oath and the date thereof. Copies must bear a notation that the original shows the data required in this respect. If a party elects to do so, he may file his statement of facts in the form of depositions rather than affidavits. Depositions filed under the shortened procedure, whether filed as a result of a requirement in the consent to the shortened procedure or voluntarily, shall conform to the provisions set forth in § 0.12.

(g) *Stipulations.* In addition to or in lieu of such statements, the parties may file with the hearing clerk stipulations of fact signed by the parties or their representatives. Such stipulations shall become a part of the record. The stipulations must be filed with the hearing clerk within 20 days after notice that the shortened procedure will be used; or, if the complainant's opening statement is filed, within 20 days after the filing of such statement; or, if an answering statement is filed, within 15 days after the filing thereof; or, if a statement in reply is filed, within 15 days after the filing thereof.

(h) *Waiver of right to file.* Failure to file, within the time prescribed, any statement or stipulation required or authorized under this section shall constitute a waiver of the right to file such statement or stipulation. In such case, the referee may prepare his report and

the Secretary may make the final determination upon the evidence contained in the record at the time of such failure to file, except that no determination, other than dismissal of the proceeding, shall be made if the complainant fails to file an opening statement of the facts.

(i) *Referee's report under the shortened procedure.* Except as otherwise may be directed by the referee, the filing of the complainant's statement in reply will conclude the presentation of evidence. The referee will thereupon file with the hearing clerk a notice that the parties may file proposed findings of fact, conclusions, and orders within 10 days after service of such notice. Upon the expiration of the period set for the filing of proposed findings, conclusions, and orders, the referee will prepare his report, and the same procedure shall be followed thereafter as in proceedings where an oral hearing has been held.

(j) *Assignment for oral hearing.* At the request of any party or upon the referee's own motion, the proceeding shall be set for oral hearing at any stage of the proceeding prior to the filing of the referee's report: *Provided*, That, where the party making such request has waived oral hearing by failure to request it in proper time, as provided in § 0.11 (a), the assignment for oral hearing shall be in the discretion of the referee.

§ 0.18 *Transmittal of record.* The hearing clerk, immediately following the period allowed for the filing of exceptions, shall transmit to the Secretary the record of the proceeding. Such record shall include: the pleadings; motions and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any statements filed under the shortened procedure; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the referee's report; and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 0.19 *Argument before Secretary—*  
(a) *Oral argument.* Unless a party has included in his exceptions a request for oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, he shall be deemed to have waived his right to such oral argument.

(b) *Briefs.* The parties may file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determine that argument on additional issues would be helpful, argument, whether oral or on brief, shall be limited to the issues raised by the exceptions and statement of objections. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate argument on all the issues to be argued.

§ 0.20 *Preparation and issuance of order—*(a) *Preparation of order.* As

soon as practicable after the receipt of the record from the hearing clerk, or, in case oral argument was had, as soon as practicable thereafter, the Secretary, upon the basis of and after due consideration of the record, shall prepare his order in the proceeding which shall include findings, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions, and orders submitted by the parties, not theretofore ruled upon. If an oral argument was held, the order shall be prepared by and shall be issued over the signature of the official who heard such oral argument, unless the parties shall consent to a different arrangement. At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss *ex parte* the merits of the proceeding with any person who is connected with the proceeding in an advocative or an investigative capacity, or with any representative of such person: *Provided, however*, That the Secretary may discuss the merits of the case with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. Any memorandum or other communication addressed to the Secretary, during the pendency of the proceeding, and relating to the merits thereof, by, or on behalf of, any party shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity shall be given the opposite party to file a reply thereto.

(b) *Issuance of order.* The order, prepared as described in paragraph (a) of this section, shall be issued and served upon the parties and upon all contract markets as the final order in the proceeding without further procedure: *Provided*, That, if the terms of the order differ substantially from those proposed in the report of the referee, the Secretary may, if he deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if no exceptions are filed within 20 days following the service of the tentative order, it shall be issued and served as the final order in the proceeding.

§ 0.21 *Applications for reopening hearings; for rehearings or rearguments of proceedings; or for reconsideration of orders—* (a) *Petition requisite—* (1) *Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order must be made by petition to the Secretary filed with the hearing clerk, who immediately shall notify and serve a copy thereof upon the other party to the proceeding. Every such petition must state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly

the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the hearing clerk on the other parties to the proceeding.

(3) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the order must be filed within 15 days after the date of the service of the order. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 20 days following the service of any petition provided for in this section, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce the decision whether to grant or to deny the petition. Unless the Secretary shall determine otherwise, operation of the order shall not be stayed pending the decision whether to grant or to deny the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the complainant, although he shall be referred to as the complainant or respondent, depending upon his designation in the original proceeding.

§ 0.22 *Filing; service; extensions of time; additional time for filing; and computation of time—*(a) *Filing; number of copies.* Except as is provided otherwise in this section, all documents or papers required or authorized by this subpart to be filed with the hearing clerk shall be filed in triplicate: *Provided*, That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized under the rules in this subpart to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the referee.

(b) *Service; proof of service.* Copies of all such papers shall be served upon the parties by the hearing clerk, by the referee, or by some other employee of the Department or by a United States Marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering and mailing a copy of the document or paper, addressed to such individual, partnership,

corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence. Proof of service under this section shall be made by the affidavit of the person who actually made the service, provided that, if the service be made by registered mail, as outlined in subparagraph (3) of this paragraph, proof of service shall be made by the return post-office receipt. The affidavit or post-office receipt contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

(c) *Extensions of time.* The time for the filing of any document or paper required or authorized under this subpart to be filed may be extended by the referee (before the referee's report is filed) or by the Secretary (after the referee's report is filed), if request for such extension of time is made prior to or on the final date allowed for such filing, and if, in the judgment of the referee or the Secretary, as the case may be, after notice to and consideration of the views of the other party, there is good reason for the extension.

(d) *Effective date of filing.* Any document or paper required or authorized under this subpart to be filed, shall be deemed to be filed at the time when it reaches the Department of Agriculture in Washington, D. C.; or, if authorized to be filed with any officer or employee of the Department at any place outside the District of Columbia, it shall be deemed to be filed at the time when it reaches the office of such officer or employee.

(e) *Additional time for filing.* The time for the filing of any document or paper required or authorized under this subpart to be filed shall be five days longer when the party resides or has his or its principal place of business at any place west of 104° west longitude.

(f) *Computation of time.* Sundays and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided, That,* when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

#### RULES OF PRACTICE APPLICABLE TO RULE-MAKING PROCEEDINGS

§ 0.23 *Requests for promulgation, amendment, or rescission of regulations.* Any interested person may file with the Act Administrator a request that an order of the Secretary, promulgating a regulation under section 5a (4) or (5) of the act, should be promulgated, amended, or rescinded. Such request shall be in writing, signed by or on behalf of the person making the request, and shall contain the alleged reasons for the promulgation, amendment, or rescission of the order. No right to a hearing shall accrue by virtue of the filing of such a request: *Provided, That* notice shall be given of the denial in whole or in part of any such request and, except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of procedural or other grounds for denial.

§ 0.24 *Status of persons requesting promulgation, amendment, or rescission of regulations.* No person who requests the promulgation, amendment, or rescission of any regulation, as provided in § 0.23, shall have a legal status in any proceeding growing out of such request except that he may appear and testify and may file statements in any such proceeding in accordance with the provisions of this subpart.

§ 0.25 *Notice of hearing.* At least 10 days prior to any public hearing held in a rule-making proceeding, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, notice of such hearing shall be published in the **FEDERAL REGISTER** and shall be sent to all persons known to be interested in the proposed regulation. The notice shall state the time and place of hearing and shall contain one or more of the following:

(a) The exact text or a summary thereof of proposed findings, conclusions, and order;

(b) A summary of the results of any investigation made, or conference held in anticipation of the hearing;

(c) A statement of the issues to be considered at the hearing, insofar as such issues may be known at the time of issuance of the notice.

§ 0.26 *Conduct of hearing—(a) Presiding officer.* Each such hearing shall be presided over by the Act Administrator, or by an employee of the Commodity Exchange Authority whom he shall designate, or by such other official or employee of the Department as the Secretary may designate for the purpose. The hearing shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary to the orderly conduct of the hearing.

(b) *Continuance of hearing.* Each such hearing shall be held at the time and place set forth in the notice of hearing, but may at such time and place be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement thereof at the hearing.

(c) *Order of proceeding.* At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(d) *Submission of evidence.* All interested persons shall be given reasonable opportunity to offer evidence with respect to the matters specified in the notice of hearing. Every witness shall, before proceeding to testify, be sworn, after which he shall state his name, address, and whom he represents at the hearing and shall give such other information respecting his appearance as the presiding

officer may request. The presiding officer shall confine the evidence to the questions before the hearing but shall not apply the technical rules of evidence. Affidavits as to relevant facts may be admitted in evidence at the hearing. Every witness shall be subject to questioning by the presiding officer or by any other representative of the Department, but cross-examination by private persons shall not be permitted, except when the presiding officer expressly permits it.

(e) *Transcript of the evidence.* Testimony given at the hearing shall be reported verbatim. All supporting written statements, charts, tabulations, or similar data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be numbered as exhibits and received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, two copies of the exhibits shall be submitted and in type-written, printed, or mimeographed form. If sufficient copies are not available, the presiding officer may have any exhibit read in evidence or may require additional copies to be furnished within a specified time.

(f) *Written arguments.* The presiding officer shall announce at the hearing a reasonable period within which interested persons may file with him written arguments based on the evidence received at the hearing. Written arguments will not be accepted unless an original and two copies are filed. The period for filing written arguments may be extended by the presiding officer for good cause.

(g) *Copies of the record.* Any person desiring a copy of the transcript of testimony or of any written exhibit or written argument shall be entitled thereto upon written application filed with the reporter, and upon payment of fees at the rate provided in the contract between the reporter and the Secretary.

§ 0.27 *Preparation and issuance of order—(a) Preparation of proposed final order.* Within a reasonable period of time after the hearing, the presiding officer, assisted by such employees of the Commodity Exchange Authority and of the Office of the Solicitor as the Act Administrator and the Solicitor, respectively, may direct, shall prepare such proposed final order as is appropriate and practicable. Such order shall include findings of fact and conclusions based thereon, but the findings of fact need not be based solely upon the testimony or exhibits received in evidence at the hearing.

(b) *Submission of proposed final order to the Secretary.* Immediately upon completion of its preparation, the proposed final order shall be submitted by the presiding officer to the Secretary for approval and signature. The proposed final order shall be accompanied by a copy of the transcript and of any exhibits that may have been introduced, and by a memorandum containing a summary of the evidence contained in the record and of such other factual data upon which the findings of fact in the proposed final order were based.

(c) *Tentative issuance of proposed final order.* The Secretary may, if he deems it advisable to do so, issue the proposed final order as a tentative order. In such event, the tentative order shall be published in the FEDERAL REGISTER, and interested persons who appeared at the hearing shall be given a reasonable opportunity to file exceptions to the tentative order and to file briefs in support of such exceptions.

(d) *Publication of the final order.* The full text of the final order in any rule-making proceeding shall be published in the FEDERAL REGISTER, and a copy of the order shall be sent to each contract market.

#### RULES APPLICABLE TO ALL PROCEEDINGS

§ 0.28 *Hearings before the Secretary.* The Secretary may act in the place and stead of a referee or presiding officer in any proceeding under this subpart. When he so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided*, That he may issue a tentative order, in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

#### SUBPART B—RULES APPLICABLE TO PROCEEDINGS BEFORE THE COMMODITY EXCHANGE COMMISSION

AUTHORITY: §§ 0.50 to 0.96 issued under 42 Stat. 998, as amended; 7 U. S. C. 1-17a.

§ 0.50 *Scope and applicability of rules of practice.* Sections 0.51-0.72, inclusive, shall apply to the conduct of all disciplinary proceedings as hereinafter defined in § 0.52. Sections 0.51, 0.52, and 0.73-0.77, inclusive, shall apply to the conduct of all rule-making proceedings as hereinafter defined in § 0.52. Sections 0.51, 0.52, and 0.78-0.95, inclusive, shall apply to the conduct of all 6a proceedings as hereinafter defined in § 0.52.

§ 0.51 *Meaning of words.* Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 0.52 *Definitions.* As used in this subpart, the terms as defined in section 2 of the act shall apply with equal force and effect. In addition, and except as may be provided otherwise in this subpart:

(a) The term "act" means the Commodity Exchange Act, approved September 21, 1922 (42 Stat. 998), as amended June 15, 1936 (49 Stat. 1491; 7 U. S. C. 1-17a), and other legislation supplementary thereto and amendatory thereof;

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any person to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead;

(d) The term "Commission" means the Commodity Exchange Commission or any person to whom the Commission has heretofore lawfully delegated, or to whom the Commission may hereafter lawfully delegate, the authority to act in its stead;

(e) The term "Commodity Exchange Authority" means the Commodity Exchange Authority, United States Department of Agriculture;

(f) The term "Federal Register" means the publication provided for by the act of July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., 301-314), and acts supplementary thereto and amendatory thereof;

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence and means either an oral or a written hearing;

(h) The term "party" includes the Commission in those instances in which it is named as a party of record in the proceeding;

(i) The term "complainant" means the party upon whose complaint the proceeding is instituted;

(j) The term "respondent" means the party proceeded against;

(k) The term "disciplinary proceeding" means any proceeding (other than a 6a proceeding) before the Commission arising under the act, in which proceeding it is required by law that the order or other determination of the Commission shall be made only after an opportunity for a hearing, and, if a hearing be held, only upon the basis of a record made in the course of such hearing;

(l) The term "rule-making proceeding" means any proceeding before the Commission arising under subsection (1) of section 4a of the act;

(m) The term "6a proceeding" means any proceeding arising under section 6a of the act;

(n) The term "Solicitor" means the Solicitor of the Department;

(o) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington 25, D. C.;

(p) The term "referee" means an examiner conducting a proceeding under the act;

(q) The term "referee's report" (presiding officer's report) means the referee's report to the Commission, and includes the referee's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions and orders submitted by the parties;

(r) The term "Act Administrator" means the Administrator of the Commodity Exchange Authority, United States Department of Agriculture, in his capacity as Administrator of the Commodity Exchange Act, or any officer or employee of the Commodity Exchange Authority to whom he has heretofore lawfully delegated or may hereafter lawfully delegate the authority to act in his stead;

(s) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

#### RULES APPLICABLE TO DISCIPLINARY PROCEEDINGS

§ 0.53 *Institution of proceedings—(a) Application to institute proceedings.* Any interested person having any information of any violation of the act, or of any of the orders or regulations promulgated thereunder, by any board of trade or by any director, officer, agent, or employee thereof may file with the Act Administrator an application requesting the institution of such proceeding as is authorized under the act. Such application shall be in writing, signed by or on behalf of the applicant, and shall include a short and simple statement of the facts constituting the alleged violation and the name and address of the applicant and the name and address of the person against whom the applicant complains.

(b) *Status of applicant.* The person filing an application as described in paragraph (a) of this section shall have no legal status in the proceeding which may be instituted as a result of the application, except where the applicant may be permitted to intervene therein, in the manner hereinafter provided, or may be called as a witness, and the applicant's identity shall not be divulged by any employee of the Department, except with the applicant's prior consent or upon court order.

(c) *Who may institute.* If, after investigation of the matters complained of in the application described in paragraph (a) of this section, or after investigation made on its own motion, the Commission has reason to believe that any board of trade or any director, officer, agent, or employee thereof has violated or is violating any of the provisions of the act, or of any of the regulations promulgated thereunder, the Commission will institute an appropriate proceeding: *Provided*, That in any case, except one of willfulness or one in which the public health, interest or safety otherwise requires, prior to the institution of a proceeding for the suspension or revocation of any designation of a contract market, facts or conditions which may warrant such action shall be called to the attention of the market in writing and such market shall be accorded opportunity to demonstrate or achieve compliance with all lawful requirements. Proceedings will be instituted only upon complaints issued by the Commission and will not be instituted upon pleadings filed by private persons.

§ 0.54 *Stipulations and consent orders—(a) Stipulation of compliance.* At any time prior to the issuance of the complaint in any proceeding, the Commission, in its discretion, may enter into a stipulation with the prospective respondent, whereby the latter admits the material facts and agrees to discontinue the acts or practices which are intended to be set up as violative of the act. Such stipulations shall be admissible as evidence of such acts and practices in any subsequent proceeding against such person before the Commission.

(b) *Consent order.* At any time after the issuance of the complaint and prior to the hearing in any proceeding, the Commission, in its discretion, may allow the respondent to consent to an order. In so consenting, the respondent must

submit, for filing in the record, a stipulation or statement in which he admits at least those facts necessary to the Commission's jurisdiction and agrees that an order may be entered against him. Upon a record composed of the complaint and the stipulation or agreement consenting to the order, the Commission may enter the order consented to by the respondent, which shall have the same force and effect as an order made after oral hearing.

**§ 0.55 Complaints—(a) Filing and service.** All complaints shall be filed with the hearing clerk. The provisions of § 0.72 shall govern the filing, number of copies, and service of such papers.

(b) *Contents.* A complaint shall state briefly and clearly the allegations of fact which constitute a basis for the proceeding and shall specify with particularity the matters or things in issue. Complaints shall not include charges, implied charges, or requirements phrased generally in the words of the act, but the words of the act may be identified and quoted or used in preliminary recitals.

(c) *Amendments.* At any time prior to the close of the hearing, the complaint may be amended; but, in case of an amendment adding new provisions, the hearing shall, at the request of the respondent, be adjourned for a period not exceeding 15 days. Amendments subsequent to the first amendment or subsequent to the filing of an answer by the respondent may be made only with leave of the referee or with the written consent of the adverse party.

**§ 0.56 Docket number.** Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk, and thereafter the proceeding shall be referred to by such number.

**§ 0.57 Referees—(a) Assignment.** No referee shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any party to the proceeding, or (3) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the complaint or in the development of the evidence to be introduced therein.

(b) *Disqualification of referee.* Any party may file with the hearing clerk a timely affidavit of disqualification of the referee which shall set forth with particularity the grounds of alleged disqualification. After such investigation or hearing as the Commission may deem necessary, it may find the affidavit without merit or may direct that another referee be assigned to the proceeding. Where the affidavit is found without merit, the affidavit, any record made thereon, and the finding and order of the Commission shall be made a part of the record.

A referee shall ask to be withdrawn from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.* The referee shall conduct the proceeding in a fair and impartial manner and, save to the extent

required for the disposition of *ex parte* matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(d) *Powers of referee.* Subject to review by the Commission as provided elsewhere in this subpart, the referee, in any proceeding assigned to him, shall have power to:

(1) Rule upon motions and requests;  
(2) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpoenas requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;

(5) Summon and examine witnesses and receive evidence;

(6) Take or order the taking of depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Do all acts and take all measures necessary for the maintenance of order and efficient conduct of the proceeding.

(e) *Who may act in the absence of the referee.* In case of the absence of the referee, or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise ordered by the Commission, be assigned to any other referee.

**§ 0.58 Intervention.** At any time after the institution of a proceeding, and before it has been submitted to the Commission for final consideration, the Commission or the referee may, upon petition in writing and for good cause shown, permit any person to intervene therein. The petition shall state with preciseness and particularity: (a) The petitioner's relationship to the matters involved in the proceeding, (b) the nature of the material he intends to present in evidence, (c) the nature of the argument he intends to make, (d) any other reason that he should be allowed to intervene.

**§ 0.59 The answer—(a) Filing and service.** Within 20 days after service of the complaint, the respondent shall file, in quintuplicate, with the hearing clerk, an answer, signed by the respondent or his attorney: *Provided*, That the Commission may order that the hearing be held without answer or other pleading. The answer shall be served upon the complainant, and any other party of record, in the manner provided in § 0.72.

(b) *Contents; failure to file.* Such answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the complaint unless respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing.

**Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.**

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the referee, without further investigation or hearing, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. Unless the parties have waived service of the referee's report, it shall be served upon them in the manner provided in § 0.72. The parties shall be given an opportunity to file exceptions to the report, to file briefs in support of such exceptions, and to make oral argument thereon before the Commission. Any request to make oral argument before the Commission must be filed in the manner and within the time provided in § 0.66 (d).

**§ 0.60 Motions and requests—(a) General.** All motions and requests shall be filed with the hearing clerk, except that those made during the course of an oral hearing may be filed with the referee or may be stated orally and made a part of the transcript.

The referee is authorized to rule upon all motions and requests filed or made prior to the filing of his report with the hearing clerk as hereinafter provided. The Commission will rule upon all motions and requests filed after that time.

(b) *Motions entertained.* Any motion will be entertained except a motion to dismiss on the pleadings.

The submission or certification of any motion, request, objection, or other question to the Commission prior to the time when the referee's report is filed with the hearing clerk shall be in the discretion of the referee.

**§ 0.61 Oral hearing before referee—(a) Request for oral hearing.** Any party may request an oral hearing on the facts by including such request in the complaint or answer or by a separate request in writing filed with the hearing clerk. Failure by the respondent to request an oral hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing, and any respondent so failing to request an oral hearing will be deemed to have agreed that the proceeding may be decided upon a record formed under the shortened procedure provided for in § 0.77.

Waiver of oral hearing shall not be deemed to be a waiver of the right to make oral argument before the Commission upon exceptions to the referee's report. Such argument will be allowed in accordance with the provisions of § 0.69.

(b) *Time and place.* If and when the proceeding has reached the stage where an oral hearing is to be held, the referee, giving careful consideration to the convenience of the parties, shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place. If any change in the time or place of the hearing is made, the referee shall file with the hearing clerk a notice of such change, which notice



shall be served upon the parties, unless it is made during an oral hearing and made a part of the transcript.

(c) *Appearances*—(1) *Representation*. In any proceeding, the parties may appear in person or by counsel or other representative. The Commission, if represented by counsel, shall be represented by an attorney assigned by the Solicitor of the Department.

Persons who appear as counsel or in a representative capacity at a hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States. Whenever the Commission finds, after notice and opportunity for hearing, that a person, who is acting or has acted as counsel or representative for another person in any proceeding before the Commission, is unfit to act as such representative or counsel, it will order that such person be precluded from acting as counsel or representative in any proceeding under the act. The procedure in such case will be governed by the applicable provisions of this subpart.

(2) *Failure to appear*. If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the referee.

Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the referee's report and to file exceptions and make oral argument before the Commission with respect thereto, in the manner provided hereinafter.

(d) *Order of proceeding*. Except as may be determined otherwise by the referee, the complainant shall proceed first at the hearing.

(e) *Evidence*—(1) *In general*. The testimony of witnesses at a hearing shall be upon oath or affirmation administered by the referee and shall be subject to cross-examination.

Any witness may, in the discretion of the referee, be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

The referee shall exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections*. If a party objects to the admission or rejection of any evidence or to the limitations of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the referee. The transcript shall not include argument or debate thereon except as ordered by the referee. The ruling of the referee on any objection shall be a part of the transcript.

Only objections made before the referee may subsequently be relied upon in the proceeding.

No. 245—Part I—3

(3) *Depositions*. The deposition of any witness shall be admitted, in the manner provided in and subject to the provisions of § 0.62.

(4) *Affidavits*. Except as is otherwise provided in the rules in this subpart, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree that affidavits may be used.

(5) *Proof of documents*. A true copy of every written entry in the records of the Commission or of the Department, made by an officer or employee thereof in the course of his official duty, and relevant to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(6) *Exhibits*. Except where the referee finds that the furnishing of copies is impracticable, a copy of each exhibit, in addition to the original, shall be filed with the referee for the use of each other party to the proceeding. The referee shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

(7) *Official notice*. Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical or scientific fact of established character: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the referee's report or tentative order or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof*. Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript *in toto*. In such event, it shall be considered a part of the transcript if the Commission decides that the referee's ruling in excluding the evidence was erroneous. The referee shall not allow the insertion of such evidence *in toto* if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Commission decides that the referee's ruling in excluding the evidence was erroneous, the hearing shall be reopened to permit the taking of such evidence.

(f) *Oral argument before referee*. In disciplinary proceedings, oral argument before the referee shall be allowed unless the referee finds that the denial of such argument will not deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument may be limited by the referee to any extent that he finds necessary for the expeditious disposition of the proceeding.

(g) *Transcript*. Copies of the transcript may be obtained upon written application filed with the reporter, and upon the payment of fees at the rate provided in the contract with the reporter.

§ 0.62 *Depositions*—(a) *Application for taking deposition*. Upon the application of a party to the proceeding, the referee may, at any time after the filing of the complaint, order the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer"), qualified under the rules in this subpart to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which should be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(b) *Referee's order for taking deposition*. If the referee is satisfied that good cause for taking the deposition is present, he may order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) The time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(c) *Qualifications of officer*. The deposition "may be taken before any judge of any court of the United States, or any United States Commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceedings".

(d) *Procedure on examination*. The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral cross-examination, parties may transmit written cross-interrogatories to the officer prior to the examination and the officer shall propound such cross-interrogatories to the deponent.

The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the referee, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the

<sup>1</sup> Words in quotation marks from 24 Stat. 383, as amended; 49 U. S. C. 12, which is made applicable to proceedings under the Commodity Exchange Act by sec. 6 (b) as amended (43 Stat. 1002, as amended; 7 U. S. C. 15).

interrogatories shall be served upon the other parties to the proceeding at least five days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(e) *Signature by witness.* The transcript of the deposition shall be read to or by the deponent, unless such reading is waived by the parties and the deponent. Any changes which the deponent wishes to make shall be entered upon the deposition by the officer, with a statement of the reasons given by the deponent for such changes. The deposition shall be signed by the deponent unless the parties by stipulation waive such signing, or unless the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign, the officer shall sign and shall state on the record the reason why the deponent did not sign. In such case the deposition shall be as valid as though signed by the deponent, unless the referee finds that the reason given by the deponent for his refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of depositions.* A deposition ordered and taken in accord with the provisions of this section may be used in a proceeding if the referee finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a greater distance than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored but has been unable to procure the attendance of the witness by subpoena; or (5), in any event, upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interests of justice and with due regard to the importance of presenting the testimony orally before the referee, to allow the deposition to be used. If any part of a deposition is put in evidence by a party, any other party may require the production of the remainder, or any other portion, of the deposition.

§ 0.63 *Subpenas* — (a) *Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpoena, be required at any designated place of hearing. Subpenas may be issued by the Commission or by the referee, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpoena duces tecum.* Subpenas for the production of documentary evidence, unless issued by

the referee upon his own motion, shall be issued only upon verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity of their production.

(c) *Service of subpenas.* Subpenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpoena addressed to the person to be served at his or its last known principal place of business or residence. Proof of service may be made by the return of service on the subpoena by the United States Marshal or his deputy; or, if served by an individual other than a United States Marshal or his deputy, by an affidavit of such person, stating that he personally served a copy of the subpoena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpoena that it was mailed as provided herein and by the signed return post-office receipt: *Provided*, That where the subpoena is issued on behalf of the Commission, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpoena with the person subpoenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

§ 0.64 *Fees of witnesses.* Witnesses summoned before the referee or before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

§ 0.65 *Prehearing conferences.* In any proceeding in which it appears that such procedure will expedite the proceeding, the referee, at any time prior to the commencement of the oral hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of expert or other witnesses; and (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the referee shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the referee may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The referee shall forward copies of letters and

documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the referee shall submit a written summary for the record if any action is taken.

§ 0.66 *Referee's report*—(a) *Filing the transcript of evidence.* As soon as practicable after the close of the hearing, the reporter shall transmit to the hearing clerk the transcript of the testimony and the exhibits introduced in evidence at the hearing, except such portions of the transcript and exhibits as shall have been delivered to the referee. The hearing clerk will advise each party to the proceeding as to the date on which the transcript was filed.

(b) *Proposed findings of fact, conclusions, and orders.* Within 10 days after receipt of notice that the transcript has been filed, each party may file with the hearing clerk proposed findings of fact, conclusions, and orders, based solely upon the record, and a brief in support thereof.

(c) *Referee's report.* The referee, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record and shall file with the hearing clerk, his report, a copy of which shall be served by the hearing clerk upon each of the parties.

(d) *Exceptions.* Within 20 days after receipt of the referee's report, the parties may file exceptions to the report. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the referee at the hearing, as set out in § 0.61, upon which the party wishes to rely, referring, where relevant, to the pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Commission; otherwise, he shall be deemed to have waived such oral argument.

§ 0.67 *Shortened procedure*—(a) *Consent of parties.* Whenever it appears to the referee who is assigned to a proceeding that the proceeding can be more expeditiously handled under the informal procedure provided for in this section, he shall suggest to the parties that they consent to the use of such procedure. Except where oral hearing has been waived by failure to request it in proper time or otherwise, parties are free to consent to such procedure if they choose; declination of consent will not affect or prejudice the rights or interests of any party. A party, if he has not waived oral hearing, may consent to the use of the shortened procedure on the condition that the statements of fact be submitted in the form of depositions rather than affidavits. In such case, if the other parties agree, depositions shall be re-

quired to be filed in lieu of affidavits. If any party who has not waived oral hearing does not consent to the use of the shortened procedure, the proceeding will be set for oral hearing. The request that the shortened procedure be used need not originate with the referee; any party may address a request to the referee asking that the shortened procedure be used. The referee, in his suggestion to the parties, will set a short period of time in which the parties may indicate their consent to the shortened procedure; at the end of that period, the referee will notify the parties that the shortened procedure will or will not be used. All requests, suggestions, and notices mentioned in this section shall be filed with the hearing clerk.

(b) *Complainant's opening statement.* Within 20 days after receipt of notice that the shortened procedure will be used, the complainant shall file with the hearing clerk, in quintuplicate, in support of the complaint, an opening statement of the facts. A copy of such document shall be served promptly by the hearing clerk upon the respondent.

(c) *Respondent's answering statement.* Within 20 days after receipt of the complainant's opening statement, the respondent may file with the hearing clerk, in quintuplicate, in support of his answer, an answering statement of the facts. A copy of the answering statement shall be served promptly by the hearing clerk upon the complainant.

(d) *Complainant's statement in reply.* Within 10 days after receipt of the answering statement, the complainant may file with the hearing clerk, in quintuplicate, a statement in reply, which shall be confined strictly to replying to the facts and arguments set forth in the answering statement.

(e) *Contents of statements.* As used in this section, the term "statement" includes (1) statements of fact signed and sworn to by persons having knowledge of those facts; (2) documents filed as a part of the proof of the alleged facts (which documents shall be properly identified by verified statements in the statement filed or otherwise authenticated in such a manner that they would be admissible in evidence at an oral hearing under these rules of practice); and (3) briefs containing argument to sustain the contentions of the party submitting the statement. When practicable, the documents which constitute the record of any transaction in dispute should be made a part of the statement.

(f) *Verification.* Any facts stated in the statement must be sworn to (before a person legally authorized to administer oaths or before a person designated by the Secretary for the purpose) by a person who states in the affidavit that he has actual knowledge of the facts. Except under unusual circumstances, which shall be set forth in the affidavit, any such person shall be one who would appear as a witness if an oral hearing were held. The original of each document must show the signature, capacity, and impression seal (if the officer is required by law to have a seal) of the officer administering the oath and the date thereof. Copies must bear a notation that the original shows the data required

in this respect. If a party elects to do so, he may file his statement of facts in the form of depositions rather than affidavits. Depositions filed under the shortened procedure, whether filed as a result of a requirement in the consent to the shortened procedure or voluntarily, shall conform to the provisions set forth in § 0.62.

(g) *Stipulations.* In addition to or in lieu of such statements, the parties may file with the hearing clerk stipulations of fact signed by the parties or their representatives. Such stipulations shall become a part of the record. The stipulations must be filed with the hearing clerk within 20 days after notice that the shortened procedure will be used; or, if the complainant's opening statement is filed, within 20 days after the filing of such statement; or, if an answering statement is filed, within 15 days after the filing thereof; or, if a statement in reply is filed, within 15 days after the filing thereof.

(h) *Waiver of right to file.* Failure to file, within the time prescribed, any statement or stipulation required or authorized under this section shall constitute a waiver of the right to file such statement or stipulation. In such case, the referee may prepare his report and the Commission may make the final determination upon the evidence contained in the record at the time of such failure to file, except that no determination, other than dismissal of the proceeding, shall be made if the complainant fails to file an opening statement of the facts.

(i) *Referee's report under the shortened procedure.* Except as otherwise may be directed by the referee, the filing of the complainant's statement in reply will conclude the presentation of evidence. The referee will thereupon file with the hearing clerk a notice that the parties may file proposed findings of fact, conclusions, and orders within 10 days after service of such notice. Upon the expiration of the period set for the filing of proposed findings, conclusions, and orders, the referee will prepare his report and the same procedure shall be followed thereafter as in proceedings where an oral hearing has been held.

(j) *Assignment for oral hearing.* At the request of any party or upon the referee's own motion, the proceeding shall be set for oral hearing at any stage of the proceeding prior to the filing of the referee's report: *Provided*, That, where the party making such request has waived oral hearing by failure to request it in proper time, as provided in § 0.61 (a), the assignment for oral hearing shall be in the discretion of the referee.

§ 0.68 *Transmittal of record.* The hearing clerk, immediately following the period allowed for the filing of exceptions, shall transmit to the Commission the record of the proceeding. Such record shall include: the pleadings; motions and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any statements filed under the shortened procedure; any documents or papers filed in connection with pre-hearing conferences; such proposed find-

ings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the referee's report; and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 0.69 *Argument before Commission—*

(a) *Oral argument.* Unless a party has included in his exceptions a request for oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, he shall be deemed to have waived his right to such oral argument.

(b) *Briefs.* The parties may file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Commission determines that argument on additional issues would be helpful, argument, whether oral or on brief, shall be limited to the issues raised by the exceptions and statement of objections. If the Commission determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate argument on all the issues to be argued.

§ 0.70 *Preparation and issuance of order—*(a) *Preparation of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in the case oral argument was had, as soon as practicable thereafter, the Commission, upon the basis of and after due consideration of the record, shall prepare its order in the proceeding which shall include findings, conclusions, order, and rulings on motions, exceptions, proposed findings, conclusions and orders submitted by the parties, not theretofore ruled upon. At no stage of the proceeding between its institution and the issuance of the order shall the Commission discuss *ex parte* the merits of the proceeding with any person who is connected with the proceeding in an advocative or an investigative capacity, or with any representative of such person: *Provided, however*, That the Commission may discuss the merits of the case with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. Any memorandum or other communication addressed to the Commission, during the pendency of the proceeding, and relating to the merits thereof, by, or on behalf of, any party shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity shall be given the opposite party to file a reply thereto.

(b) *Issuance of order.* The order, prepared as described in paragraph (a) of this section, shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided*, That, if the terms of the order differ substantially from those proposed in the report of the referee the Commission may, if it deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties

to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if no exceptions are filed within 20 days following the service of the tentative order, it shall be issued and served as the final order in the proceeding.

§ 0.71 *Applications for reopening hearings, for rehearings or rearguments of proceedings, or for reconsideration of orders—(a) Petition requisite—(1) Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order must be made by petition to the Commission filed with the hearing clerk, who immediately shall notify and serve a copy thereof upon the other party to the proceeding. Every such petition must state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the hearing clerk on the other parties to the proceeding.

(3) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the order must be filed within 15 days after the date of the service of the order. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 20 days following the service of any petition provided for in this section, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Commission shall announce the decision whether to grant or to deny the petition. Unless the Commission shall determine otherwise, operation of the order shall not be stayed pending the decision whether to grant or to deny the petition. In the event that any such petition is granted by the Commission, the applicable rules of practice, as set out elsewhere in this part, shall be followed. A person filing a petition under this section shall be regarded as the complainant, although he shall be referred to as the complainant or respondent, depending upon his designation in the original proceeding.

§ 0.72 *Filing; service; extensions of time; additional time for filing; and computation of time—(a) Filing; number of copies.* Except as is provided otherwise herein, all documents or papers required or authorized by the rules in this subpart to be filed with the hearing clerk shall be filed in quintuplicate; *Provided*, That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized under these rules to be filed with the hearing clerk,

shall, during the course of an oral hearing, be filed with the referee.

(b) *Service; proof of service.* Copies of all such papers shall be served upon the parties by the hearing clerk, by the referee, or by some other employee of the Department, or by a United States Marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence. Proof of service hereunder shall be made by the affidavit of the person who actually made the service, provided that, if the service be made by registered mail, as outlined in subparagraph (3) of this paragraph, proof of service shall be made by the return post office receipt. The affidavit or post-office receipt contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

(c) *Extensions of time.* The time for the filing of any document or paper required or authorized under the rules in this subpart to be filed may be extended by the referee (before the referee's report is filed) or by the Commission (after the referee's report is filed), if request for such extension of time is made prior to or on the final date allowed for such filing, and if, in the judgment of the referee or the Commission, as the case may be, after notice to and consideration of the views of the other party, there is good reason for the extension.

(d) *Effective date of filing.* Any document or paper required or authorized to be filed under this subpart, shall be deemed to be filed at the time when it reaches the Department of Agriculture in Washington, D. C.

(e) *Additional time for filing.* The time for the filing of any document or paper required or authorized under this subpart to be filed shall be five days longer when the party resides or has his or its principal place of business at any place west of 104° west longitude.

(f) *Computation of time.* Sundays and holidays shall be included in computing the time allowed for the filing of any document or paper; *Provided*, That, when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

#### RULES OF PRACTICE APPLICABLE TO RULE-MAKING PROCEEDINGS

§ 0.73 *Requests for promulgation, amendment, or rescission of regulations.* Any interested person may file with the

Act Administrator a request that an order of the Commission, promulgating a regulation under subsection (1) of section 4a of the act, should be promulgated, amended, or rescinded. Such request shall be in writing, signed by or on behalf of the person making the request, and shall contain the alleged reasons for the promulgation, amendment, or rescission of the order. No right to a hearing shall accrue by virtue of the filing of such a request; *Provided*, That notice shall be given of the denial in whole or in part of any such request and, except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of procedural or other grounds for denial. A hearing may be called either as a result of such a request or upon the Commission's own motion.

§ 0.74 *Status of persons requesting promulgation, amendment, or rescission of regulations.* No person who requests the promulgation, amendment, or rescission of any regulation, as provided in § 0.73, shall have a legal status in any proceeding growing out of such request except that he may appear and testify and may file statements in any such proceeding in accordance with the provisions of this subpart.

§ 0.75 *Notice of hearing.* At least 10 days prior to any public hearing held in a rule-making proceeding, unless the Commission shall determine that an emergency exists which requires a shorter period of notice, notice of such hearing shall be published in the FEDERAL REGISTER and shall be sent to all persons known to be interested in the proposed regulation. The notice shall state the time and place of hearing and shall contain one or more of the following:

(a) The exact text or a summary thereof of proposed findings, conclusions, and order;

(b) A summary of the results of any investigation made, or conference held in anticipation of the hearing;

(c) A statement of the issues to be considered at the hearing, insofar as such issues may be known at the time of issuance of the notice.

§ 0.76 *Conduct of hearing—(a) Presiding officer.* Each such hearing shall be presided over by the Act Administrator or by an employee of the Commodity Exchange Authority whom he shall designate, or by such person as the Commission may designate for the purpose. The hearing shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary to the orderly conduct of the hearing.

(b) *Continuance of hearing.* Each such hearing shall be held at the time and place set forth in the notice of hearing, but may at such time and place be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement thereof at the hearing.

(c) *Order of proceeding.* At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(d) *Submission of evidence.* All interested persons shall be given reasonable opportunity to offer evidence with respect to the matters specified in the notice of hearing. Every witness shall, before proceeding to testify, be sworn, after which he shall state his name, address, and whom he represents at the hearing and shall give such other information respecting his appearance as the presiding officer may request. The presiding officer shall confine the evidence to the questions before the hearing but shall not apply the technical rules of evidence. Affidavits as to relevant facts may be admitted in evidence at the hearing. Every witness shall be subject to questioning by the presiding officer or by any other representative of the Commission, but cross-examination by private persons shall not be permitted, except when the presiding officer expressly permits it.

(e) *Transcript of the evidence.* Testimony given at the hearing shall be reported verbatim. All supporting written statements, charts, tabulations, or similar data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be numbered as exhibits and received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, four copies of the exhibits shall be submitted and in typewritten, printed, or mimeographed form. If sufficient copies are not available, the presiding officer may have any exhibit read in evidence or may require additional copies to be furnished within a specified time.

(f) *Written arguments.* The presiding officer shall announce at the hearing a reasonable period within which interested persons may file with him written arguments based on the evidence received at the hearing. Written arguments will not be accepted unless an original and four copies are filed. The period for filing written arguments may be extended by the presiding officer for good cause.

(g) *Copies of the record.* Any person desiring a copy of the transcript of testimony or of any written exhibit or written argument shall be entitled thereto upon written application filed with the reporter, and upon payment of fees at the rate provided in the contract with the reporter.

§ 0.77 *Preparation and issuance of order—(a) Preparation of proposed final order.* Within a reasonable period of time after the hearing, the presiding officer, assisted by such employees of the Commodity Exchange Authority and of the Office of the Solicitor as the Act Administrator and the Solicitor, respectively, may direct, shall prepare such proposed final order as is appropriate

and practicable. Such order shall include findings of fact and conclusions based thereon, but the findings of fact need not be based solely upon the testimony or exhibits received in evidence at the hearing.

(b) *Submission of proposed final order to the Commission.* Immediately upon completion of its preparation, the proposed final order shall be submitted by the presiding officer to the Commission for approval and issuance. The proposed final order shall be accompanied by a copy of the transcript and of any exhibits that may have been introduced, and by a memorandum containing a summary of the evidence contained in the record and of such other factual data upon which the findings of fact in the proposed final order were based.

(c) *Tentative issuance of proposed final order.* The Commission may, if it deems it advisable to do so, issue the proposed final order as a tentative order. In such event, the tentative order shall be published in the FEDERAL REGISTER, and interested persons who appeared at the hearing shall be given a reasonable opportunity to file exceptions to the tentative order and to file briefs in support of such exceptions.

(d) *Publication of the final order.* The full text of the final order in any rule-making proceeding shall be published in the FEDERAL REGISTER and a copy of the order shall be sent to each contract market.

#### RULES APPLICABLE IN 6A PROCEEDINGS

§ 0.78 *Complaints—(a) Filing; number of copies; service.* Whenever, for any reason contemplated by subsection (1) of section 6a of the act, any board of trade which has been designated as a "contract market" seeks to exclude from membership in, and privileges on, such board of trade any cooperative association or corporation as defined in said subsection (1) of section 6a, the board of trade shall file a complaint. The complaint shall be filed, in quintuplicate, with the hearing clerk, who promptly shall serve a copy thereof upon the respondent, in the manner provided in § 0.95.

(b) *Contents; amendments.* Section 0.55 (b) and (c) shall be applicable in 6a proceedings.

§ 0.79 *Docket number.* Section 0.56 shall be applicable in 6a proceedings.

§ 0.80 *Referees—(a) Assignment.* No referee shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, or (2) is related within the third degree by blood or marriage to any of the directors or officers of any of the parties to the proceeding.

(b) *Disqualification of referee.* The provisions of § 0.57 (b) shall be applicable in 6a proceedings.

(c) *Conduct.* The provisions of § 0.57 (c) shall be applicable in 6a proceedings.

(d) *Powers of referee.* The provisions of § 0.57 (d) shall be applicable in 6a proceedings.

(e) *Who may act in the absence of the referee.* The provisions of § 0.57 (c) shall be applicable in 6a proceedings.

§ 0.81 *Intervention.* The provisions of § 0.58 shall be applicable in 6a proceedings.

§ 0.82 *The answer—(a) Filing and service.* The provisions of § 0.59 (a) shall be applicable in 6a proceedings.

(b) *Contents; failure to file.* The provisions of § 0.59 (b) shall be applicable in 6a proceedings.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. If, in such case, the respondent, prior to the expiration of the period for filing the answer, has requested in writing an opportunity to argue the question of whether the facts alleged constitute grounds for exclusion from membership and privileges, the respondent shall be afforded a period of 15 days in which to file a brief, setting forth such argument. If no request for argument is filed by the respondent prior to the expiration of the period for the filing of the answer, the referee shall prepare, for issuance by the Commission, an order, in which the findings of fact shall consist of the material facts alleged in the complaint.

§ 0.83 *Motions and requests.* The referee is authorized to rule upon all motions and requests filed in the proceeding prior to his submission of the record to the Commission. All motions and requests shall be filed with the hearing clerk, except that those made during the course of an oral hearing may be filed with the referee or may be stated orally and made a part of the transcript. Submission or certification of any question to the Commission prior to the close of the hearing shall be in the discretion of the referee, except that, in case the referee shall grant a motion to dismiss on the pleadings, an immediate appeal from the referee's ruling may be taken to the Commission.

§ 0.84 *Oral hearing before referee—*

(a) *Request for hearing.* Any party may request an oral hearing on the facts by including such request in the complaint or answer, or by a separate request in writing, filed with the hearing clerk. Failure to request an oral hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing, and any party so failing to request an oral hearing will be deemed to have agreed that the proceeding may be decided upon a record formed under the shortened procedure hereinafter provided for in § 0.90.

(b) *Time and place.* The provisions of § 0.61 (b) shall be applicable in 6a proceedings.

(c) *Appearances—(1) Representation.* The provisions of § 0.61 (c) (1) shall be applicable in 6a proceedings.

(2) *Failure to appear.* If any party to the proceeding, after being duly notified, fails to appear at the hearing, he or it shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the other side, the party who is present shall have an election to present his or its evidence, in whole or in part, in the form of affidavits or by oral testimony before

the referee. Failure to appear at the hearing shall not be deemed to be a waiver of the right to file suggested findings of fact, conclusions, and orders, and briefs in support thereof.

(d) *Order of proceeding.* Except as may be determined otherwise by the referee, the complainant shall proceed first at the hearing.

(e) *Evidence.* The provisions of § 0.61 (e) shall be applicable in 6a proceedings.

(f) *Oral argument before referee.* The provisions of § 0.61 (f) shall be applicable in 6a proceedings.

(g) *Transcript.* The provisions of § 0.61 (g) shall be applicable in 6a proceedings.

§ 0.85 *Depositions.* The provisions of § 0.62 shall be applicable in a 6a proceedings.

§ 0.86 *Subpenas.* The provisions of § 0.63 shall be applicable in 6a proceedings.

§ 0.87 *Fees of witnesses.* The provisions of § 0.64 shall be applicable in 6a proceedings.

§ 0.88 *Prehearing conferences.* The provisions of § 0.65 shall be applicable in 6a proceedings.

§ 0.89 *Referee's report—(a) Filing the transcript of evidence.* The provisions of § 0.66 (a) shall be applicable in 6a proceedings.

(b) *Proposed findings of fact, conclusions, and orders.* The provisions of § 0.66 (b) shall be applicable in 6a proceedings.

(c) *The referee's report.* The provisions of § 0.66 (c) shall be applicable in 6a proceedings.

(d) *Exceptions.* The provisions, except those contained in the last sentence, of § 0.66 (d) shall be applicable in 6a proceedings.

§ 0.90 *The shortened procedure.* The provisions of § 0.67 shall be applicable in 6a proceedings.

§ 0.91 *Transmittal of record.* The provisions of § 0.68 shall be applicable in 6a proceedings.

§ 0.92 *Argument before the Commission—(a) Oral argument.* There shall be no right to oral argument in 6a proceedings other than that hereinbefore provided in § 0.84 (f).

(b) *Exceptions; briefs.* The Commission will consider all exceptions taken to the referee's report, all statements of objections, and briefs filed in support thereof.

Additional briefs may be filed only with leave of the Commission.

§ 0.93 *Preparation and issuance of order—(a) Preparation of order.* As soon as practicable after the receipt of the record from the hearing clerk, the Commission, upon the basis, and after due consideration, of the record, shall prepare its order in the proceeding which shall include findings, conclusions, order, and rulings on motions, exceptions, proposed findings, conclusions and orders submitted by parties, not theretofore ruled upon.

(b) *Issuance of order.* The order, prepared as described in paragraph (a)

of this section, shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided, That, if the terms of the order differ substantially from those proposed in the report of the referee, the Commission may, if it deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if no exceptions are filed within 20 days following the service of the tentative order, it shall be issued and served as the final order in the proceeding.*

§ 0.94 *Applications for reopening hearings, for rehearings or rearguments of proceedings, or for reconsideration of orders.* The provisions of § 0.71 shall be applicable in 6a proceedings.

§ 0.95 *Filing; service; extensions of time; additional time for filing; and computation of time.* The provisions of § 0.72 shall be applicable in 6a proceedings.

#### RULES APPLICABLE TO ALL PROCEEDINGS

§ 0.96 *Hearings before the Commission.* The Commission may act in the place and stead of a referee or presiding officer in any proceeding hereunder. When it so acts, the hearing clerk shall transmit the record to the Commission at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Commission shall thereupon, after due consideration of the record, issue its final order in the proceeding: *Provided, That it may issue a tentative order, in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.*

#### PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

##### DEFINITIONS

- Sec.  
1.1 Words in singular and plural form.  
1.2 Liability of principal for act of agent.  
1.3 Definitions.

##### ADMINISTRATION

- 1.4 Duties to be performed by Act Administrator.  
1.5 Information confidential; disclosures to contract-market committees and officials.  
1.6 Speculation in commodities by officers and employees prohibited.

##### REGISTRATION OF FUTURES COMMISSION MERCHANTS AND FLOOR BROKERS

- 1.7 Registration required of futures commission merchants.  
1.8 Registration required of floor brokers.  
1.9 Registration as floor broker not included in registration as futures commission merchant and vice versa.  
1.10 Applications for registration required on prescribed forms; financial statements of futures commission merchants; registration suspended or revoked for willful misrepresentation.  
1.11 Registration fee; form of remittance.  
1.12 Posting of registration certificate; fee for duplicate.  
1.13 Deposit of registration fee; fee not subject to refund after registration; form of certificate.

- Sec.  
1.14 Changes to be reported by futures commission merchants and floor brokers.  
1.15 Changes requiring new registration.  
1.16 Registrations expire December 31 of each year.

##### REPORTS

- 1.18 Futures commission merchants, on call, to report on Form 160.  
1.19 Futures commission merchants, on call, to report names of persons exercising trading control over customers' accounts.  
1.19a Contract-market members to report uncleared transactions ("pass-outs") on Form 110.

##### CUSTOMERS' FUNDS

- 1.20 Customers' funds to be segregated and separately accounted for.  
1.21 Care of money and equities accruing to customer.  
1.22 Use of money, securities, or property of customers restricted.  
1.23 Interest of futures commission merchant in segregated funds, additions and withdrawals.  
1.24 Segregated funds; exclusions therefrom.  
1.25 Investment and lending of customers' money; conditions governing.  
1.26 Deposit of investment securities, obligations, and warehouse receipts.  
1.27 Permanent record of investment and loans.  
1.28 Appraisal of investment securities and obligations.  
1.29 Increment or interest resulting from investment or lending of customers' funds.  
1.30 Loans by futures commission merchants; treatment of proceeds.

##### RECORD KEEPING

- 1.31 Books and records; keeping and inspection.  
1.31a Compliance with §§ 1.32-1.36.  
1.32 Segregated account; daily computation and permanent record.  
1.33 Permanent record of customer's position in each future.  
1.34 Monthly record, "point balance"; semi-annual record for each customer; information on call.  
1.35 Records of cash commodity and futures transactions.  
1.36 Record of securities and property received from customers.  
1.37 Customer's name, address, and occupation recorded; record of guarantor or controller of account.  
1.38 "Transfer" or "office" trades, exchanges of futures; identification of and restrictions upon.  
1.39 Simultaneous buying and selling orders of different principals; execution of, for and between principals.

##### MISCELLANEOUS

- 1.40 Crop, market information letters, reports; copies required.  
1.41 Contract market rules, regulations; filing of copies.  
1.42 Delivery notice; filing of copy.  
1.43 Information required concerning warehouses.  
1.44 Warehouse records, reports; visitation of premises.  
1.45 Delivery of commodities conforming to United States standards.  
1.46 Application and closing out of offsetting long and short positions.

AUTHORITY: §§ 1.1 to 1.46 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

##### DEFINITIONS

§ 1.1 *Words in singular and plural form.* Words used in the singular form

in the rules and regulations in this chapter shall be deemed to import the plural, and vice versa, as the case may require.

§ 1.2 *Liability of principal for act of agent.* The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust, within the scope of his employment or office, shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust as well as of such official, agent, or other person. (Sec. 2, 42 Stat. 998; 7 U. S. C. 4)

§ 1.3 *Definitions.* The following terms, as used in the Commodity Exchange Act or in the rules and regulations in this chapter, shall have the meanings hereby assigned to them, unless the context otherwise requires:

(a) *Board of Trade.* This term means any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling any commodity or receiving the same for sale on consignment.

(b) *Business day.* This term means any day other than a Sunday or holiday. In all notices required by the act or by the rules and regulations in this chapter to be given in terms of business days the rule for computing time shall be to exclude the day on which notice is given and include the day on which shall take place the act of which notice is given.

(c) *Clearing member.* This term means any person who is a member of, or enjoys the privilege of clearing trades in his own name through, the clearing organization of a contract market.

(d) *Clearing organization.* This term means the person or organization which acts as a medium for clearing transactions in commodities for future delivery, or for effecting settlements of contracts for future delivery, for and between members of any board of trade.

(e) *Commodity.* This term means and includes wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs, Irish potatoes, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, and soybean meal.

(f) *Commodity Exchange Act; the act.* These terms mean the Commodity Exchange Act approved September 21, 1922 (42 Stat. 998), as amended June 15, 1936 (49 Stat. 1491; 7 U. S. C. 1-17a), and other legislation supplementary thereto and amendatory thereof.

(g) *Commodity Exchange Authority.* This term means the Commodity Exchange Authority, United States Department of Agriculture.

(h) *Contract market.* This term means a board of trade designated by the Secretary of Agriculture as a contract market under the Commodity Exchange Act.

(i) *Contract of sale.* This term includes sales, purchases, agreements of sale or purchase, and agreements to sell or purchase.

(j) *Controlled account.* An account shall be deemed to be controlled by a

person if such person by power of attorney or otherwise actually directs trading for such account.

(k) *Customer; commodity customer.* These terms have the same meaning and refer to a customer trading in any commodity named in the definition of commodity herein.

(l) *Delivery month.* This term means the month of delivery specified in a contract of sale of any commodity for future delivery.

(m) *Executing for others.* This term as used in the definition of floor broker means executing by any person of orders, including his own, for the purchase or sale of any commodity for future delivery in the name of, or for the account of, more than one principal (clearing member).

(n) *Floor broker.* This term means any person who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, shall engage in executing for others any order for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market, and who for such services receives or accepts any commission or other compensation.

(o) *Future delivery.* This term does not include any sale of a cash commodity for deferred shipment or delivery.

(p) *Futures commission merchant.* This term means individuals, associations, partnerships, corporations, and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

(q) *Member of a contract market.* This term means and includes individuals, associations, partnerships, corporations, and trusts owning or holding membership in, or admitted to membership representation on, a contract market or given members' trading privileges thereon.

(r) *Net equity.* This term means the credit balance which would be obtained by combining the commodity margin balance of any person with the net profit or loss, if any, accruing on the open trades or contracts of such person.

(s) *Net deficit.* This term means the debit balance which would be obtained by combining the commodity margin balance of any person with the net profit or loss, if any, accruing on the open trades or contracts of such person.

(t) *Open contracts.* This term means contracts of purchase or sale of any commodity made by or for any person on or subject to the rules of a board of trade for future delivery during a specified month or delivery period which have not been fulfilled by delivery nor offset by other contracts of sale or purchase in the same commodity and delivery month.

(u) *Person.* This term includes individuals, associations, partnerships, corporations, and trusts.

(v) *Act Administrator.* This term means the Administrator of the Commodity Exchange Authority, United States Department of Agriculture, in his capacity as Administrator of the Commodity Exchange Act, or any officer or employee of the Commodity Exchange Authority to whom he has heretofore lawfully delegated or may hereafter lawfully delegate the authority to act in his stead.

(w) *Secretary of Agriculture.* This term means the Secretary of Agriculture or any person to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead. (Sec. 2 (a), 42 Stat. 998, as amended; 7 U. S. C. 2)

#### ADMINISTRATION

§ 1.4 *Duties to be performed by Act Administrator.* The Act Administrator shall perform for and under the supervision of the Secretary of Agriculture such duties as the Secretary may require in enforcing the provisions of the act and of the rules and regulations promulgated thereunder.

§ 1.5 *Information confidential; disclosures to contract-market committees and officials.* No officer or employee of the Department of Agriculture shall publish, divulge, or make known in any manner, except insofar as may be required in the performance of his official duties or by a court of competent jurisdiction, any facts or information regarding the business of any person which may come to the knowledge of such officer or employee through any inspection or examination of the reports or records of, or through any information given by, any person pursuant to the Commodity Exchange Act or rules and regulations in this chapter: *Provided, however,* That this prohibition shall not apply to disclosures made in good faith to the Business Conduct Committee or other proper committee or official of a contract market of matters in respect to which such contract market has responsibility or duty under the Commodity Exchange Act, or which, in the judgment of the Act Administrator, adversely affect such market or are prejudicial to the interests of producers or consumers. (Sec. 8, 42 Stat. 1003, as amended; 7 U. S. C. 12)

§ 1.6 *Speculation in commodities by officers and employees prohibited.* No officer or employee of the Department of Agriculture engaged in the administration or enforcement of the Commodity Exchange Act, or having access to any confidential information obtained under authority of the act, shall have any interest directly or indirectly in any speculative transaction in any commodity for future delivery.

#### REGISTRATION OF FUTURES COMMISSION MERCHANTS AND FLOOR BROKERS

§ 1.7 *Registration required of futures commission merchants.* No person shall engage as futures commission merchant in the solicitation or acceptance of orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any com-

modity for future delivery, on or subject to the rules of any contract market, unless such person shall have secured a certificate of registration as futures commission merchant under the Commodity Exchange Act issued by the Secretary of Agriculture and countersigned by the Act Administrator and such registration shall not have expired, been suspended, or been revoked. Such registration shall be required of every person engaged as herein described irrespective of whether accounting records relating to such orders and trades and contracts resulting therefrom are maintained by other futures commission merchants to whom such orders are transmitted for execution or clearance. (Sec. 4d, as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d)

§ 1.8 *Registration required of floor brokers.* No person shall act as floor broker in executing any orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have secured a certificate of registration as floor broker under the Commodity Exchange Act issued by the Secretary of Agriculture and countersigned by the Act Administrator and such registration shall not have expired, been suspended, or been revoked. (Sec. 4e, as added by sec. 5, 49 Stat. 1495; 7 U. S. C. 6e)

§ 1.9 *Registration as floor broker not included in registration as futures commission merchant and vice versa.* Registration as futures commission merchant shall not include registration as floor broker nor shall registration as floor broker include registration as futures commission merchant.

§ 1.10 *Applications for registration required on prescribed forms; financial statements of futures commission merchants; registration suspended or revoked for willful misrepresentation.* Application for registration as futures commission merchant shall be made on Form 1-R. Application for registration as floor broker shall be made on Form 2-R. Application forms may be obtained from the Commodity Exchange Authority, United States Department of Agriculture, Washington, D. C., or from any field office of the Commodity Exchange Authority. Each application shall be executed and filed in accordance with the instructions appearing on the prescribed form.

Every application for registration as futures commission merchant other than an application necessitated solely by reason of a change in the name of the registrant shall be accompanied by a supplemental statement on Form 1-RF, showing the financial condition of the applicant as of a date not more than 6 months prior to the date of filing application: *Provided*, That the latest statement of financial condition submitted by the applicant to any commodity or securities exchange of which applicant is a member which includes substantially the same information concerning applicant's financial condition as that required on

Form 1-RF, as of a date not more than 6 months prior to the filing of application, may be filed with the application in lieu of statement on Form 1-RF: *Provided further*, That in exceptional instances, upon good cause shown, the Act Administrator may extend, for not to exceed 60 days, the time for the filing of the applicant's financial statement.

Every statement on Form 1-RF and every statement filed in lieu thereof shall bear the verification of the applicant in the following form, to wit:

Applicant represents that all information contained or incorporated in this financial statement is true to the best of applicant's knowledge and belief.

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

If the applicant is a partnership, the financial statement shall be signed in the name of the partnership by a general partner. If the applicant is a sole proprietorship, the financial statement shall be signed by the proprietor. If the applicant is a corporation or other form of organization, the financial statement shall be signed in the name of the corporation or other organization by the president, vice president, or other principal officer, attested and the seal affixed by the secretary or other authorized officer.

Willful misrepresentation or concealment by the applicant (or registrant) of any material fact in an application for registration or in any statement supplemental thereto shall constitute cause for the suspension or revocation of registration. (Secs. 4f, 4g, as added by sec. 5, 49 Stat. 1495, 1496; 7 U. S. C. 6f, 6g)

§ 1.11 *Registration fee; form of remittance.* Each application for registration, or renewal thereof, shall be accompanied by a registration (or renewal) fee of ten dollars (\$10), in the form of a money order, bank draft, or certified check, payable to the Treasurer of the United States, and the application and fee shall be forwarded to the Commodity Exchange Authority, Department of Agriculture, Washington, D. C.

§ 1.12 *Posting of registration certificate; fee for duplicate.* Every person registered as futures commission merchant under the act shall:

(a) Post in a conspicuous place in each office in the United States maintained by such person in which orders for the purchase or sale of any commodity for future delivery are solicited or accepted, the original or a duplicate (issued by the Secretary of Agriculture) of such registrant's registration certificate as futures commission merchant; and

(b) Post in a conspicuous place in each office in the United States in which orders for the purchase or sale of any commodity for future delivery are solicited or accepted for, and in the name of, such registrant, a duplicate (issued by the Secretary of Agriculture) of such registrant's registration certificate as futures commission merchant.

Duplicates of registration certificates may be procured on request on payment of two dollars (\$2) for each duplicate. Remittances in payment of duplicates

shall be made payable to the Treasurer of the United States. The word "DUPLICATE" in conspicuous letters shall appear on the face of each duplicate. (Sec. 4f (2), as added by sec. 5, 49 Stat. 1495; 7 U. S. C. 6f (2))

§ 1.13 *Deposit of registration fee; fee not subject to refund after registration; form of certificate.* Upon receipt of an application for registration (or renewal thereof) the Secretary of Agriculture will, if the application be approved, issue a certificate of registration certifying that the registrant has registered under the act as futures commission merchant or as floor broker. The registration fee (including the fee for duplicate copies of the certificate of registration, if any) so tendered, shall be deposited in a special deposit account until the registration is finally issued, or denied. If registration be denied, the fee shall be returned to the applicant, but if issued the fee shall be deposited in the Treasury of the United States as a miscellaneous receipt and will not thereafter be subject to refund. Each registration certificate shall bear a serial number, the signature of the Secretary of Agriculture, be issued under the seal of the United States Department of Agriculture, and be countersigned by the Act Administrator.

§ 1.14 *Changes to be reported by futures commission merchants and floor brokers.* The registrant shall file with the Commodity Exchange Authority a statement on Form 3-R setting forth any change which renders no longer accurate and current the information contained in any of the following enumerated items of the registrant's application for registration (or any statement supplemental thereto):

With respect to a futures commission merchant: Item 2 (address of principal office), item 3 (concerning general books and records), item 4 (form of organization), item 9 (addresses of branch offices and names of managers thereof, and location of branch offices in which there is maintained a separate and complete set of financial records of commodity customers' accounts), item 10 (agents authorized to solicit or accept commodity futures orders for, and in the name of, the registrant), and item 14 (refusal of, or suspension or expulsion from, commodity-exchange membership). Any change in the personnel of a partnership resulting from the death, withdrawal, or addition of a partner which, as a matter of law, does not create a new partnership may be reported on Form 3-R, as provided in § 1.15.

With respect to a floor broker: Item 2 (a) (business address), item 9 (names and addresses of clearing members through whom registrant clears commodity futures transactions for his own account), and item 11 (refusal of, or suspension or expulsion from, commodity-exchange membership).

Upon discontinuing business as futures commission merchant or as floor broker the registrant shall immediately notify the Commodity Exchange Authority on Form 3-R.

All statements on Form 3-R shall be prepared and filed in accordance with the instructions appearing thereon. (Sec.



4 (f) (1), as added by sec. 5, 49 Stat. 1495; 7 U. S. C. 6f (1))

§ 1.15 *Changes requiring new registration.* A new registration shall be required in the event of a change:

- (a) In the name of the registrant;
- (b) In the form of organization of the registrant;
- (c) In the ownership of the business of the registrant in the case of a sole proprietorship; and
- (d) In the personnel of a partnership resulting from the death, withdrawal, or addition of a partner: *Provided*, That if such change does not, as a matter of law, create a new partnership, it may be reported by the registrant to the Commodity Exchange Authority on Form 3-R within 10 days of the date of such change, and if so reported a new registration shall not be required.

§ 1.16 *Registrations expire December 31 of each year.* All registrations shall automatically terminate at midnight on December 31 of the year for which issued, unless sooner suspended or revoked in accordance with the provisions of the act and the rules and regulations thereunder. (Sec. 4f (1), as added by sec. 5, 49 Stat. 1495; 7 U. S. C., 6f (1))

#### REPORTS

§ 1.18 *Futures commission merchants, on call, to report on Form 160.* Each futures commission merchant shall, upon call from the Commodity Exchange Authority, report on Form 160. Such report shall be prepared in accordance with the instructions appearing on Form 160 and shall be filed with the Commodity Exchange Authority, United States Department of Agriculture, Washington, D. C., not later than the third business day following the date specified in the call. Reports received by mail will be considered duly filed if postmarked not later than midnight of such third business day.

Such report shall show as of the close of business on the day named in the call:

- (a) The total amount of money and credits held or carried by such futures commission merchant for the account of his commodity customers, including margin moneys and moneys and credits resulting from the closed trades and contracts and accruing in connection with the open trades and contracts of such customers; and
- (b) The total amount of money segregated and set apart for the benefit of commodity customers—
  - (1) On hand,
  - (2) On deposit in banks,
  - (3) Pledged as margin with clearing organizations of contract markets,
  - (4) Pledged as margin with members of contract markets,
  - (5) Invested in securities described in section 4d (2) of the Commodity Exchange Act (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C., 6d (2)) and
  - (6) Loaned on security of warehouse receipts in accordance with the rules and regulations of the Secretary of Agriculture. (Sec. 4f, as added by sec. 5, 49 Stat. 1495; 7 U. S. C., 6f (1)).

§ 1.19 *Futures commission merchants, on call, to report names of persons exercising trading control over customers' accounts.* Each futures commission merchant shall, upon call, file with the Commodity Exchange Authority a list of all persons who, by power of attorney or otherwise, exercise trading control over any account or accounts of any customer of such futures commission merchant with respect to contracts for the future delivery of any commodity on or subject to the rules of any contract market. (Sec. 4f (1), as added by sec. 5, 49 Stat. 1495; 7 U. S. C. 6f (1))

§ 1.19a *Contract-market members to report uncleared transactions ("pass-outs") on Form 110.* Each member of a contract market who shall execute uncleared transactions (commonly known as "pass-outs") in any commodity for future delivery on or subject to the rules of such contract market shall report to the Commodity Exchange Authority on Form 110 applicable to such contract market each business day on which he shall execute such uncleared transactions. Such report shall be prepared and filed in accordance with the instructions appearing on Form 110, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the details of each such transaction, including the commodity, future, quantity, and price, and the name of the person from whom bought and to whom sold: *Provided*, That the requirements of this section shall not apply to any member of a contract market, all of whose uncleared transactions are recorded on the books and records of, and included in the purchases and sales reported to the Commodity Exchange Authority by, a clearing member (or clearing members) of such contract market. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

#### CUSTOMERS' FUNDS

§ 1.20 *Customers' funds to be segregated and separately accounted for.* All money received by a futures commission merchant to margin, guarantee, or secure the trades or contracts of commodity customers and all money accruing to such customers as the result of such trades or contracts shall be separately accounted for and be segregated as belonging to such customers. Such funds, when deposited with any bank or trust company, shall be deposited under an account name which will clearly show that they are customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such bank or trust company waiving any claim, lien, or right of set-off of any nature which such bank or trust company might otherwise have or obtain against such funds. An executed copy of such agreement shall be kept as a permanent record by the futures commission merchant. If such funds are deposited with a clearing organization of a contract market, they shall be deposited under an account name which will clearly show that they are customers' funds segregated as required by the Commodity Exchange Act. Under no circumstances shall any portion of commodity customers' funds be obligated to the clearing

organization of a contract market, or to any member of a contract market, except to margin, guarantee, secure, transfer, adjust, or settle trades and contracts made in behalf of such commodity customers. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

§ 1.21 *Care of money and equities accruing to customer.* All money received directly or indirectly by, and all money and equities accruing to, a futures commission merchant from any clearing organization of any contract market, or from any member thereof or from any member of a contract market, incident to or resulting from any trade or contract in commodity futures made by or through such futures commission merchant in behalf of any customer shall be considered as accruing to such customer within the meaning of section 4d (2) of the Commodity Exchange Act. Such money and equities shall be treated and dealt with as belonging to such customer in accordance with the provisions of the act. Money and equities accruing in connection with customers' open trades or contracts need not be separately credited to individual customers' accounts but may be treated and dealt with as belonging undivided to all customers having open trades or contracts which if closed would result in a credit to such customers. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

§ 1.22 *Use of money, securities, or property of customer restricted.* No futures commission merchant shall use, or permit the use of; the money, securities, or property of one customer to margin or settle the trades or contracts, or to secure or extend the credit, of any person other than such customer. The net equity of one customer shall not be used to carry the trades or contracts or to offset the net deficit of any other customer or person or to carry the trades or offset the net deficit of the same customer in goods or property not included in the term "commodity" as defined herein. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C., 6d (2))

§ 1.23 *Interest of futures commission merchant in segregated funds, additions and withdrawals.* The prohibition in section 4d (2) of the Commodity Exchange Act (49 Stat. 1494; 7 U. S. C., 6d) against commingling customers' funds with the funds of a futures commission merchant shall not be construed to prevent such futures commission merchant from having a residual financial interest in the funds segregated and set apart for the benefit of commodity customers, nor shall such prohibition be construed to prevent a futures commission merchant from adding to customers' segregated funds from his own funds such amount or amounts of money as he may deem necessary to insure any and all customers' accounts from becoming undermargined at any time: *Provided, however*, That the books and records of such futures commission merchant shall at all times accurately reflect his interest in customers' segregated funds. Such futures commission merchant may draw upon such segregated funds to his own order to the extent of his actual interest

therein: *Provided*, That such withdrawal shall not result in the money, securities, property, or equity of one customer being used to margin or carry the trades or contracts, or extend the credit, of any other customer or person. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

§ 1.24 *Segregated funds; exclusions therefrom.* Money held in segregated account by a futures commission merchant shall not include: (a) Money invested in obligations or stocks of any clearing organization, or in memberships in or obligations of any contract market; or (b) money held by any clearing organization of any contract market which may be used by such clearing organization for any purpose other than to margin, guarantee, secure, transfer, adjust, or settle the contracts or trades of the commodity customers of such futures commission merchant. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

§ 1.25 *Investment and lending of customers' money; conditions governing.* Any futures commission merchant may, in accordance with the provisions of section 4d (2) of the Commodity Exchange Act,

(a) Invest customers' money in obligations or investment securities as described in said section; and

(b) Loan customers' money to other persons on the security of negotiable warehouse receipts conveying or securing title to readily marketable commodities, subject to the following conditions:

(1) That such warehouse receipts be issued by a public warehouseman other than such futures commission merchant, licensed as warehouseman under the provisions of the United States Warehouse Act (39 Stat. 486; 7 U. S. C., Chapter 10) or the warehouse laws of any State; and

(2) The amount of any loan so made shall at no time exceed 85 percent of the current market value of the commodities represented by such warehouse receipts. (Sec. 4d, as added by sec. 5, 49 Stat. 1494; 7 U. S. C., 6d (2))

CROSS REFERENCE: For regulations under the United States Warehouse Act, see 7 CFR Parts 101-114, 151.

§ 1.26 *Deposit of investment securities, obligations, and warehouse receipts.* Each futures commission merchant who, in accordance with section 4d (2) of the act and with these rules and regulations, invests money belonging or accruing to customers in obligations or investment securities described in said section, or loans such money on the security of negotiable warehouse receipts, shall promptly:

(a) Deposit such obligations, securities, and warehouse receipts in safekeeping with a bank or trust company under an account name which will clearly show that they represent investments of, or security for loans of, customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such bank or trust company waiving any claim, lien, or right of set-off of any nature which such bank or trust company might otherwise have or

obtain against such obligations, securities, and warehouse receipts, and authorizing inspection thereof at any reasonable time by representatives of the Commodity Exchange Authority; or

(b) Deposit such obligations, securities, and warehouse receipts with a clearing organization of a contract market under an account name which will clearly show that they represent investments of, or security for loans of, customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such clearing organization providing that such obligations, securities, and warehouse receipts are deposited solely to margin, guarantee, secure, transfer, adjust, or settle the contracts or trades of the commodity customers of such futures commission merchant and waiving any other claim, lien, or right of set-off of any nature which such clearing organization might otherwise have or obtain against such obligations, securities, and warehouse receipts. Such agreement shall authorize the inspection at any reasonable time by representatives of the Commodity Exchange Authority of such obligations, securities, and warehouse receipts.

An executed copy of the agreement prescribed herein shall be kept as a permanent record by the futures commission merchant. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

§ 1.27 *Permanent record of investments and loans.* Each futures commission merchant who, in accordance with section 4d (2) of the act and with the rules and regulations in this chapter, invests money belonging or accruing to customers in obligations or investment securities described in said section, or loans such money on the security of negotiable warehouse receipts, shall keep a permanent record showing the following:

(a) With respect to obligations and investment securities,

(1) The date on which such investments were made,

(2) The name of the person from or through whom such obligations or securities were bought,

(3) The amount of money paid for such obligations or securities,

(4) A description of such obligations or securities,

(5) The date on which disposition was made of such obligations or securities and the amount of money received therefor, and

(6) The name of the person to or through whom such obligations or securities were sold; and

(b) With respect to warehouse receipts,

(1) The date on which such loans were made,

(2) The name of the person to whom such funds were loaned,

(3) The amount loaned on the security of such warehouse receipts,

(4) A description of such warehouse receipts,

(5) The date and particulars of any changes or substitutions in the warehouse receipts held as security for such loans, and

(6) The date on which such loans were repaid. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

§ 1.28 *Appraisal of investment securities and obligations.* Futures commission merchants who invest customers' money in obligations or investment securities under the provisions of section 4d (2) of the Commodity Exchange Act shall include such obligations or investment securities in segregated account at values which at no time shall be greater than current market value, determined as of the close of the market on the last preceding market day, less the cost of disposal. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

§ 1.29 *Increment or interest resulting from investment or lending of customers' funds.* The investment and lending of customers' funds in accordance with the provisions of section 4d (2) of the Commodity Exchange Act and these rules and regulations and the deposit, in accordance with the provisions of § 1.26, of obligations, investment securities, and warehouse receipts, shall not operate to prevent the depositor from receiving and retaining as his own any increment or interest resulting therefrom. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

§ 1.30 *Loans by futures commission merchants; treatment of proceeds.* Nothing contained in the rules and regulations in this chapter, shall be construed to prevent a futures commission merchant from lending his own funds to commodity customers on securities and property pledged by such customers, or from re-pledging or selling such securities and property pursuant to specific written agreement with such customers: *Provided, however*, That the proceeds of such loans used to margin, guarantee, or secure the trades or contracts of such customers in any commodity for future delivery shall be treated and dealt with by such futures commission merchant as belonging to such customers, in accordance with and subject to the provisions of section 4d (2) of the Commodity Exchange Act. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

#### RECORD KEEPING

§ 1.31 *Books and records; keeping and inspection.* All books and records required to be kept by the act or by the rules and regulations in this chapter, shall be kept for a period of 5 years from the date thereof and during the first 2 years of such period shall be readily accessible. All such books and records shall be open to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice. (Secs. 4, 5, 42 Stat. 999, 1000, secs. 4g, 4i, 5a, as added by secs. 5, 7, 49 Stat. 1496, 1497; 7 U. S. C. 6, 7 (b), 6g, 6i, 7a (2), 7a (3))

§ 1.31a *Compliance with §§ 1.32-1.36.* With respect to a futures commission merchant who transmits all customers' commodity futures orders, together with all money, securities, and property received to margin, guarantee, or clear the trades or contracts of such customers,

to another futures commission merchant for execution or clearance, and the latter renders confirmations and statements of purchase and sale, and transmits remittances, direct to such customers, the requirements of §§ 1.32-1.36, inclusive, shall be deemed to be complied with if the books and records described in the aforesaid sections are prepared and kept, in the form and manner therein set forth, by either the futures commission merchant transmitting such orders or by the futures commission merchant to whom such orders are transmitted.

§ 1.32 *Segregated account; daily computation and permanent record.* The amount of money, securities, and property which must be in segregated account in order to comply with the requirements of section 4d (2) of the Commodity Exchange Act shall be computed by each futures commission merchant as of the close of the market each business day, based upon his accounting records. A permanent record of such computation shall be made and kept in readily accessible form, together with all supporting data. (Sec. 4d (2), as added by sec. 5, 49 Stat. 1494; 7 U. S. C. 6d (2))

§ 1.33 *Permanent record of customer's position in each future.* Each futures commission merchant shall prepare and keep as a permanent record a statement which shows the position of each customer in each future of each commodity on each contract market as of the close of the last business day of each calendar month. Such statement may be prepared separately or may be combined with the statement required by § 1.34. (Sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C., 6g)

§ 1.34 *Monthly record, "point balance"; semiannual record for each customer; information on call.* Each futures commission merchant shall prepare and keep as a permanent record a statement, commonly known as a "point balance", which accrues or brings to the official closing price, or settlement price fixed by the clearing organization, all open trades or contracts of customers as of the last business day of each calendar month. Each futures commission merchant shall also prepare and keep as a permanent record a statement which shall show, as of the close of the last business day of his fiscal year and semi-annually thereafter, (a) the net profit or loss (equity or deficit), based upon the closing price or settlement price fixed by the clearing organization, accruing to each customer from the combined open trades or contracts of such customer, (b) the credit or debit balance of the commodity margin account of each customer, whether or not such customer has any trades or contracts open, and (c) a description of all securities and property in segregated account received from each customer to margin, guarantee, or secure the trades or contracts of such customer: *Provided*, That, upon call, a statement shall be prepared setting forth the information described in paragraphs (a), (b), and (c) of this section, as of the close of the calendar month specified in the call: *Provided further*, That such statement when made upon call may, with the approval of the Commodity Exchange Au-

thority, be substituted for, and used in lieu of, the next succeeding semiannual statement which would otherwise be required by the provisions of this section. (Sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C., 6g)

§ 1.35 *Records of cash commodity and futures transactions.* Each futures commission merchant and each member of a contract market shall keep full and complete records of all commodity futures transactions and cash commodity transactions, made by or through him, on or subject to the rules of a board of trade. Such records shall be kept systematically and in such manner as to be readily accessible. He shall keep such records, including all orders, trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations and copies of statements of purchase and sale, together with all other data and memoranda, and records of every sort pertaining to transactions in cash commodities and in commodities for future delivery, for a period of 5 years from the date thereof. He shall produce the same for inspection and shall furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the Commodity Exchange Authority. (Sec. 4g, as added by sec. 5, 49 Stat. 1496, sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 6g 7 (b))

§ 1.36 *Record of securities and property received from customers.* Each futures commission merchant shall keep, in permanent and readily accessible form, a record of all securities and property (other than money) received from customers in lieu of money to margin, guarantee, or secure the commodity trades and contracts of such customers. Such record shall include a description of the securities and property received from each customer, the name and address of such customer, the dates when such securities and property were received from and when returned to such customer, or otherwise disposed of, together with the facts and circumstances of such other disposition. (Sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C., 6g)

§ 1.37 *Customer's name, address, and occupation recorded; record of guarantor or controller of account.* Each futures commission merchant and each member of a contract market shall keep a record in permanent form which shall show for each commodity futures account carried by him the true name and address of the person for whom such account is carried and the principal occupation or business of such person as well as the name of any other person guaranteeing such account or exercising any trading control with respect to such account. Such record shall be open to inspection by any authorized representative of the Commodity Exchange Authority. (Secs. 4, 5, 42 Stat. 999, 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6, 7 (b), 6g)

§ 1.38 *"Transfer" or "office" trades, exchanges of futures; identification of and restrictions upon.* Each member of a contract market, each futures com-

mission merchant and each floor broker handling or executing trades or transactions known as transfer trades or office trades, or which involve the exchange of futures for cash commodities or the exchange of futures in connection with cash commodity transactions, shall identify and mark by appropriate symbol or designation all such transactions and all records and memoranda pertaining thereto. No transaction or trade shall be considered to be a transfer trade or office trade or an exchange of futures for cash commodities or an exchange of futures in connection with cash commodities unless made in accordance with the written rules of a board of trade applying to such trades and transactions and such rules have not been disapproved by the Secretary of Agriculture. (Sec. 5 (b), 42 Stat. 1000 secs. 4c, 4g, as added by sec. 5, 49 Stat. 1494, 1496; 7 U. S. C. 7 (b), 6c, 6g)

§ 1.39 *Simultaneous buying and selling orders of different principals; execution of, for and between principals—(a) Conditions and requirements.* A member of a contract market who shall have in hand at the same time both buying and selling orders of different principals for the same commodity for future delivery in the same delivery month may execute such orders for and directly between such principals at the market price, if, in conformity with the written rules of such contract market specifically applicable to such cases:

(1) Such orders are first offered openly and competitively by open outcry in the trading pit or ring (i) by both bidding and offering at the same price, and neither such bid nor offer is accepted, or (ii) by bidding and offering to a point where such offer is higher than such bid by not more than the minimum permissible price fluctuation applicable to such commodity on such contract market, and neither such bid nor offer is accepted;

(2) Such member executes such orders in the presence of an official representative of such contract market designated to observe such transactions and, by appropriate descriptive words or symbol, clearly identifies all such transactions on his trading card or other similar record, made at the time of execution, and notes thereon the exact time of execution and promptly presents said record to such official representative for verification and initialing;

(3) Such contract market keeps a permanent record of each such transaction showing the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution; and

(4) Neither the futures commission merchant receiving nor the member executing such orders has any interest therein, directly or indirectly, except as a fiduciary.

(b) *Not deemed filling orders by offset nor cross trades.* The execution of orders in compliance with the conditions herein set forth will not be deemed to constitute the filling of orders by offset within the meaning of paragraph (D) of section 4b, nor to constitute cross trades within the meaning of paragraph

(A) of section 4c, of the Commodity Exchange Act. (Secs. 4b, 4c, as added by sec. 5, 49 Stat. 1493, 1494; 7 U. S. C. 6b 6c)

MISCELLANEOUS

§ 1.40 *Crop, market information letters, reports; copies required.* Each futures commission merchant and each member of a contract market shall, upon request, furnish or cause to be furnished to the Commodity Exchange Authority a true copy of any letter, circular, telegram, or report published or given general circulation by such futures commission merchant or member which concerns crop or market information or conditions that affect or tend to affect the price of any commodity, and the true source of or authority for the information contained therein.

§ 1.41 *Contract market rules, regulations; filing of copies.* Each contract market shall promptly furnish to the Commodity Exchange Authority copies of all bylaws, rules, regulations, and resolutions made or issued by it or by the governing board thereof, or by any committee or clearing organization thereof, and of all changes and proposed changes therein, and shall notify the Commodity Exchange Authority promptly of all changes in its membership. Three copies of all such material shall be furnished to the Act Administrator, United States Department of Agriculture, Washington, D. C., and one copy shall be furnished to the supervisor in charge of the field office of the Commodity Exchange Authority having local jurisdiction with respect to such contract market. (Sec. 5a (1), as added by sec. 7, 49 Stat. 1497; 7 U. S. C. 7a (1))

§ 1.42 *Delivery notice; filing of copy.* Each contract market shall furnish or cause to be furnished promptly to the Commodity Exchange Authority a copy of each notice of delivery issued by any member thereof covering the delivery of any commodity on a futures contract made on or subject to the rules of such contract market, and shall also furnish or cause to be furnished promptly to the Commodity Exchange Authority a record of all endorsements of the original notice of delivery shown in the order in which such endorsements were made.

§ 1.43 *Information required concerning warehouses.* Each contract market shall file with the Commodity Exchange Authority a list of all warehouses in which or out of which commodities are deliverable in satisfaction of futures contracts made on or subject to the rules of such contract market, which list shall show the name, location, and storage capacity of each such warehouse, together with the name and business address of the operator thereof. Such list shall be accompanied by a schedule of the storage charges, handling charges, and the annual fire insurance rate applicable to each such warehouse. The Commodity Exchange Authority shall be kept currently advised of all changes affecting such information. (Sec. 5a (3), as added by sec. 7, 49 Stat. 1497; 7 U. S. C. 7a, (3))

§ 1.44 *Warehouse records, reports; visitation of premises.* Each contract

market shall require the operators of warehouses whose receipts are deliverable in satisfaction of commodity futures contracts made on or subject to the rules of such contract market—

(a) To keep records showing the stocks of each commodity traded in for future delivery on such contract market, in store in such warehouses by kinds, by classes, and by grades, if stored under conditions requiring such designation or identification, and including also lots and parcels stored specially or separately or in specially leased warehouse space;

(b) Upon call from the Commodity Exchange Authority, to report the stocks of commodities in such warehouses and to furnish information concerning stocks of each commodity traded in for future delivery on such contract market about to be transferred or in process of being transferred, or otherwise moved into or out of such warehouses, as well as any other information concerning commodities stored in such warehouses and which are or may be available for delivery on futures contracts; and

(c) To permit visitation of the premises and inspection of the books and records of such warehouses by duly authorized representatives of the United States Department of Agriculture or the Department of Justice, and to keep all books, records, papers, and memoranda relating to the storage and warehousing of commodities in such warehouses for a period of 5 years from the date thereof. (Sec. 5a (3), as added by sec. 7, 49 Stat. 1497; 7 U. S. C. 7a (3))

§ 1.45 *Delivery of commodities conforming to United States standards.* Each contract market shall require that all contracts of sale of any commodity for future delivery on or subject to the rules of such contract market shall provide for the delivery thereunder of commodities of grades conforming to United States standards if such standards shall have been officially promulgated. In the event of a change in United States standards, all contracts made on and after the effective date of such change shall be made on the basis of the standards as changed: *Provided*, That this shall not be construed to prevent the closing of trades made prior to the effective date of such change. (Sec. 5a (6), as added by sec. 7, 49 Stat. 1498; 7 U. S. C. 7a (6))

§ 1.46 *Application and closing out of offsetting long and short positions—(a) Application of purchases and sales.* Any futures commission merchant who, on or subject to the rules of a contract market:

(1) Shall purchase any commodity for future delivery for the account of any customer (other than the "Customers' Account" of another futures commission merchant) when the account of such customer at the time of such purchase has a short position in the same future of the same commodity on the same market, or

(2) Shall sell any commodity for future delivery for the account of any customer (other than the "Customers' Account" of another futures commission merchant) when the account of such customer at the time of such sale has a long position in the same future of the same commodity on the same market,

shall on the same day apply such purchase or sale against such previously held short or long position, as the case may be, and shall promptly furnish such customer a purchase and sale statement, or account sale, showing the financial result of the transactions involved.

(b) *Customer's instructions.* In all instances wherein the short or long position in such customer's account immediately prior to such offsetting purchase or sale is greater than the quantity purchased or sold, the futures commission merchant shall apply such offsetting purchase or sale to such portion of the previously held short or long position as may be specified by the customer. In the absence of specific instructions from the customer, the futures commission merchant shall apply such offsetting purchase or sale to the oldest portion of the previously held short or long position, as the case may be.

(c) *In-and-out trades; day trades.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, this section shall not be deemed to require the application of purchases or sales closed out during the same day (commonly known as "in-and-out trades" or "day trades") against short or long positions carried forward from a prior date.

(d) *Exceptions.* The provisions of this section shall not apply to:

(1) Purchases or sales of job lots against positions in round lots, nor to purchases or sales of round lots against positions in job lots, on markets where round lots and job lots are cleared separately;

(2) Purchases or sales constituting "bona fide hedging transactions" as defined in section 4a (3) of the Commodity Exchange Act; nor

(3) Sales during a delivery period for the purpose of making delivery during such delivery period if such sales are accompanied by instructions to make delivery thereon, together with warehouse receipts or other documents necessary to effectuate such delivery. (42 Stat. 998, 49 Stat. 1491, 52 Stat. 205, 54 Stat. 1059, Pub. Law 392, 80th Cong.; 7 U. S. C. 1-17a)

PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS, FLAXSEED, AND SOYBEANS

Sec.	
2.00	Definition; "grain." FORM 200
2.01	Daily reports on Form 200 by clearing members; information shown.
2.02	Time and place of filing reports on Form 200.
2.03	Errors or omissions in reports on Form 200. FORMS 201 AND 202
2.04	"Special accounts" reported on Form 201.
2.05	Net position of account prior and subsequent to special account status.
2.06	Time of filing reports on Form 201.
2.07	Accounts reported on Form 201 shown by account number or code; identification on Form 202.
2.08	Persons controlling or having participating financial interest in accounts shown on Form 202.
2.09	Character accounts shown on Form 202.

## FORM 203

- Sec. 2.10 Persons holding or controlling open contracts of specified size; reports on Form 203.
- 2.11 Separate reports on Form 203 for each grain; information shown.
- 2.12 Time of filing reports on Form 203.
- 2.13 Assignment of code number.
- 2.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.
- 2.15 Information required upon call.

## FORM 204

- 2.16 Merchandisers, processors, and dealers holding or controlling open contracts of specified size to report weekly on Form 204.
- 2.17 Information shown in reports on Form 204.
- 2.18 Cash-grain position; how determined.
- 2.19 Time of filing reports on Form 204.

## AMOUNTS FIXED FOR REPORTING ON FORMS 201, 203, AND 204

- 2.20 Amount fixed for reporting on Form 201.
- 2.21 Amount fixed for reporting on Forms 203 and 204.

## SPECIAL CALLS

- 2.22 Special calls; reports on Form 201.
- 2.23 Special calls; reports on Form 203.

AUTHORITY: §§ 2.00 to 2.23 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 2.00 *Definition; "grain."* The word "grain" as used in this part shall mean and include wheat, corn, oats, barley, rye, rice, flaxseed, grain sorghums, and soybeans.

## FORM 200

§ 2.01 *Daily reports on Form 200 by clearing members; information shown.* Each clearing member of each contract market shall report to the Commodity Exchange Authority each business day on Form 200 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on Form 200, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale of grain for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market shall report separately with respect to each such market. Such report shall show separately for each kind of grain and each delivery month:

(a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) The quantity of grain bought and the quantity of grain sold on such contracts during the period covered by the report;

(d) The quantity of grain delivered and the quantity of grain received on such contracts during the period covered by the report; and

(e) The quantity of grain represented by delivery notices passed back to the clearing organization or passed on to other clearing members. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 2.02 *Time and place of filing reports on Form 200.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 200 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. If there be no office of the Commodity Exchange Authority in such city, the reports shall be transmitted in accordance with instructions furnished by the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 2.03 *Errors or omissions in reports on Form 200.* Reports on Form 200 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

## FORMS 201 AND 202

§ 2.04 *"Special accounts" reported on Form 201.* Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any future of any grain, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in § 2.20, shall report such account daily to the Commodity Exchange Authority on Form 201 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on Form 201.

For the purpose of reporting on Form 201, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on Form 201 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 2.05 *Net position of account prior and subsequent to special account status.* The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 2.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on

the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account." (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 2.06 *Time of filing reports on Form 201.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 201 shall be filed with the Commodity Exchange Authority not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 2.07 *Accounts reported on Form 201 shown by account number or code; identification on Form 202.* Reports on Form 201 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 201 it shall be identified on Form 202, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on Form 201. An account number or code once identified on Form 202 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 2.08 *Persons controlling or having participating financial interest in accounts shown on Form 202.* If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 201, the names and addresses of all such persons shall be shown on Form 202. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 2.09 *Character of accounts shown on Form 202.* In identifying accounts on Form 202 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

## FORM 203

§ 2.10 *Persons holding or controlling open contracts of specified size; reports on Form 203.* Every person who holds or controls open contracts in any one future of any grain on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 2.21) for reporting purposes under section 41 (2) of the Commodity Exchange Act shall report to the Commodity Ex-

change Authority on Form 203. Such report shall be made daily: *Provided*, That if on any day such person has no trades or transactions in any future of a grain previously reported and there has been no change in the open contracts of such person in any such grain, the last detailed report of such person shall be considered as his report on open contracts in such grain on all intervening days. Such person shall also make a report on Form 203 covering the day on which the amount of his open contracts in such future falls below the amount fixed in § 2.21. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

§ 2.11 *Separate reports on Form 203 for each grain; information shown.* Separate reports on Form 203 shall be filed covering each grain in which the person reporting has or controls open contracts in any one future which equal or exceed the amount fixed in § 2.21. Each such report shall show for the day covered thereby, by markets and by futures:

(a) The amount of open contracts held or controlled by such person in all futures of such grain on all boards of trade in the United States and elsewhere;

(b) The character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) The amount of such grain bought and the amount sold by such person for future delivery on all boards of trade in the United States and elsewhere; and

(d) The amount of such grain delivered by or to such person in settlement of futures contracts.

For the purposes of paragraph (b) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in section 4a (3) of the Commodity Exchange Act (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C., 6a (3)). (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 2.12 *Time of filing reports on Form 203.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 203 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 2.13 *Assignment of code number.* Upon receipt of the first report from any person on Form 203, or upon application in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 203 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 2.14 *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.* Persons having or controlling open contracts in any future of any grain on any contract market equal to or in excess of the amount fixed in § 2.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

CROSS REFERENCE: For general provisions relating to inspection and the keeping of books and records, see § 1.31 of this chapter.

§ 2.15 *Information required upon call.* Each person required to report on Form 203 shall,

(a) If a partnership, furnish upon call the name and address of each partner;

(b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and

(c) If an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

#### FORM 204

§ 2.16 *Merchandisers, processors, and dealers holding or controlling open contracts of specified size to report weekly on Form 204.* Every person who is engaged in merchandising, processing, or dealing in, grain or grain products and who holds or controls open contracts in any one future of any grain on any contract market which equal or exceed the amount fixed in § 2.21 shall report to the Commodity Exchange Authority on Form 204, which report shall be rendered as of the close of business on Friday of each week unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 2.17 *Information shown in reports on Form 204.* Such report shall contain the following information with respect to each grain in which the person reporting holds or controls open contracts in any one future thereof on or subject to the rules of any contract market equal to or in excess of the amount fixed in § 2.21:

(a) The amount of the net long or net short cash-grain position of such person in such grain;

(b) The make-up of the cash-grain position of such person in such grain showing:

(1) The amount of stocks of such grain or products or byproducts thereof,

(2) The amount of purchase commitments open in such grain or products or byproducts thereof, and

(3) The amount of sale commitments open in such grain or products or byproducts thereof; and

(c) The amount of open contracts held by such person in all futures of such grain on all boards of trade in the United States and elsewhere. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 2.18 *Cash-grain position; how determined.* In determining the cash-grain position of any person reporting on Form 204, such person shall use such standards and conversion factors applying to grain products and byproducts as are usual and common to the business in which he is engaged. If, in determining the cash-grain position of such person for hedging purposes, it be his practice regularly to exclude certain products or byproducts, such products or byproducts shall be excluded in reporting such cash-grain position on Form 204.

Such person shall upon request furnish the Commodity Exchange Authority with detailed information concerning the kind and amount of each product or byproduct included in computing his cash-grain position and the conversion factor used for each such product or byproduct. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 2.19 *Time of filing reports on Form 204.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 204 shall be filed with the Commodity Exchange Authority not later than the next business day following the day covered by the report: *Provided*, That reports may be transmitted by mail in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the last day allowed for filing. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

#### AMOUNTS FIXED FOR REPORTING ON FORMS 201, 203, AND 204

§ 2.20 *Amount fixed for reporting on Form 201.* For the purpose of §§ 2.04 and 2.05, the amount specified for reporting accounts on Form 201 is 200,000 bushels, but such specified amount shall not apply to special calls issued under authority of § 2.22. (Sec. 5 (b), 42 Stat. 1000, sec. 47, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 2.21 *Amount fixed for reporting on Forms 203 and 204.* For the purpose of §§ 2.10, 2.11, 2.14, 2.16, and 2.17, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 203 and Form 204 is 200,000 bushels. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

#### SPECIAL CALLS

§ 2.22 *Special calls; reports on Form 201.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each

futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated grain future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Authority on Form 201, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in § 2.20 shall have no application. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 2.23 *Special calls; reports on Form 203.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any grain future shall, upon call, report all open contracts in grain futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 203 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 2.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

#### PART 3—SPECIAL PROVISIONS APPLICABLE TO COTTON

Sec. 3.00 Definitions: "cash cotton"; "spot cotton"; "call cotton"; cotton on call."

##### FORM 300

- 3.01 Daily reports on Form 300 by clearing members; information shown.  
3.02 Time and place of filing reports on Form 300.  
3.03 Errors or omissions in reports on Form 300.

##### FORMS 301 AND 302

- 3.04 "Special accounts" reported on Form 301.  
3.05 Net position of account prior and subsequent to special account status.  
3.06 Time of filing reports on Form 301.  
3.07 Accounts reported on Form 301 shown by account number or code; identification on Form 302.  
3.08 Persons controlling or having participating financial interest in accounts shown on Form 302.  
3.09 Character of accounts shown on Form 302.

##### FORM 303

- 3.10 Persons holding or controlling open contracts of specified size; reports on Form 303.  
3.11 Information shown in reports on Form 303.  
3.12 Time of filing reports on Form 303.  
3.13 Assignment of code number.  
3.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.  
3.15 Information required upon call.

##### FORM 304

- 3.16 Merchandisers, processors, and dealers holding or controlling open contracts of specified size to report on Form 304.  
3.17 Information shown in reports on Form 304.  
3.18 Spot-cotton position; how determined.  
3.19 Time of filing reports on Form 304.

#### AMOUNTS FIXED FOR REPORTING ON FORMS 301, 303, AND 304

- Sec. 3.20 Amount fixed for reporting on Form 301.  
3.21 Amount fixed for reporting on Forms 303 and 304.

##### SPECIAL CALLS

- 3.22 Special calls; reports on Form 301.  
3.23 Special calls; reports on Form 303.

AUTHORITY: §§ 3.00 to 3.23 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCE: For general regulations under the Commodity Exchange Act, see Part 1 of this chapter.

§ 3.00 *Definitions: "cash cotton"; "spot cotton"; "call cotton"; "cotton on call."* The terms "cash cotton" and "spot cotton" shall have the same meaning and shall refer to transactions in actual cotton as distinguished from cotton futures. The terms "call cotton" and "cotton on call" shall mean spot cotton bought or sold, or contracted for purchase or sale, at a price to be fixed later, based upon a specified future.

##### FORM 300

§ 3.01 *Daily reports on Form 300 by clearing members; information shown.* Each clearing member of each board of trade (exchange) designated as a contract market for cotton shall report to the Commodity Exchange Authority each business day on Form 300 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on Form 300, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale of cotton for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for cotton shall report separately with respect to each such market. Such report shall show separately for each future:

(a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) The quantity of cotton bought and the quantity of cotton sold on such contracts during the period covered by the report;

(d) The quantity of cotton delivered and the quantity of cotton received on such contracts during the period covered by the report; and

(e) The quantity of cotton represented by delivery notices passed back to the clearing organization or passed on to other clearing members. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 3.02 *Time and place of filing reports on Form 300.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown,

reports required to be made on Form 300 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 3.03 *Errors or omission in reports on Form 300.* Reports on Form 300 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

##### FORMS 301 AND 302

§ 3.04 *"Special accounts" reported on Form 301.* (a) Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any cotton future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in § 3.20, shall report such account daily to the Commodity Exchange Authority on Form 301 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on Form 301.

(b) For the purpose of reporting on Form 301, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on Form 301 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 3.05 *Net position of account prior and subsequent to special account status.* The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 3.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account." (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 3.06 *Time of filing reports on Form 301.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 301 shall be filed with the Commodity Exchange Authority not later than 30 minutes before the official opening of the market on the next following business day: *Provided, That, futures commission mer-*

chants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1946; 7 U. S. C. 7 (b), 6g)

§ 3.07 *Accounts reported on Form 301 shown by account number or code; identification on Form 302.* Reports on Form 301 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 301 it shall be identified on Form 302, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on Form 301. An account number or code once identified on Form 302 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 3.08 *Persons controlling or having participating financial interest in accounts shown on Form 302.* If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 301, the names and addresses of all such persons shall be shown on Form 302. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 3.09 *Character of accounts shown on Form 302.* In identifying accounts on Form 302 the person reporting shall indicate the character of such accounts, i. e., whether hedging, straddling, speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

#### FORM 303

§ 3.10 *Persons holding or controlling open contracts of specified size; reports on Form 303.* Every person who holds or controls open contracts in any one cotton future on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 3.21) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Commodity Exchange Authority on Form 303. Such report shall be made daily; *Provided*, That, if on any day such person has no trades or transactions in any cotton future previously reported and there has been no change in the open contracts of such person in any cotton future, the last detailed report of such person shall be considered as his report on open contracts in cotton futures on all intervening days. Such person shall also make a report on Form 303 covering the day on which the amount of his open contracts in such future falls below the amount fixed in § 3.21. (Sec.

4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

§ 3.11 *Information shown in reports on Form 303.* Reports made by any person on Form 303 shall show for the day covered thereby, by markets and by futures:

(a) The amount of open contracts held or controlled by such person in any and all cotton futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) The character of the open contracts held or controlled, i. e., whether hedging, straddling, or speculative;

(c) The amount of cotton bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) The amount of cotton delivered by or to such person in settlement of futures contracts.

For the purposes of paragraph (b) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in section 4a (3) of the Commodity Exchange Act (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (3)). (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 3.12 *Time of filing reports on Form 303.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 303 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day; *Provided*, That, reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 3.13 *Assignment of code number.* Upon receipt of the first report from any person on Form 303, or upon application in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 303 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 3.14 *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.* Persons having or controlling open contracts in any cotton future on any contract market equal to or in excess of the amount fixed in § 3.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such pertinent information as may be

called for. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

CROSS REFERENCE: For general provisions relating to inspection and the keeping of books and records, see § 1.31 of this chapter.

§ 3.15 *Information required upon call.* Each person required to report on Form 303 shall:

(a) If a partnership, furnish upon call the name and address of each partner;

(b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and

(c) If an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

#### FORM 304

§ 3.16 *Merchandisers, processors, and dealers holding or controlling open contracts of specified size to report on Form 304.* Every person who is engaged in merchandising, processing, or dealing in cotton, cotton yarn, cotton cloth, or other cotton products, and who holds or controls open contracts in any one cotton future on any contract market which equal or exceed the amount fixed in § 3.21, shall report to the Commodity Exchange Authority on Form 304, which report shall be rendered as of the close of business on Friday of each week and July 31 of each year unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 3.17 *Information shown in reports on Form 304.* Reports made by any person on Form 304 shall be prepared in accordance with the instructions appearing on Form 304 and shall contain the following information:

(a) The make-up of such person's net fixed-price position in spot cotton;

(b) The make-up of such person's hedgeable interest in spot cotton and his market position;

(c) The make-up of such person's basis position in spot cotton;

(d) The amount of certificated cotton owned by such person;

(e) Such person's fixed-price spot-cotton positions (both long and short) if such person holds or controls open contracts in any one cotton future on any contract market amounting to, or exceeding, 20,000 bales; *Provided*, That, upon call from the Commodity Exchange Authority, such person shall report his fixed-price spot-cotton positions (both long and short), irrespective of the amount of such open contracts held or controlled by him;

(f) The amount of open contracts held by such person for his own account in all cotton futures on all boards of trade (exchanges) in the United States and elsewhere, by markets and by futures; and



(g) The amount of "call cotton" bought and sold, or contracted for purchase or sale, on which the price has not been fixed, together with the respective futures on which based. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 3.18 *Spot-cotton position; how determined.* In determining the spot-cotton position of any person reporting on Form 304, such person shall use such standards and conversion factors applying to cotton products as are usual and common to the business in which he is engaged. If, in determining the spot-cotton position of such person for hedging purposes, it be his practice regularly to exclude certain items, such items shall be excluded in reporting such spot-cotton position on Form 304.

Such person shall upon request furnish the Commodity Exchange Authority with detailed information concerning the kind and amount of each product included in computing his spot-cotton position and the conversion factor used for each such product. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C., 6i)

§ 3.19 *Time of filing reports on Form 304.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 304 shall be filed with the Commodity Exchange Authority not later than the next business day following the day covered by the report: *Provided*, That, reports may be transmitted by mail in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if post-marked not later than midnight of the last day allowed for filing. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C., 6i)

AMOUNTS FIXED FOR REPORTING ON FORMS 301, 303, AND 304

§ 3.20 *Amount fixed for reporting on Form 301.* For the purpose of §§ 3.04 and 3.05, the amount specified for reporting accounts on Form 301 is 5,000 bales, but such specified amount shall not apply to special calls issued under authority of § 3.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 3.21 *Amount fixed for reporting on Forms 303 and 304.* For the purpose of §§ 3.10, 3.14, and 3.16, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 303 and Form 304 is 5,000 bales. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

SPECIAL CALLS

§ 3.22 *Special calls; reports on Form 301.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated cotton future equal to or in excess of the amount specified in the call.

Such report shall be made to the Commodity Exchange Authority on Form 301, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in § 3.20 shall have no application. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 3.23 *Special calls; reports on Form 303.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any cotton future shall, upon call, report all open contracts in cotton futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 303 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 3.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

PART 4—SPECIAL PROVISIONS APPLICABLE TO BUTTER

Sec. 4.00 Definitions: "cash butter"; "spot butter"; "butter future"; "each future"; "one future."

FORM 400

- 4.01 Daily reports on Form 400 by clearing members; information shown.
- 4.02 Time and place of filing reports on Form 400.
- 4.03 Errors or omissions in reports on Form 400.

FORMS 401 AND 402

- 4.04 "Special accounts" reported on Form 401.
- 4.05 Net position of account prior and subsequent to special account status.
- 4.06 Time of filing reports on Form 401.
- 4.07 Accounts reported on Form 401 shown by account number or code; identification on Form 402.
- 4.08 Persons controlling or having participating financial interest in accounts shown on Form 402.
- 4.09 Character of accounts shown on Form 402.

FORM 403

- 4.10 Persons holding or controlling open contracts of specified size; reports on Form 403.
- 4.11 Information shown in reports on Form 403.
- 4.12 Time of filing reports on Form 403.
- 4.13 Assignment of code number.
- 4.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.
- 4.15 Information required upon call.

AMOUNTS FIXED FOR REPORTING ON FORMS 401 AND 403

- 4.20 Amount fixed for reporting on Form 401.
- 4.21 Amount fixed for reporting on Form 403.

SPECIAL CALLS

- 4.22 Special calls; reports on Form 401.
- 4.23 Special calls; reports on Form 403.

AUTHORITY: §§ 4.00 to 4.23 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7

U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCE: For general regulations under the Commodity Exchange Act, see Part 1 of this chapter.

§ 4.00 *Definition: "cash butter"; "spot butter"; "butter future"; "each future"; "one future."* The terms "cash butter" and "spot butter" shall have the same meaning and shall refer to transactions in actual butter as distinguished from futures. The terms "butter future", "each future", and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

FORM 400

§ 4.01 *Daily reports on Form 400 by clearing members; information shown.* Each clearing member of each board of trade (exchange) designated as a contract market for butter shall report to the Commodity Exchange Authority each business day on Form 400 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on Form 400, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale of butter for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for butter shall report separately with respect to each such market. Such report shall show separately for each future:

- (a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;
- (b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;
- (c) The quantity of butter bought and the quantity of butter sold on such contracts during the period covered by the report; and
- (d) The quantity of butter delivered and the quantity of butter received on such contracts during the period covered by the report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 4.02 *Time and place of filing reports on Form 400.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 400 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 4.03 *Errors or omissions in reports on Form 400.* Reports on Form 400 shall be prepared with care, and if any error or omission is discovered in any

report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

#### FORMS 401 AND 402

§ 4.04 "Special accounts" reported on Form 401. Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any butter future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in § 4.20, shall report such account daily to the Commodity Exchange Authority on Form 401 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on Form 401.

For the purpose of reporting on Form 401 all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on Form 401 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 4.05 Net position of account prior and subsequent to special account status. The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 4.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account". (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 4.06 Time of filing reports on Form 401. Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 401 shall be filed with the Commodity Exchange Authority not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 4.07 Accounts reported on Form 401 shown by account number or code;

identification on Form 402. Reports on Form 401 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 401 it shall be identified on Form 402, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on Form 401. An account number or code once identified on Form 402 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 4.08 Persons controlling or having participating financial interest in accounts shown on Form 402. If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 401, the names and addresses of all such persons shall be shown on Form 402. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 4.09 Character of accounts shown on Form 402. In identifying accounts on Form 402 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

#### FORM 403

§ 4.10 Persons holding or controlling open contracts of specified size; reports on Form 403. Every person who holds or controls open contracts in any one butter future on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 4.21) for reporting purposes under section 41 (2) of the Commodity Exchange Act shall report to the Commodity Exchange Authority on Form 403. Such report shall be made daily: *Provided*, That if on any day such person has no trades or transactions in any butter future previously reported and there has been no change in the open contracts of such person in any butter future, the last detailed report of such person shall be considered as his report on open contracts in butter futures on all intervening days. Such person shall also make a report on Form 403 covering the day on which the amount of his open contracts in such future falls below the amount fixed in § 4.21. (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61)

§ 4.11 Information shown in reports on Form 403. Reports made by any person on Form 403 shall show for the day covered thereby, by markets and by futures:

(a) The amount of open contracts held or controlled by such person in any and all butter futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) The character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) The amount of butter bought and the amount sold by such person for future

delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) The amount of such butter delivered by or to such person in settlement of futures contracts.

For the purposes of paragraph (b) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in section 4a (3) of the Commodity Exchange Act (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6 a(3)), Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61)

§ 4.12 Time of filing reports on Form 403. Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 403 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61)

§ 4.13 Assignment of code number. Upon receipt of the first report from any person on Form 403, or upon application in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 403 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61)

§ 4.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size. Persons having or controlling open contracts in any butter future on any contract market equal to or in excess of the amount fixed in § 4.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 41 as added by sec. 5, 49 Stat. 1496, 7 U. S. C. 61)

CROSS REFERENCE: For general provisions relating to inspection and the keeping of books and records, see § 1.31 of this chapter.

§ 4.15 Information required upon call. Each person required to report on Form 403 shall:

(a) If a partnership, furnish upon call the name and address of each partner;

(b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and

(c) If an association or trust, furnish upon call the name and address of each

person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

**AMOUNTS FIXED FOR REPORTING ON FORMS 401 AND 403**

§ 4.20 *Amount fixed for reporting on Form 401.* For the purpose of §§ 4.04 and 4.05, the amount specified for reporting accounts on Form 401 is 25 carlots, but such specified amount shall not apply to special calls issued under authority of § 4.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 4.21 *Amount fixed for reporting on Form 403.* For the purpose of §§ 4.10 and 4.14, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 403 is 25 carlots. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

**SPECIAL CALLS**

§ 4.22 *Special calls; reports on Form 401.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated butter future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Authority on Form 401, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in § 4.20 shall have no application. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 4.23 *Special calls; reports on Form 403.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any butter future shall, upon call, report all open contracts in butter futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 403 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 4.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

**PART 5—SPECIAL PROVISIONS APPLICABLE TO EGGS**

Sec. 5.00 Definitions: "cash eggs"; "spot eggs"; "egg futures"; "each future"; "one future."

**FORM 500**

5.01 Daily reports on Form 500 by clearing members; information shown.

Sec. 5.02 Time and place of filing reports on Form 500.  
5.03 Errors or omission in reports on Form 500.

**FORMS 501 AND 502**

5.04 "Special accounts" reported on Form 501.  
5.05 Net position of account prior and subsequent to special account status.  
5.06 Time of filing reports on Form 501.  
5.07 Accounts reported on Form 501 shown by account number or code; identification on Form 502.  
5.08 Persons controlling or having participating financial interest in accounts shown on Form 502.  
5.09 Character of accounts shown on Form 502.

**FORM 503**

5.10 Persons holding or controlling open contracts of specified size; reports on Form 503.  
5.11 Information shown in reports on Form 503.  
5.12 Time of filing reports on Form 503.  
5.13 Assignment of code number.  
5.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.  
5.15 Information required upon call.

**AMOUNTS FIXED FOR REPORTING ON FORMS 501 AND 503**

5.20 Amount fixed for reporting on Form 501.  
5.21 Amount fixed for reporting on Form 503.

**SPECIAL CALLS**

5.22 Special calls; reports on Form 501.  
5.23 Special calls; reports on Form 503.

**AUTHORITY:** §§ 5.00 to 5.23 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

**CROSS REFERENCE:** For general regulations under the Commodity Exchange Act, see Part 1 of this chapter.

§ 5.00 *Definitions:* "cash eggs"; "spot eggs"; "egg futures"; "each future"; "one future." The terms "cash eggs" and "spot eggs" shall have the same meaning and shall refer to transactions in actual eggs as distinguished from futures. The terms "egg future", "each future", and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

**FORM 500**

§ 5.01 *Daily reports on Form 500 by clearing members; information shown.* Each clearing member of each board of trade (exchange) designated as a contract market for eggs shall report to the Commodity Exchange Authority each business day on Form 500 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on Form 500, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale of eggs for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for eggs shall report separately with respect

to each such market. Such report shall show separately for each future:

(a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) The quantity of eggs bought and the quantity of eggs sold on such contracts during the period covered by the report; and

(d) The quantity of eggs delivered and the quantity of eggs received on such contracts during the period covered by the report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 5.02 *Time and place of filing reports on Form 500.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 500 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following day. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 5.03 *Errors or omissions in reports on Form 500.* Reports on Form 500 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

**FORMS 501 AND 502**

§ 5.04 *"Special accounts" reported on Form 501.* Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any egg future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in § 5.20, shall report such account daily to the Commodity Exchange Authority on Form 501 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on Form 501.

For the purpose of reporting on Form 501, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on Form 501 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

## FORM 503

§ 5.05 *Net position of account prior and subsequent to special account status.* The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 5.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account". (Sec. 5 (b), 42 Stat. 1000; sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 5.06 *Time of filing reports on Form 501.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 501 shall be filed with the Commodity Exchange Authority not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 5.07 *Accounts reported on Form 501 shown by account number or code; identification on Form 502.* Reports on Form 501 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 501 it shall be identified on Form 502, and such identification (transmitted in a separate sealed envelop marked "Confidential") shall accompany the report on Form 501. An account number or code once identified on Form 502 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 5.08 *Persons controlling or having participating financial interest in accounts shown on Form 502.* If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 501, the names and addresses of all such persons shall be shown on Form 502. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 5.09 *Character of accounts shown on Form 502.* In identifying accounts on Form 502 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 5.10 *Persons holding or controlling open contracts of specified size; reports on Form 503.* Every person who holds or controls open contracts in any one egg future on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 5.21) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Commodity Exchange Authority on Form 503. Such report shall be made daily: *Provided*, That if on any day such person has no trades or transactions in any egg future previously reported and there has been no change in the open contracts of such person in any egg future, the last detailed report of such person shall be considered as his report on open contracts in egg futures on all intervening days. Such person shall also make a report on Form 503 covering the day on which the amount of his open contracts in such future falls below the amount fixed in § 5.21. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

§ 5.11 *Information shown in reports on Form 503.* Reports made by any person on Form 503 shall show for the day covered thereby, by markets and by futures:

(a) The amount of open contracts held or controlled by such person in any and all egg futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) The character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) The amount of eggs bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) The amount of such eggs delivered by or to such person in settlement of futures contracts.

For the purposes of paragraph (b) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in section 4a (3) of the Commodity Exchange Act (sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (3)). (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 5.12 *Time of filing reports on Form 503.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 503 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 5.13 *Assignment of code number.* Upon receipt of the first report from any person on Form 503, or upon application

in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 503 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 5.14 *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.* Persons having or controlling open contracts in any egg future on any contract market equal to or in excess of the amount fixed in § 5.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

CROSS REFERENCE: For general provisions relating to inspection and the keeping of books and records, see § 1.31 of this chapter.

§ 5.15 *Information required upon call.* Each person required to report on Form 503 shall,

(a) If a partnership, furnish upon call the name and address of each partner;

(b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and

(c) If an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

## AMOUNTS FIXED FOR REPORTING ON FORMS 501 AND 503

§ 5.20 *Amount fixed for reporting on Form 501.* For the purpose of §§ 5.04 and 5.05, the amount specified for reporting accounts on Form 501 is 25 carlots, but such specified amount shall not apply to special calls issued under authority of § 5.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 5.21 *Amount fixed for reporting on Form 503.* For the purpose of §§ 5.10 and 5.14, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 503 is 25 carlots. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

## SPECIAL CALLS

§ 5.22 *Special calls; reports on Form 501.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each

futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated egg future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Authority on Form 501, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in § 5.20, shall have no application. (Sec. 5, 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 5.23 *Special calls; reports on Form 503.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any egg future shall, upon call, report all open contracts in egg futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 503 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 5.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

PART 6—SPECIAL PROVISIONS  
APPLICABLE TO POTATOES

Sec. 6.00 Definitions: "potatoes"; "cash potatoes"; "spot potatoes"; "potato future"; "each future"; "one future."

FORM 600

- 6.01 Daily reports on Form 600 by clearing members; information shown.
- 6.02 Time and place of filing reports on Form 600.
- 6.03 Errors on omissions in reports on Form 600.

FORMS 601 AND 602

- 6.04 "Special accounts" reported on Form 601.
- 6.05 Net position of account prior and subsequent to special account status.
- 6.06 Time of filing reports on Form 601.
- 6.07 Accounts reported on Form 601 shown by account number or code; identification on Form 602.
- 6.08 Persons controlling or having participating financial interest in accounts shown on Form 602.
- 6.09 Character of accounts shown on Form 602.

FORM 603

- 6.10 Persons holding or controlling open contracts of specified size; reports on Form 603.
- 6.11 Information shown in reports on Form 603.
- 6.12 Time of filing reports on Form 603.
- 6.13 Assignment of code number.
- 6.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.
- 6.15 Information required upon call.

AMOUNTS FIXED FOR REPORTING ON FORMS 601  
AND 603

- 6.20 Amount fixed for reporting on Form 601.
- 6.21 Amount fixed for reporting on Form 603.

SPECIAL CALLS

- Sec. 6.22 Special calls; reports on Form 601.
- 6.23 Special calls; reports on Form 603.

AUTHORITY: §§ 6.00 to 6.23 issued under sec. 6a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCE: For general regulations under the Commodity Exchange Act, see Part 1 of this chapter.

§ 6.00 *Definitions: "potatoes"; "cash potatoes"; "spot potatoes"; "potato future"; "each future"; "one future."* The term "potatoes" as used in this part shall mean Irish potatoes. The terms "cash potatoes" and "spot potatoes" shall have the same meaning and shall refer to transactions in actual potatoes as distinguished from futures. The term "potato future", "each future", and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

FORM 600

§ 6.01 *Daily reports on Form 600 by clearing members; information shown.* Each clearing member of each board of trade (exchange) designated as a contract market for potatoes shall report to the Commodity Exchange Authority each business day on Form 600 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on Form 600, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale of potatoes for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for potatoes shall report separately with respect to each such market. Such report shall show separately for each future:

(a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) The quality of potatoes bought and the quantity of potatoes sold on such contracts during the period covered by the report; and

(d) The quantity of potatoes delivered and the quantity of potatoes received on such contracts during the period covered by the report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 6.02 *Time and place of filing reports on Form 600.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 600 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than

30 minutes before the official opening of the market on the next following business day. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 6.03 *Errors or omissions in reports on Form 600.* Reports on Form 600 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

FORMS 601 AND 602

§ 6.04 *"Special accounts" reported on Form 601.* (a) Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any potato future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified equal to or in excess of the amount specified in § 6.20, shall report such account daily to the Commodity Exchange Authority on Form 601 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on Form 601.

(b) For the purpose of reporting on Form 601, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on Form 601 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 6.05 *Net position of account prior to and subsequent to special account status.* The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 6.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account." (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 6.06 *Time of filing reports on Form 601.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 601 shall be filed with the Commodity Exchange Authority not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be consid-

ered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 6.07 *Accounts reported on Form 601 shown by account number or code; identification on Form 602.* Reports on Form 601 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 601 it shall be identified on Form 602, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on Form 601. An account number or code once identified on Form 602 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 6.08 *Persons controlling or having participating financial interest in accounts shown on Form 602.* If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 601, the names and addresses of all such persons shall be shown on Form 602. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 6.09 *Character of accounts shown on Form 602.* In identifying accounts on Form 602 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

#### FORM 603

§ 6.10 *Persons holding or controlling open contracts of specified size; reports on Form 603.* Every person who holds or controls open contracts in any one potato future on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 6.21) for reporting purposes under section 41 (2) of the Commodity Exchange Act shall report to the Commodity Exchange Authority on Form 603. Such report shall be made daily: *Provided*, That if on any day such person has no trades or transactions in any potato future previously reported and there has been no change in the open contracts of such person in any potato future, the last detailed report of such person shall be considered as his report on open contracts in potato futures on all intervening days. Such person shall also make a report on Form 603 covering the day on which the amount of his open contracts in such future falls below the amount fixed in § 6.21. (Sec. 41 (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

§ 6.11 *Information shown in reports on Form 603.* Reports made by any person on Form 603 shall show for the day covered thereby, by markets and by futures:

(a) The amount of open contracts held or controlled by such person in any and all potato futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) The character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) The amount of potatoes bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) The amount of such potatoes delivered by or to such person in settlement of futures contracts.

For the purpose of paragraph (b) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in section 4a (3) of the Commodity Exchange Act (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (3)). (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 6.12 *Time of filing reports on Form 603.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 603 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 6.13 *Assignment of code number.* Upon receipt of the first report from any person on Form 603, or upon application in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 603 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 6.14 *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.* Persons having or controlling open contracts in any potato future on any contract market equal to or in excess of the amount fixed in § 6.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

CROSS REFERENCE: For general provisions relating to inspection and the keeping of books and records, see § 1.31 of this chapter.

§ 6.15 *Information required upon call.* Each person required to report on Form 603 shall,

(a) If a partnership, furnish upon call the name and address of each partner;

(b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and

(c) If an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

#### AMOUNTS FIXED FOR REPORTING ON FORMS 601 AND 603

§ 6.20 *Amount fixed for reporting on Form 601.* For the purpose of §§ 6.04 and 6.05, the amount specified for reporting accounts on Form 601 is 25 carlots, but such specified amount shall not apply to special calls issued under authority of § 6.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 6.21 *Amount fixed for reporting on Form 603.* For the purpose of §§ 6.10 and 6.14, the amount fixed by the Secretary of Agriculture, under authority of section 41 (2) of the Commodity Exchange Act, for reporting on Form 603 is 25 carlots. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

#### SPECIAL CALLS

§ 6.22 *Special calls; reports on Form 601.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated potato future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Authority on Form 601, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in § 6.20 shall have no application. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 6.23 *Special calls; reports on Form 603.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any potato future shall, upon call, report all open contracts in potato futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 603 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 6.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

## PART 7—SPECIAL PROVISIONS APPLICABLE TO MILLFEEDS

Sec. 7.00 Definitions: "cash millfeed"; "spot millfeed"; "millfeed future"; "each future"; "one future."

## FORM 700

7.01 Daily reports on Form 700 by clearing members; information shown.

7.02 Time and place of filing reports on Form 700.

7.03 Errors or omissions in reports on Form 700.

## FORMS 701 AND 702

7.04 "Special accounts" reported on Form 701.

7.05 Net position of account prior and subsequent to special account status.

7.06 Time of filing reports on Form 701.

7.07 Accounts reported on Form 701 shown by account number or code; identification on Form 702.

7.08 Persons controlling or having participating financial interest in accounts shown on Form 702.

7.09 Character of accounts shown on Form 702.

## FORM 703

7.10 Persons holding or controlling open contracts of specified size; reports on Form 703.

7.11 Information shown in reports on Form 703.

7.12 Time of filing reports on Form 703.

7.13 Assignment of code number.

7.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.

7.15 Information required upon call.

## AMOUNTS FIXED FOR REPORTING ON FORMS 701 AND 703

7.20 Amount fixed for reporting on Form 701.

7.21 Amount fixed for reporting on Form 703.

## SPECIAL CALLS

7.22 Special calls; reports on Form 701.

7.23 Special calls; reports on Form 703.

AUTHORITY: §§ 7.00 to 7.23, Issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCE: For general regulations under the Commodity Exchange Act, see Part 1 of this chapter.

§ 7.00 Definitions: "cash millfeed"; "spot millfeed"; "millfeed future"; "each future"; "one future." The terms "cash millfeed" and "spot millfeed" shall have the same meaning and shall refer to transactions in actual millfeeds as distinguished from futures. The terms "millfeed future", "each future", and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

## FORM 700

§ 7.01 Daily reports on Form 700 by clearing members; information shown. Each clearing member of each board of trade (exchange) designated as a contract market for millfeeds shall report to the Commodity Exchange Authority each business day on Form 700 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on Form 700, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale

of millfeed for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for millfeeds shall report separately with respect to each such market. Such report shall show separately for each future:

(a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) The quantity of millfeed bought and the quantity of millfeed sold on such contracts during the period covered by the report; and

(d) The quantity of millfeed delivered and the quantity of millfeed received on such contracts during the period covered by the report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 7.02 Time and place of filing reports on Form 700. Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 700 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. If there be no office of the Commodity Exchange Authority in such city, the reports shall be transmitted in accordance with instructions furnished by the Commodity Exchange Authority (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 7.03 Errors or omissions in reports on Form 700. Reports on Form 700 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

## FORMS 701 AND 702

§ 7.04 "Special accounts" reported on Form 701. Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any millfeed future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in § 7.20, shall report such account daily to the Commodity Exchange Authority on Form 701 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on Form 701.

For the purpose of reporting on Form 701, all accounts which belong to or are controlled by the same person shall

be considered as one account. All accounts required to be reported on Form 701 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 7.05 Net position of account prior and subsequent to special account status. The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 7.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account". (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 7.06 Time of filing reports on Form 701. Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 701 shall be filed with the Commodity Exchange Authority not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 7.07 Accounts reported on Form 701 shown by account number or code; identification on Form 702. Reports on Form 701 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 701 it shall be identified on Form 702, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on Form 701. An account number or code once identified on Form 702 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 7.08 Persons controlling or having participating financial interest in accounts shown on Form 702. If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 701, the names and addresses of all such persons shall be shown on Form 702.

(Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 7.09 *Character of accounts shown on Form 702.* In identifying accounts on Form 702 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

#### FORM 703

§ 7.10 *Persons holding or controlling open contracts of specified size; reports on Form 703.* Every person who holds or controls open contracts in any one millfeed future on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 7.21) for reporting purposes under section 41 (2) of the Commodity Exchange Act shall report to the Commodity Exchange Authority on Form 703. Such report shall be made daily: *Provided*, That if on any day such person has no trades or transactions in any millfeed future previously reported and there has been no change in the open contracts of such person in any millfeed future, the last detailed report of such person shall be considered as his report on open contracts in millfeed futures on all intervening days. Such person shall also make a report on Form 703 covering the day on which the amount of his open contracts in such future falls below the amount fixed in § 7.21. (Sec. 41 (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61 (2))

§ 7.11 *Information shown in reports on Form 703.* Reports made by any person on Form 703 shall show for the day covered thereby, by markets and by futures:

(a) The amount of open contracts held or controlled by such person in any and all millfeed futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) The character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) The amount of millfeed bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) The amount of such millfeed delivered by or to such person in settlement of futures contracts.

For the purposes of paragraph (b) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in section 4a (3) of the Commodity Exchange Act (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (33)). (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61)

§ 7.12 *Time of filing reports on Form 703.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 703 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock

a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if post-marked not later than midnight of the day covered by the report. (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61)

§ 7.13 *Assignment of code number.* Upon receipt of the first report from any person on Form 703, or upon application in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 703 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61)

§ 7.14 *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.* Persons having or controlling open contracts in any millfeed future on any contract market equal to or in excess of the amount fixed in § 7.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 41, as added by Sec. 5, 49 Stat. 1496; 7 U. S. C. 61)

**CROSS REFERENCE:** For general provisions relating to inspection and the keeping of books and records, see § 1.31 of this chapter.

§ 7.15 *Information required upon call.* Each person required to report on Form 703 shall,

(a) If a partnership, furnish upon call the name and address of each partner;

(b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporations; and

(c) If an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61)

#### AMOUNTS FIXED FOR REPORTING ON FORMS 701 AND 703

§ 7.20 *Amount fixed for reporting on Form 701.* For the purpose of §§ 7.04 and 7.05, the amount specified for reporting accounts on Form 701 is 1,000 tons, but such specified amount shall not apply to special calls issued under authority of § 7.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 7.21 *Amount fixed for reporting on Form 703.* For the purpose of §§ 7.10

and 7.14, the amount fixed by the Secretary of Agriculture, under authority of section 41 (2) of the Commodity Exchange Act, for reporting on Form 703 is 1,000 tons. (Sec. 41 (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 61 (2))

#### SPECIAL CALLS

§ 7.22 *Special calls; reports on Form 701.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated millfeed future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Authority on Form 701, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in § 7.20 shall have no application. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 61)

§ 7.23 *Special calls; reports on Form 703.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any millfeed future shall, upon call, report all open contracts in millfeed futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 703 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 7.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

#### PART 8—SPECIAL PROVISIONS APPLICABLE TO WOOL TOPS

Sec.	Definitions: "cash wool tops"; "spc wool tops".
	FORM 800
8.00	Definitions: "cash wool tops"; "spc wool tops".
8.01	Daily reports on Form 800 by clearing members; information shown.
8.02	Time and place of filing reports on Form 800.
8.03	Errors or omissions in reports on Form 800.
	FORMS 801 AND 802
8.04	"Special accounts" reported on Form 801.
8.05	Net position of account prior and subsequent to special account status.
8.06	Time of filing reports on Form 801.
8.07	Accounts reported on Form 801 shown by account number or code; identification on Form 802.
8.08	Persons controlling or having participating financial interest in accounts shown on Form 802.
8.09	Character of accounts shown on Form 802.
	FORM 803
8.10	Persons holding or controlling open contracts of specified size; reports on Form 803.
8.11	Information shown in reports on Form 803.
8.12	Time of filing reports on Form 803.
8.13	Assignment of code number.



Sec. 8.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.

8.15 Information required upon call.

AMOUNTS FIXED FOR REPORTING ON FORMS 801 AND 803

8.20 Amount fixed for reporting on Form 801.

8.21 Amount fixed for reporting on Form 803.

SPECIAL CALLS

8.22 Special calls; reports on Form 801.

8.23 Special calls; reports on Form 803.

AUTHORITY: §§ 8.00 to 8.23 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 8.00 *Definitions: "cash wool tops;" "spot wool tops."* The terms "cash wool tops" and "spot wool tops" shall have the same meaning and shall refer to transactions in actual wool tops as distinguished from wool top futures.

FORM 800

§ 8.01 *Daily reports on Form 800 by clearing members; information shown.* Each clearing member of each board of trade (exchange) designated as a contract market for wool tops shall report to the Commodity Exchange Authority each business day on Form 800 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on Form 800, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale of wool tops for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for wool tops shall report separately with respect to each such market. Such report shall show separately for each future:

(a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) The quantity of wool tops bought and the quantity of wool tops sold on such contracts during the period covered by the report;

(d) The quantity of wool tops delivered and the quantity of wool tops received on such contracts during the period covered by the report; and

(e) The quantity of wool tops represented by delivery notices issued, stopped, and passed, respectively, during the period covered by the report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 8.02 *Time and place of filing reports on Form 800.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on

Form 800 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 8.03 *Errors or omissions in reports on Form 800.* Reports on Form 800 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

FORMS 801 AND 802

§ 8.04 *"Special accounts" reported on Form 801—(a) By whom reported.* Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any wool top future, resulting from any transactions made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in § 8.20, shall report such account daily to the Commodity Exchange Authority on Form 801 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on Form 801.

(b) *Accounts belonging to or controlled by the same person.* For the purpose of reporting on Form 801, all accounts which belong to or are controlled by the same person shall be considered one account. All accounts required to be reported on Form 801 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 8.05 *Net position of account prior and subsequent to special account status.* The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 8.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account." (Sec. 5 (b), 42 Stat. 1000, sec. 4 g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 8.06 *Time or filing reports on Form 801.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 801 shall be filed with the Commodity Exchange Authority not later than 30 minutes be-

fore the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 8.07 *Accounts reported on Form 801 shown by account number or code; identification on Form 802.* Reports on Form 801 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 801 it shall be identified on Form 802, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on Form 801. An account number or code once identified on Form 802 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 8.08 *Persons controlling or having participating financial interest in accounts shown on Form 802.* If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 801, the names and addresses of all such persons shall be shown on Form 802. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 8.09 *Character of accounts shown on Form 802.* In identifying accounts on Form 802 the person reporting shall indicate the character of such accounts, i. e., whether hedging, straddling, speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

FORM 803

§ 8.10 *Persons holding or controlling open contracts of specified size; reports on Form 803.* Every person who holds or controls open contracts in any one wool top future on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 8.21) for reporting purposes under section 41 (2) of the Commodity Exchange Act shall report to the Commodity Exchange Authority on Form 803. Such reports shall be made daily: *Provided*, That if on any day such person has no trades or transactions in any wool top future previously reported and there has been no change in the open contracts of such person in any wool top future, the last detailed report of such person shall be considered as his report on open contracts in wool top futures on all intervening days. Such person shall also make a report on Form 803 covering the day on which the amount

of his open contracts in such future falls below the amount fixed in § 8.21. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

§ 8.11 *Information shown in reports on Form 803*—(a) *Arranged by markets and futures.* Reports made by any person on Form 803 shall show for the day covered thereby, by markets and by futures:

(1) The amount of open contracts held or controlled by such person in any and all wool top futures on all boards of trade (exchanges) in the United States and elsewhere;

(2) The character of the open contracts held or controlled, i. e., whether hedging, straddling, or speculative;

(3) The amount of wool tops bought and the amount sold by such persons for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(4) The amount of wool tops delivered by or to such person in settlement of futures contracts.

(b) *"Hedging", meaning of.* For the purpose of paragraph (a) (2) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions", appearing in section 4a (3) of the Commodity Exchange Act, (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (3)) (Sec. 4; as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 8.12 *Time of filing reports on Form 803.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 803 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided,* That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 4, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 8.13 *Assignment of code number.* Upon receipt of the first report from any person on Form 803, or upon application in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 803 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 8.14 *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.* Persons having or controlling open contracts in any wool top future on any contract market equal to or in excess of the amount fixed in § 8.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or

through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 8.15 *Information required upon call.* Each person required to report on Form 803 shall:

(a) If a partnership, furnish upon call the name and address of each partner;

(b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and

(c) If an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

#### AMOUNTS FIXED FOR REPORTING ON FORMS 801 AND 803

§ 8.20 *Amount fixed for reporting on Form 801.* For the purpose of §§ 8.04 and 8.05, the amount specified for reporting accounts on Form 801 is 125,000 pounds, but such specified amount shall not apply to special calls issued under authority of § 8.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 8.21 *Amount fixed for reporting on Form 803.* For the purpose of §§ 8.10 and 8.14, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 803 is 125,000 pounds. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

#### SPECIAL CALLS

§ 8.22 *Special calls; reports on Form 801.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated wool top future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Authority on Form 801, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in § 8.20 shall have no application. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 8.23 *Special calls; reports on Form 803.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any wool top future shall, upon call, report all open contracts in wool top futures held or con-

trolled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 803 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 8.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

#### PART 9—SPECIAL PROVISIONS APPLICABLE TO FATS

Sec. 9.00 Definitions: "fat"; "cash fat"; "spot fat".

##### FORM 900

9.01 Daily reports on Form 900 by clearing members; information shown.

9.02 Time and place of filing reports on Form 900.

9.03 Errors or omissions in reports on Form 900.

##### FORMS 901 AND 902

9.04 "Special accounts" reported on Form 901.

9.05 Net position of account prior and subsequent to special account status.

9.06 Time of filing reports on Form 901.

9.07 Accounts reported on Form 901 shown by account number or code; identification on Form 902.

9.08 Persons controlling or having participating financial interest in accounts shown on Form 902.

9.09 Character of accounts shown on Form 902.

##### FORM 903

9.10 Persons holding or controlling open contracts of specified size; reports on Form 903.

9.11 Information shown in reports on Form 903.

9.12 Time of filing reports on Form 903.

9.13 Assignment of code number.

9.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.

9.15 Information required upon call.

##### AMOUNTS FIXED FOR REPORTING ON FORMS 901 AND 903

9.20 Amount fixed for reporting on Form 901.

9.21 Amount fixed for reporting on Form 903.

##### SPECIAL CALLS

9.22 Special calls; reports on Form 901.

9.23 Special calls; reports on Form 903.

AUTHORITY: §§ 9.00 to 9.23 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied cited to text in parentheses.

§ 9.00 *Definitions: "fat"; "cash fat"; "spot fat."* The term "fat" shall mean and include lard and tallow. The terms "cash fat" and "spot fat" shall have the same meaning and shall refer to transactions in actual fat as distinguished from fat futures.

##### FORM 900

§ 9.01 *Daily reports on Form 900 by clearing members; information shown.* Each clearing member of each board of trade (exchange) designated as a contract market for any fat shall report to the Commodity Exchange Authority each business day on Form 900 applicable to such contract market. Such report shall be prepared in accordance with the in-

structions appearing on Form 900, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale of fat for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for any fat shall report separately with respect to each such market. Such report shall show separately for each fat and each delivery month:

(a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) The quantity of fat bought and the quantity of fat sold on such contracts during the period covered by the report;

(d) The quantity of fat delivered and the quantity of fat received on such contracts during the period covered by the report; and

(e) The quantity of fat represented by delivery notices issued, stopped, and passed, respectively, during the period covered by the report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 9.02 *Time and place of filing reports on Form 900.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 900 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 9.03 *Errors or omissions in reports on Form 900.* Reports on Form 900 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

#### FORMS 901 AND 902

§ 9.04 *"Special accounts" reported on Form 901—(a) By whom reported.* Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any future of any fat, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in § 9.20, shall report such account daily to the Commodity Exchange Authority on Form 901 applicable to such contract market. "House accounts" carried by a member of a contract market or

by a futures commission merchant shall likewise be reported on Form 901.

(b) *Accounts belonging to or controlled by the same person.* For the purpose of reporting on Form 901, all accounts which belong to or are controlled by the same person shall be considered one account. All accounts required to be reported on Form 901 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 9.05 *Net position of account prior and subsequent to special account status.* The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 9.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account." (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 9.06 *Time of filing reports on Form 901.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 901 shall be filed with the Commodity Exchange Authority not later than 30 minutes before the official opening of the market on the next following business day: *Provided,* That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 9.07 *Accounts reported on Form 901 shown by account number or code; identification on Form 902.* Reports on Form 901 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 901 it shall be identified on Form 902, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on Form 901. An account number or code once identified on Form 902 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 9.08 *Persons controlling or having participating financial interest in ac-*

*counts shown on Form 902.* If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 901, the names and addresses of all such persons shall be shown on Form 902. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 9.09 *Character of accounts shown on Form 902.* In identifying accounts on Form 902 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading (straddling), speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

#### FORM 903

§ 9.10 *Persons holding or controlling open contracts of specified size; reports on Form 903.* Every person who holds or controls open contracts in any one future of any fat on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 9.21) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Commodity Exchange Authority on Form 903. Such reports shall be made daily: *Provided,* That if on any day such person has no trades or transactions in any future of a fat previously reported and there has been no change in the open contracts of such person in any such fat, the last detailed report of such person shall be considered as his report on open contracts in such fat on all intervening days. Such person shall also make a report on Form 903 covering the day on which the amount of his open contracts in such future falls below the amount fixed in § 9.21. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

§ 9.11 *Information shown in reports on Form 903—(a) Arranged by markets and futures.* Reports made by any person on Form 903 shall show for the day covered thereby, by markets and by futures, with respect to each fat in which the person reporting holds or controls open contracts in any one future thereof on or subject to the rules of any contract market equal to or in excess of the amount fixed in § 9.21:

(1) The amount of open contracts held or controlled by such person in all futures of such fat on all boards of trade (exchanges) in the United States and elsewhere;

(2) The character of the open contracts held or controlled, i. e., whether hedging, spreading (straddling), or speculative;

(3) The amount of such fat bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(4) The amount of such fat delivered by or to such person in settlement of futures contracts.

(b) *"Hedging", meaning of.* For the purpose of paragraph (a) (2) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions", appearing in section 4a (3) of the Commodity Exchange Act. (Sec. 4a (3), as added by sec. 5, 49

Stat. 1493; 7 U. S. C. 6a (3)) (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 9.12 *Time of filing reports on Form 903.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 903 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 9.13 *Assignment of code number.* Upon receipt of the first report from any person on Form 903, or upon application in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 903 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 9.14 *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.* Persons having or controlling open contracts in any future of any fat on any contract market equal to or in excess of the amount fixed in § 9.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 9.15 *Information required upon call.* Each person required to report on Form 903 shall,

(a) If a partnership, furnish upon call the name and address of each partner;

(b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and

(c) If an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

#### AMOUNTS FIXED FOR REPORTING ON FORMS 901 AND 903

§ 9.20 *Amount fixed for reporting on Form 901.* For the purpose of §§ 9.04

and 9.05, the amount specified for reporting accounts on Form 901 is 250,000 pounds, but such specified amount shall not apply to special calls issued under authority of § 9.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 9.21 *Amount fixed for reporting on Form 903.* For the purpose of §§ 9.10 and 9.14, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 903 is 250,000 pounds. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

#### SPECIAL CALLS

§ 9.22 *Special calls; reports on Form 901.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated fat future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Authority on Form 901, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in § 9.20 shall have no application. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 9.23 *Special calls; reports on Form 903.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any fat future shall, upon call, report all open contracts in fat futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 903 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 9.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

#### PART 10—SPECIAL PROVISIONS APPLICABLE TO OILS

Sec. 10.00 Definitions: "oil"; "cash oil"; "spot oil".

##### FORM 1000

10.01 Daily reports on Form 1000 by clearing members; information shown.

10.02 Time and place of filing reports on Form 1000.

10.03 Errors or omissions in reports on Form 1000.

##### FORMS 1001 AND 1002

10.04 "Special accounts" reported on Form 1001.

10.05 Net position of account prior and subsequent to special account status.

10.06 Time of filing reports on Form 1001.

10.07 Accounts reported on Form 1001 shown by account number or code; identification on Form 1002.

10.08 Persons controlling or having participating financial interest in accounts shown on Form 1002.

10.09 Character of accounts shown on Form 1002.

#### FORM 1003

Sec. 10.10 Persons holding or controlling open contracts of specified size; reports on Form 1003.

10.11 Information shown in reports on Form 1003.

10.12 Time of filing reports on Form 1003.

10.13 Assignment of code number.

10.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.

10.15 Information required upon call.

#### AMOUNTS FIXED FOR REPORTING ON FORMS 1001 AND 1003

10.20 Amount fixed for reporting on Form 1001.

10.21 Amount fixed for reporting on Form 1003.

#### SPECIAL CALLS

10.22 Special calls; reports on Form 1001.

10.23 Special calls; reports on Form 1003.

AUTHORITY: §§ 10.00 to 10.23 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 10.00 *Definitions: "oil"; "cash oil"; "spot oil".* The term "oil" shall mean and include cottonseed oil and soybean oil. The terms "cash oil" and "spot oil" shall have the same meaning and shall refer to transactions in actual oil as distinguished from oil futures.

#### FORM 1000

§ 10.01 *Daily reports on Form 1000 by clearing members; information shown.* Each clearing member of each board of trade (exchange) designated as a contract market for any oil shall report to the Commodity Exchange Authority each business day on Form 1000 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on Form 1000, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale of oil for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for any oil shall report separately with respect to each such market. Such report shall show separately for each oil and each delivery month:

(a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) The quantity of oil bought and the quantity of oil sold on such contracts during the period covered by the report;

(d) The quantity of oil delivered and the quantity of oil received on such contracts during the period covered by the report; and

(e) The quantity of oil represented by delivery notices issued, stopped, and passed, respectively, during the period

covered by the report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 10.02 *Time and place of filing reports on Form 1000.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 1000 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 10.03 *Errors or omissions in reports on Form 1000.* Reports on Form 1000 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

#### FORMS 1001 AND 1002

§ 10.04 *"Special accounts" reported on Form 1001—(a) By whom reported.* Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any future of any oil, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in § 10.20, shall report such account daily to the Commodity Exchange Authority on Form 1001 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on Form 1001.

(b) *Accounts belonging to or controlled by the same person.* For the purpose of reporting on Form 1001, all accounts which belong to or are controlled by the same person shall be considered one account. All accounts required to be reported on Form 1001 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 10.05 *Net position of account prior and subsequent to special account status.* The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 10.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account." (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 10.06 *Time of filing reports on Form 1001.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 1001 shall be filed with the Commodity Exchange Authority not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 10.07 *Accounts reported on Form 1001 shown by account number or code; identification on Form 1002.* Reports on Form 1001 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 1001 it shall be identified on Form 1002, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on Form 1001. An account number or code once identified on Form 1002 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. (b), 6g)

§ 10.08 *Persons controlling or having participating financial interest in accounts shown on Form 1002.* If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 1001, the names and addresses of all such persons shall be shown on Form 1002. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 10.09 *Character of accounts shown on Form 1002.* In identifying accounts on Form 1002 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading (straddling), speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

#### FORM 1003

§ 10.10 *Persons holding or controlling open contracts of specified size; reports on Form 1003.* Every person who holds or controls open contracts in any one future of any oil on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 10.21) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Administration on Form 1003. Such reports shall be made daily: *Provided*, That if on any day such person has no trades or transactions in any future of an oil previously

reported and there has been no change in the open contracts of such person in any such oil, the last detailed report of such person shall be considered as his report on open contracts in such oil on all intervening days. Such person shall also make a report on Form 1003 covering the day on which the amount of his open contracts in such future falls below the amount fixed in § 10.21. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

§ 10.11 *Information shown in reports on Form 1003—(a) Arranged by markets and futures.* Reports made by any person on Form 1003 shall show for the day covered thereby, by markets and by futures, with respect to each oil in which the person reporting holds or controls open contracts in any one future thereof on or subject to the rules of any contract market equal to or in excess of the amount fixed in § 10.21:

(1) The amount of open contracts held or controlled by such person in all futures of such oil on all boards of trade (exchanges) in the United States and elsewhere;

(2) The character of the open contracts held or controlled, i. e., whether hedging, spreading (straddling), or speculative;

(3) The amount of such oil bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(4) The amount of such oil delivered by or to such person in settlement of futures contracts.

(b) *"Hedging", meaning of.* For the purpose of paragraph (a) (2) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions", appearing in section 4a (3) of the Commodity Exchange Act. (Sec. 4a (3) as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (3)) (Sec. 4; as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 10.12 *Time of filing reports on Form 1003.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 1003 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 10.13 *Assignment of code number.* Upon receipt of the first report from any person on Form 1003, or upon application in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 1003 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 10.14 *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.* Persons having or controlling open contracts in any future of any oil on any contract market equal to or in excess of the amount fixed in § 10.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 10.15 *Information required upon call.* Each person required to report on Form 1003 shall:

- (a) If a partnership, furnish upon call the name and address of each partner;
- (b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and
- (c) If an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

**AMOUNTS FIXED FOR REPORTING ON FORMS 1001 AND 1003**

§ 10.20 *Amount fixed for reporting on Form 1001.* For the purpose of §§ 10.04 and 10.05, the amount specified for reporting accounts on Form 1001 is 300,000 pounds, but such specified amount shall not apply to special calls issued under authority of § 10.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 10.21 *Amount fixed for reporting on Form 1003.* For the purpose of §§ 10.10 and 10.14, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 1003 is 300,000 pounds. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

**SPECIAL CALLS**

§ 10.22 *Special calls; reports on Form 1001.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated oil future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Authority on Form 1001, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount

specified for general reporting purposes in § 10.20 shall have no application. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 10.23 *Special calls; reports on Form 1003.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any oil future shall, upon call, report all open contracts in oil futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 1003 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 10.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

**PART 11—SPECIAL PROVISIONS APPLICABLE TO COTTONSEED MEAL AND SOYBEAN MEAL**

**Sec.**

11.00 Definitions: "meal"; "cash meal"; "spot meal".

**FORM 1100**

11.01 Daily reports on Form 1100 by clearing members; information shown.

11.02 Time and place of filing reports on Form 1100.

11.03 Errors or omissions in reports on Form 1100.

**FORMS 1101 AND 1102**

11.04 "Special accounts" reported on Form 1101.

11.05 Net position of account prior and subsequent to special account status.

11.06 Time of filing reports on Form 1101.

11.07 Accounts reported on Form 1101 shown by account number or code; identification on Form 1102.

11.08 Persons controlling or having participating financial interest in accounts shown on Form 1102.

11.09 Character of accounts shown on Form 1102.

**FORM 1103**

11.10 Persons holding or controlling open contracts of specified size; reports on Form 1103.

11.11 Information shown in reports on Form 1103.

11.12 Time of filing reports on Form 1103.

11.13 Assignment of code number.

11.14 Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.

11.15 Information required upon call.

**AMOUNTS FIXED FOR REPORTING ON FORMS 1101 AND 1103**

11.20 Amount fixed for reporting on Form 1101.

11.21 Amount fixed for reporting on Form 1103.

**SPECIAL CALLS**

11.22 Special calls; reports on Form 1101.

11.23 Special calls; reports on Form 1103.

**AUTHORITY:** §§ 11.00 to 11.23 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 11.00 *Definitions:* "meal"; "cash meal"; "spot meal". The term "meal" shall mean and include cottonseed meal and soybean meal. The terms "cash

meal" and "spot meal" shall have the same meaning and shall refer to transactions in actual meal as distinguished from meal futures.

**FORM 1100**

§ 11.01 *Daily reports on Form 1100 by clearing members; information shown.* Each clearing member of each board of trade (exchange) designated as a contract market for any meal shall report to the Commodity Exchange Authority each business day on Form 1100 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on Form 1100, to be obtained from the Commodity Exchange Authority, and shall show accurately and fully the information called for with respect to all contracts of sale of meal for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for any meal shall report separately with respect to each such market. Such report shall show separately for each meal and each delivery month:

(a) The total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) The net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) The quantity of meal bought and the quality of meal sold on such contracts during the period covered by the report;

(d) The quantity of meal delivered and the quantity of meal received on such contracts during the period covered by the report; and

(e) The quantity of meal represented by delivery notices issued, stopped, and passed, respectively, during the period covered by the report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 11.02 *Time and place of filing reports on Form 1100.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 1100 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. If there be no office of the Commodity Exchange Authority in such city, the reports shall be transmitted in accordance with instructions furnished by the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

§ 11.03 *Errors or omissions in reports on Form 1100.* Reports on Form 1100 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor

corrections may be shown in the next succeeding report. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

## FORMS 1101 AND 1102

§ 11.04 "Special accounts" reported on Form 1101—(a) *By whom reported.* Each futures commission merchant and each member of a contract market, who shall carry for another person any account in any future of any meal, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in § 11.20, shall report such account daily to the Commodity Exchange Authority on Form 1101 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on Form 1101.

(b) *Accounts belonging to or controlled by the same person.* For the purpose of reporting on Form 1101, all accounts which belong to or are controlled by the same person shall be considered one account. All accounts required to be reported on Form 1101 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b) 6g)

§ 11.05 *Net position of account prior and subsequent to special account status.* The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in § 11.20 shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account." (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b) 6g)

§ 11.06 *Time of filing reports on Form 1101.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 1101 shall be filed with the Commodity Exchange Authority not later than 30 minutes before the official opening of the market on the next following business day: *Provided,* That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Authority has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 11.07 *Accounts reported on Form 1101 shown by account number or code;*

*identification on Form 1102.* Reports on Form 1101 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on Form 1101 it shall be identified on Form 1102, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on Form 1101. An account number or code once identified on Form 1102 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Authority. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 11.08 *Persons controlling or having participating financial interest in accounts shown on Form 1102.* If more than one person shall have control over or be known to have a participating financial interest in any account reported on Form 1101, the names and addresses of all such persons shall be shown on Form 1102 (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 11.09 *Character of accounts shown on Form 1102.* In identifying accounts on Form 1102 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading (straddling), speculative, or commission house. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

## FORM 1103

§ 11.10 *Persons holding or controlling open contracts of specified size; reports on Form 1103.* Every person who holds or controls open contracts in any one future of any meal on any one contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in § 11.21) for reporting purposes under section 41 (2) of the Commodity Exchange Act shall report to the Commodity Exchange Authority on Form 1103. Such reports shall be made daily; *Provided,* That if on any day such person has no trades or transactions in any future of a meal previously reported and there has been no change in the open contracts of such person in any such meal, the last detailed report of such person shall be considered as his report on open contracts in such meal on all intervening days. Such person shall also make a report on Form 1103 covering the day on which the amount of his open contracts in such future falls below the amount fixed in § 11.21. (Sec. 41 (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

§ 11.11 *Information shown in reports on Form 1103—(a) Arranged by markets and futures.* Reports made by any person on Form 1103 shall show for the day covered thereby, by markets and by futures, with respect to each meal in which the person reporting holds or controls open contracts in any one future thereof on or subject to the rules of any contract market equal to or in excess of the amount fixed in § 11.21:

(1) The amount of open contracts held or controlled by such person in all futures of such meal on all boards of trade (exchanges) in the United States and elsewhere;

(2) The character of the open contracts held or controlled, i. e., whether hedging, spreading (straddling), or speculative;

(3) The amount of such meal bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(4) The amount of such meal delivered by or to such person in settlement of futures contracts.

(b) *"Hedging", meaning of.* For the purpose of paragraph (a) (2) of this section the term "hedging" shall have the same meaning as the term "bona fide hedging transactions", appearing in section 4a (3) of the Commodity Exchange Act. (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (3) (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 11.12 *Time of filing reports on Form 1103.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 1103 shall be filed with the Commodity Exchange Authority as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided,* That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report. (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 11.13 *Assignment of code number.* Upon receipt of the first report from any person on Form 1103, or upon application in advance, the Commodity Exchange Authority will assign to such person a code number. In all reports on Form 1103 filed thereafter, such code number shall be used instead of the name of such person. (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 11.14 *Books and records kept, information furnished, by persons holding or controlling open contracts of specified size.* Persons having or controlling open contracts in any future of any meal on any contract market equal to or in excess of the amount fixed in § 11.21 shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Authority with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for. (Sec. 41, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

§ 11.15 *Information required upon call.* Each person required to report on Form 1103 shall:

(a) If a partnership, furnish upon call the name and address of each partner;

(b) If a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 percent or more of the capital stock of such corporation; and

(c) If an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Authority upon call in accordance with instructions contained in the call. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

#### AMOUNTS FIXED FOR REPORTING ON FORMS 1101 AND 1103

§ 11.20 *Amount fixed for reporting on Form 1101.* For the purpose of §§ 11.04 and 11.05, the amount specified for reporting accounts on Form 1101 is 1,000 tons, but such specified amount shall not apply to special calls issued under authority of § 11.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b), 6g)

§ 11.21 *Amount fixed for reporting on Form 1103.* For the purpose of §§ 11.10 and 11.14, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 1103 is 1,000 tons. (Sec. 4i (2), as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i (2))

#### SPECIAL CALLS

§ 11.22 *Special calls; reports on Form 1101.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated meal future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Authority on Form 1101, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in § 11.20 shall have no application. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7 (b) 6g)

§ 11.23 *Special calls; reports on Form 1103.* Whenever in the judgment of the Act Administrator there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any meal future shall, upon call, report all open contracts in meal futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Authority on Form 1103 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in § 11.21 shall have no application. (Sec. 5 (b), 42 Stat. 1000; 7 U. S. C. 7 (b))

NOTE: The reporting and record-keeping requirements contained in the foregoing rules and regulations (parts 1 to 11, inclusive)

have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

#### PART 100—ORDERS OF THE SECRETARY OF AGRICULTURE

§ 100.1 *Delivery period required with respect to certain grains.* A period of 7 business days is ordered and required during which contracts for future delivery in the current delivery month of wheat, corn, oats, barley, rye, or flaxseed may be settled by delivery of the actual cash commodity after trading in such contracts has ceased, for each delivery month after May 1938, on all contract markets on which there is trading in futures in any of such commodities, and such contract markets, and each of them, are directed to provide therefor. (Sec. 8a, as added by sec. 10, 49 Stat. 1500, 7 U. S. C. 12a). (Applies sec. 5a (4), as added by sec. 7, 49 Stat. 1497; 7 U. S. C. 7a (4))

#### PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

- Sec.
- 150.1 Limits on position and daily trading in grain for future delivery.
  - 150.2 Limits on position and daily trading in cotton for future delivery.
  - 150.3 Limits on position and daily trading in rye for future delivery.

AUTHORITY: §§ 150.1 to 150.3 issued under sec. 4a, as added by sec. 5, 49 Stat. 1492, 7 U. S. C. 6a.

§ 150.1 *Limits on position and daily trading in grain for future delivery.* The following limits on the amount of trading under contracts of sale of grain for future delivery on or subject to the rules of contract markets which may be done by any person are hereby proclaimed and fixed, to be in full force and effect on and after December 31, 1938:

(a) *Position limits.* (1) The limit on the maximum net long or net short position which any one person may hold or control in any one grain on any one contract market, except as specifically authorized by paragraph (a) (2) of this section, is: 2,000,000 bushels in any one future or in all futures combined.

(2) To the extent that the net position held or controlled by any one person in all futures combined in any one grain on any one contract market is shown to represent spreading in the same grain between markets, the limit on net position in all futures combined set forth in paragraph (a) (1) of this section may be exceeded on such contract market, but in no case shall the excess result in a net position of more than 3,000,000 bushels in all futures combined nor more than 2,000,000 bushels in any one future.

(b) *Daily trading limits.* (1) The limit on the maximum amount which any person may buy, and on the maximum amount which any person may sell, of any one grain on any one contract market during any one business day, except as specifically authorized by paragraph (b) (2) of this section, is: 2,000,000 bushels in any one future or in all futures combined.

(2) To the extent that purchases or sales of any one grain on any one con-

tract market during any one business day made by any person are shown to represent spreading, or the closing of spreads, in the same grain between markets, the limit set forth in paragraph (b) (1) of this section may be exceeded on such contract market, but in no case shall the excess result in total purchases of more than 3,000,000 bushels, or total sales of more than 3,000,000 bushels, and in no event shall such person's total purchases or total sales, during any one business day, in any one future exceed 2,000,000 bushels.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions as defined in section 4a (3) of the Commodity Exchange Act. (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (3))

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market, or its governing board, from responsibility to prevent manipulation and corners under section 5 (d) of the Commodity Exchange Act (Sec. 5 (d), 42 Stat. 1000, as amended; 7 U. S. C. 7 (d)).

(e) *Definitions.* As used herein, the word "grain" includes wheat, corn, oats, barley, and flaxseed, and the word "person" includes individuals, associations, partnerships, corporations, and trusts.

§ 150.2 *Limits on position and daily trading in cotton for future delivery.* The following limits on the amount of speculative trading under contracts of sale of cotton for future delivery, on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after September 5, 1940:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in cotton on any one contract market is 30,000 bales in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of cotton which any person may buy, and on the maximum amount which any person may sell, on any one contract market during any one business day is 30,000 bales in any one future.

(c) *Bona fide hedging; straddles.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in section 4a (3) of the Commodity Exchange Act (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (3)), nor, except during the delivery month, to (1) net positions in any one future to the extent that they are shown to represent straddles between cotton futures or markets, or (2) purchases and sales of cotton which are shown to represent straddles or the closing of straddles between futures or markets.

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to af-



fect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (Sec. 5 (d), 42 Stat. 1000, as amended; 7 U. S. C. 7 (d)) to prevent manipulation and corners.

(e) *Definitions.* As used herein, the word "person" includes individuals, associations, partnerships, corporations, and trusts.

§ 150.3 *Limits on position and daily trading in rye for future delivery.* The following limits on the amount of trading under contracts of sale of rye for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after December 3, 1945:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in rye on or subject to the rules of any one contract market is 500,000 bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of rye which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 500,000 bushels in any one future or in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in section 4a (3) of the Commodity Exchange Act. (Sec. 4a (3), as added by sec. 5, 49 Stat. 1493; 7 U. S. C. 6a (3))

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (Sec. 5 (d), 42 Stat. 1000, as amended; 7 U. S. C. 7 (d)) to prevent manipulation and corners.

(e) *Definition.* As used herein, the word "person" includes individuals, associations, partnerships, corporations, and trusts.

[F. R. Doc. 48-11030; Filed, Dec. 17, 1948; 8:51 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Regs., Serial No. OR-11]

PART 301—ORGANIZATION, DELEGATIONS OF AUTHORITY, AND PUBLIC INFORMATION

PART 302—DESCRIPTION OF FUNCTIONS; COURSE AND METHOD BY WHICH FUNCTIONS ARE CHANNLED; SCOPE AND CONTENTS OF DOCUMENTS

PART 303—SUBSTANTIVE RULES

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter I of Title 14 to the scope and style of the Code of Federal Regulations, 1949 Edition, as

prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of Parts 301, 302, and 303 is hereby discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

2. The chapter is divided into two subchapters: Subchapter A—Civil Air Regulations, comprising Parts 1-199; and Subchapter B—Economic Regulations, comprising Parts 200-299.

Dated: December 14, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-11008; Filed, Dec. 17, 1948; 8:47 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4319]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MORTON SALT CO.

§ 3.45 (c) *Discriminating in price—Indirect discrimination—Cumulative discounts.* § 3.45 (e) *Discriminating in price—Indirect discrimination—Discounts and allowances.* In the sale of Morton's Free Running Table Salt, plain or iodized, or other grades of table salt in commerce, discriminating directly or indirectly in the price of such products of like grade and quality as among wholesale or retail dealers purchasing said salt when the differences in price—defined, for the purposes of comparison, as used in the order as taking into account discounts, rebates, allowances, and other terms and conditions of sale—are not justified by difference in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such products are sold or delivered, (a) by selling such products to some wholesalers thereof at prices different from the prices charged other wholesalers who in fact compete in the sale and distribution of such products; (b) by selling such products to some retailers thereof at prices different from the prices charged other retailers who in fact compete in the sale and distribution of such products; or (c) by selling such products to any retailer at prices lower than prices charged wholesalers whose customers compete with such retailer; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U. S. C., sec. 13 (a)) [Modified cease and desist order, Morton Salt Company, Docket 4319, November 2, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 2d day of November A. D. 1948.

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

complaint of the Commission, answer of the respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs in support of the complaint and in opposition thereto, and oral argument of counsel, the Commission, having considered the matter, made and issued its findings as to the facts, conclusion, and order to cease and desist on July 28, 1944;

Thereafter, said cause was remanded by the Circuit Court of Appeals for the further consideration of the Commission, and the Commission, having reconsidered the matter and the record herein, made and issued on April 14, 1945, its modified findings as to the facts, its conclusion that respondent has violated the provisions of subsection (a) of section 2 of an act of Congress entitled, "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (Clayton Act), as amended by an act approved June 19, 1936 (Robinson-Patman Act), and its order to cease and desist; and

The Circuit Court of Appeals having, on July 8, 1948, entered a final decree further modifying the aforesaid order to cease and desist, pursuant to the opinion announced on May 3, 1948, by the Supreme Court of the United States:

Now, therefore it is hereby ordered, That respondent, Morton Salt Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in the sale of Morton's Free Running Table Salt, plain or iodized, or other grades of table salt in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating directly or indirectly in the price of such products of like grade and quality as among wholesale or retail dealers purchasing said salt when the differences in price are not justified by difference in the cost of manufacture, sale, or delivery, resulting from differing methods or quantities in which such products are sold or delivered.

(a) By selling such products to some wholesalers thereof at prices different from the prices charged other wholesalers who, in fact, compete in the sale and distribution of such products.

(b) By selling such products to some retailers thereof at prices different from the prices charged other retailers who, in fact, compete in the sale and distribution of such products.

(c) By selling such products to any retailer at prices lower than prices charged wholesalers whose customers compete with such retailer.

For the purpose of comparison, the term "price" as used in this order takes into account discounts, rebates, allowances, and other terms and conditions of sale.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 48-11009; Filed, Dec. 17, 1948; 8:48 a. m.]

**TITLE 24—HOUSING CREDIT****Chapter VII—Housing and Home Finance Agency****PART 707—VETERANS' EMERGENCY HOUSING PROGRAM****PART 753—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS****REVOCATION OF PARTS**

Parts 707 and 753 are hereby revoked. Notwithstanding this revocation, the provisions of all the regulations, orders, delegations and other public documents herein revoked shall be treated as remaining in force, as to rights or liabilities incurred or offenses committed prior to the date of this revocation, for the purpose of sustaining any proper suit, action or prosecution with respect to any such right, liability or offense.

Issued this 21st day of December 1948.

TIGHE E. WOODS,  
*Housing Expediter.*

[F. R. Doc. 48-11026; Filed, Dec. 17, 1948; 8:51 a. m.]

**Chapter VIII—Office of the Housing Expediter**

[Controlled Housing Rent Reg.<sup>1</sup> Amdt. 54]

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

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 83a, is amended to read as follows:

83a. [Revoked and decontrolled].

This decontrols all of the Clinton, Illinois, Defense-Rental Area.

2. Schedule A, Item 221b, is amended to read as follows:

221b. [Revoked and decontrolled].

This decontrols all of the Pender County, North Carolina, Defense-Rental Area.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. Sup., 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. Sup., 1894 (c)).

This amendment shall become effective December 18, 1948.

Issued this 15th day of December 1948.

TIGHE E. WOODS,  
*Housing Expediter.*

**Statement To Accompany Amendment 54 to the Controlled Housing Rent Regulation**

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the Clinton, Illinois, Defense-Rental Area and in the Pender

<sup>1</sup> 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671.

County, North Carolina, Defense-Rental Area no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said Defense-Rental Areas in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-11025; Filed, Dec. 17, 1948; 8:51 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,<sup>1</sup> Amdt. 54]

**PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED****RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS**

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, Item 83a, is amended to read as follows:

83a. [Revoked and decontrolled.]

This decontrols all of the Clinton, Illinois, Defense-Rental Area.

2. Schedule A, Item 221b, is amended to read as follows:

221b. [Revoked and decontrolled.]

This decontrols all of the Pender County, North Carolina, Defense-Rental Area.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. Sup., 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. Sup., 1894 (e)).

This amendment shall become effective December 18, 1948.

Issued this 15th day of December 1948.

TIGHE E. WOODS,  
*Housing Expediter.*

**Statement To Accompany Amendment 54 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments**

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the Clinton, Illinois, Defense-Rental Area and in the Pender County, North Carolina, Defense-Rental Area no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said Defense-Rental Areas in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-11014; Filed, Dec. 17, 1948; 8:49 a. m.]

<sup>1</sup> 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672.

**TITLE 29—LABOR****Chapter XII—Federal Mediation and Conciliation Service****REVISION OF CHAPTER, AND STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY**

EDITORIAL NOTE: The statement with respect to organization and delegations of final authority (sections 1-4) will not be included in the Code of Federal Regulations, 1949 Edition. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

**SECTION 1. Creation and function.** The Federal Mediation and Conciliation Service was created by act of Congress on June 23, 1947 (Labor-Management Relations Act, 1947; Public Law 101, 89th Cong., Ch. 120, 1st Sess.). The Service is an independent agency of the Executive branch of the Government. Its duty and function is, through conciliation and mediation, to promote collective bargaining as the Government's established policy of maintaining industrial peace and high levels of production and, thereby, to assist parties to labor disputes in industries affecting commerce to settle such disputes in order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes. As a supplement to mediation and conciliation, it encourages the parties to resort to voluntary arbitration as a final step in the collective bargaining process, and it aids the parties in the selection of an arbitrator. The Service also places emphasis on a program of improving labor-management relations in order to prevent differences from developing into disputes. The principal statutory sources of the authority of the Service are Title II of the Act, above named and cited, and Section 8 of the Act of March 4, 1913 (37 Stat. 738; 29 U. S. C. 51).

**SEC. 2. Offices.** (a) The central offices of the Service are located at Constitution Avenue and 14th Street, N. W., Washington 25, D. C. The telephone exchange of these offices is Executive 7350.

(b) The Service has twelve regional offices which are maintained and operated under the supervision and direction of regional directors. The names of such regional directors and the locations of the regional offices are as follows:

**Region 1:** Daniel F. Hurley, Director; 294 Washington Street, Boston 8, Mass.; Telephone—Hancock 7574.

**Region 2:** Frank H. Brown, Director; 341 Ninth Avenue, New York 1, N. Y.; Telephone—Bryant 9-3930.

**Region 3:** John T. Daly, Director; 1634 Widener Building, Philadelphia 7, Pa.; Telephone—Rittenhouse 6-0501.

**Region 4:** Martin J. O'Connell, Director; 144 Tariff Building, Washington 25, D. C.; Telephone—Executive 7350.

**Region 5:** William S. Pierce, Director; 10 Forsyth St. Building, Atlanta 3, Ga.; Telephone—Cypress 4671.

**Region 6:** E. J. Cunningham, Director; 258 Federal Building, Cleveland 14, Ohio; Telephone—Main 8985.

**Region 7:** Arthur C. Vlat, Director; 1023 Federal Building, Detroit 26, Mich.; Telephone—Woodward 3-9330.

**Region 8:** James J. Spillane, Director; 220 South State Street, Chicago 4, Ill.; Telephone—Harrison 6141.

Region 9: H. Arnold Griffith, Acting Director; 404 Old Custom House Building, St. Louis 1, Mo.; Telephone—Central 3200.

Region 10: Theodore F. Morrow, Director; 304 Federal Office Building, Houston, Tex.; Telephone—Preston 4288.

Region 11: Ernest P. Marsh, Director; 820 Seaboard Building, Seattle 1, Wash.; Telephone—Seneca 8161.

Region 12: William P. Halloran, Director; 477 Federal Office Building, San Francisco 2, Calif.; Telephone—Klondike 2-2350.

Region 1 covers Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut; Region 2 covers New York and northern New Jersey (including Sussex, Passaic, Bergen, Hudson, Essex, Morris, Warren, Hunterdon, Somerset, Union, Middlesex, Monmouth and Mercer Counties); Region 3 covers Pennsylvania, Delaware and southern New Jersey (including Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem Counties); Region 4 covers Maryland, District of Columbia, Virginia, West Virginia, North Carolina, and South Carolina; Region 5 covers Georgia, Florida, Tennessee, Alabama, Mississippi, Puerto Rico, and Virgin Islands; Region 6 covers Ohio and Kentucky; Region 7 covers Lower Michigan and Indiana, except Lake County; Region 8 covers Illinois, except St. Clair, Madison, and Monroe Counties, Wisconsin, upper peninsula of Michigan, Minnesota, North Dakota, South Dakota, and Lake County Indiana; Region 9 covers Iowa, Missouri, St. Clair, Madison and Monroe Counties in Illinois, Nebraska, Kansas, and Colorado; Region 10 covers Arkansas, Louisiana, Oklahoma, Texas, and New Mexico; Region 11 covers Washington, Oregon, Idaho, Montana, Wyoming, Utah, and Alaska; and Region 12 covers Nevada, Arizona, California, and Hawaii.

(c) The Service has a number of field offices established to facilitate the work of its commissioners. Each field office is under the direction of the regional director in the region in which it is located. Assignments of commissioners to labor disputes are made in the regional, not the field offices. The locations of such field offices and the number of the region in which they are located are as follows:

Akron, Ohio (6), 309 Buckeye Building, Jefferson 2129.

Baltimore, Md. (4), 103 South Gay Street, Lexington 6655.

Birmingham, Ala. (5), 725-728 Comer Building, 4-6393.

Buffalo, N. Y. (2), 1103 Morgan Building, Mohawk 4131.

Chattanooga, Tenn. (5), 214 Federal Building, 7-5551-2.

Cincinnati, Ohio (6), 445 Post Office Building, Cherry 5820.

Dallas, Texas (10), 1114 Commerce Street, Riverside 6951.

Denver, Colorado (9), 626 Commonwealth Building, Keystone 4151.

Des Moines, Iowa (9), 313 Federal Office Building, 4-5273.

Fresno, Calif. (12), 323 Post Office Building, 2-9391.

Indianapolis, Ind. (7), 212 Federal Building, Market 1561.

Kansas City, Kansas (9), 2401 Fidelity Building, Harrison 6464.

Los Angeles, Calif. (12), 808 Federal Building, Madison 7411.

Milwaukee, Wisconsin (8), 352 Federal Building, Broadway 8600.

Minneapolis, Minn. (8), 210 U. S. Court-house, Geneva 9364.

New Orleans, La. (10), 333 Customhouse Building, Magnolia 1435.

Pittsburgh, Pa. (3), 301 Old Post Office Building, Atlantic 7931.

Portland, Oregon (11), 303 Old U. S. Court-house, Broadway 8471.

Richmond, Va., (4), 4 State Capitol Building, 2-8528.

SEC. 3. *Organization*—(a) *Divisions of the Service*. The Service is under the direction of a Director, who is appointed by the President by and with the advice and consent of the Senate. The Director is assisted in the performance of his duties by an Associate Director, an Assistant Director, a General Counsel and a Director of Administrative Management. The operating functions are performed in the twelve regional offices. The National Labor-Management Panel, established by section 205 (a) of the Labor-Management Relations Act, 1947, to advise the Director, particularly with reference to controversies affecting the general welfare, is a part of the Service and is convened at the request of the Director.

SEC. 4. *Responsibilities of principal officers and delegations of authority*. (a) Director is responsible for the administration of the policies, and relations with the Executive Offices of the White House, other Executive agencies, Congress and Committees of Congress. In the event of the absence from duty or the incapacity of the Director, the functions of his office and the authority conferred upon him by the Act shall devolve upon the following officers who shall perform such functions and exercise such authority as "Acting Director"; Associate Director; Assistant Director.

(b) Associate Director assists the Director in formulating policy and has particular responsibility for the administration and coordination of all program activities in the field.

(c) Assistant Director assists the Director in formulating policy and has particular responsibility for mediation and conciliation of all national emergency cases as well as all other cases of outstanding national significance.

(d) *Office of General Counsel*. (1) General Counsel is consultant and legal advisor to the Director and all other officers of the Service on matters involving its policies and program, and, particularly, on the relation to the duties of the Service of Federal and State statutes and regulations governing industrial relations. He is in charge of all phases of the legislative duties of the Service and acts as liaison officer on legal problems in the relations of the Service with other executive agencies. He assists in the conciliation of disputes of outstanding national significance. He is in charge of the arbitration functions of the Service and on request of parties to labor disputes, assists them in the selection of arbitrators by submitting panels of names of qualified arbitrators, or by designating an arbitrator.

(e) *Administrative Management Division*. (1) Director of Administrative Management serves as budget officer and director of personnel of the Service; under delegation of authority by the DI-

rector of the Service, and in accordance with its established policies, takes final action on employment and general administration and allocation of personnel; authorizes and approves travel and vouchers therefor and transfers of employees from one station to another; requisitions appropriated funds; certifies claims and pay rolls; negotiates contracts and leases; directs the purchase of articles and services and takes such other action as may be necessary in the administrative management of the Service. He is in charge of and responsible for the operating statistics of the Service.

(f) *District Representatives*. District Representatives serve in the field as the representatives of the Director of the Service; have general responsibility for the maintenance of liaison relationships between the field staff and the national office of the Service.

(g) *Regional Directors*. Regional Directors are responsible for the effectuation in their respective regions of the policies of the Service through assignments of commissioners to labor disputes and phases of the preventive program of the Service, development of cooperative arrangements with State and other conciliation agencies, and general supervision of the operations and activities of the regional offices.

#### PART 1401—AVAILABILITY OF INFORMATION

Sec.

1401.1 Places at which information may be obtained.

1401.2 Availability of information and records.

§ 1401.1 *Places at which information may be obtained*. Any individual, employer or union, or representative thereof, desiring information regarding the operations of the Service should communicate with the regional office of the Service in the region in which the labor dispute or other matter exists with respect to which information is sought. General inquiries for information concerning the Service should be addressed to the Federal Mediation and Conciliation Service, Washington 25, D. C. (Sec. 202, 61 Stat. 153; 29 U. S. C., Sup., 172)

§ 1401.2 *Availability of information and records*—(a) *Records*—(1) *Withdrawal*. No report, letter, memorandum file or other document or paper in the official custody of the Service (hereinafter referred to as "records") shall be taken, withdrawn or removed therefrom by any person not officially connected with the Service or any agent or representative of such person without the written consent of the Director.

(2) *Inspection and copies*. All records in the official custody of the Service are hereby declared to be confidential for good cause found. Inspection and the procurement of copies thereof will be afforded only to persons who demonstrate a material and justifiable interest therein not prejudicial to the public interest as determined by the Director. Applications for inspection or the procurement of copies thereof should be made to the Director, under oath, setting forth the interest of the applicant and showing the reason why and the purpose

for which the inspection or the copies of the records requested are desired.

(b) *Compliance with subpoenas.* No officer or employee or other person officially connected with the Service shall produce or present any records of the Service or testify in behalf of any party to any cause pending in any court or before any Board, Commission, Committee, Tribunal or other agency of the United States or of any State, Territory, or the District of Columbia with respect to the facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any records of the Service, whether in answer to a subpoena, subpoena *duces tecum* or otherwise without the written consent of the Director. Whenever any subpoena or subpoena *duces tecum* calling for records or testimony as described above shall have been served upon any such officer, employee or other person, he will, unless otherwise expressly directed by the Director, appear in answer thereto, and respectfully decline, by reason of this part, to produce or present such records or to give such testimony. (Sec. 202, 61 Stat. 153; 29 U. S. C., Sup., 172)

#### PART 1402—PROCEDURES OF THE SERVICE

Sec.

1402.1 Filing of notices under Labor-Management Relations Act, 1947.

1402.2 Circumstances in which the Service will conciliate or mediate labor disputes.

§ 1402.1 *Filing of notices under Labor-Management Relations Act, 1947.* Any party to a collective bargaining contract, subject to the provisions of Title I of the Labor-Management Relations Act, 1947, desiring to comply with the notice requirements of section 8 (d) (3) of that act, should file such notice, in duplicate, with the appropriate regional office, on a form provided for that purpose. Copies of this form are obtainable at the regional offices of the Service and at the offices of international unions and employer associations. This form may be duplicated for use by representatives of employers and unions, provided it is copied in full and without change. It is emphasized that the requirement to notify the Service relates to a notice, filed with it, "within thirty days" after a sixty-day notice to terminate or modify a collective bargaining contract has been served by one party to the contract upon another, provided no agreement has been reached at that time. The "sixty-day notice", referred to in section 8 (d) (3) of the act, should not be filed with the Service. (Sec. 202, 61 Stat. 153; 29 U. S. C., Sup., 172)

§ 1402.2 *Circumstances in which the Service will conciliate or mediate labor disputes.* The Service will intercede in a labor dispute either on request of one or more parties to the dispute or upon its own motion only when in its judgment the jurisdictional facts authorizing such intercession are present (See section 203 (a) and (b) of the Labor-Management Relations Act, 1947). Requests for intercession should be directed to the appropriate regional director or directors. The fact that a commissioner of the Service communicates with the

parties to a labor dispute in response to a notice filed under section 8 (d) (3) of the act, or otherwise should not be taken as evidence that the Service has interceded or will intercede in the dispute for the purpose of mediation or conciliation, or that the judgment of the Service has been exercised with respect to its jurisdiction and authority to intercede. (Sec. 202, 61 Stat. 153; 29 U. S. C., Sup. 172)

#### PART 1405—GENERAL REGULATIONS OF THE SERVICE

The provisions in §§ 1405.1 and 1405.2 entitled respectively, "Records; withdrawal, inspection and copies" and "Compliance with subpoenas", published in the FEDERAL REGISTER on September 23, 1947, at page 6326, are hereby revoked and the contents thereof incorporated in Part 1401, § 1401.2 (a) and (b).

Signed at Washington, D. C., this 14th day of December, 1948.

C. S. CHING,  
Director.

[F. R. Doc. 48-11047; Filed, Dec. 17, 1948; 8:59 a. m.]

### TITLE 32—NATIONAL DEFENSE

#### Chapter VI—Selective Service System

[Amdt. 4]

##### PART 670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

###### SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. Section 670.3 is amended to read as follows:

§ 670.3 *Federal record depot for National Headquarters.* A Federal record depot shall be established at National Headquarters for Selective Service as a branch of the Records and Research Division, for the custody, preservation, servicing, and disposal of such records as may be designated by the Director of Selective Service.

2. Paragraph (b) of § 670.31 is amended by adding a new subparagraph (18) to read as follows:

§ 670.31 *Supplying information to Federal agencies and officials.* \* \* \*

(b) \* \* \*

(18) *Central Intelligence Agency.* The Central Intelligence Agency may obtain such information upon the request of (i) the Executive for Inspection and Security, (ii) the Chief, Security Branch, or (iii) a Special Agent in Charge or an Assistant Special Agent in Charge of a Field Office, Employee Investigative Service.

3. Subparagraphs (21), (30), and (34) of paragraph (b) of § 670.32 are amended to read as follows:

§ 670.32 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* \* \* \*

(b) \* \* \*

(21) *State of Maryland.* The officials of the State of Maryland and its subdivisions authorized to obtain such in-

formation are (i) the Adjutant General, (ii) the Chairman, Department of Employment Security, (iii) the Director, War Records Division, Maryland Historical Society, and (iv) the Commissioner, Baltimore City Police Department.

(30) *State of New Hampshire.* The officials of the State of New Hampshire authorized to obtain such information are (i) the Adjutant General, (ii) the Administrator, Unemployment Compensation Division, (iii) the Commissioner, State Department of Public Welfare, (iv) the Health Officer, State Department of Health, (v) the Superintendent, State Department of Hospitals, (vi) the State Director, State Employment Office, (vii) the Director of Probation, State Department of Probation, and (viii) the Director, State Veterans' Council.

(34) *State of North Carolina.* The officials of the State of North Carolina authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Chairman, Employment Security Commission, (iv) the Commissioner of Paroles, the Assistant Commissioner of Paroles, the Chief Parole Investigator, the Parole Investigators, and the Chief of Supervision, North Carolina Parole Commission, (v) the Director, the Assistant Director, and the Assistant State Service Officers, North Carolina Veterans' Commission, (vi) the Director and the Assistant Director of State Probation Officers, North Carolina Probation Commission, (vii) the Commissioner, the Director of Public Assistance, and the Director of Field Service, State Board of Public Welfare, and (viii) the Director, Bureau of Investigation, North Carolina Department of Justice.

(Secs. 6, 7, 61 Stat. 32, sec. 10 (a) (4), Pub. Law 759, 80th Cong.; 50 U. S. C. App., Sup., 326, 327)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,  
Director of Selective Service.

December 15, 1948.

[F. R. Doc. 48-11010; Filed, Dec. 17, 1948; 8:48 a. m.]

#### Chapter XXIV—Department of State, Disposal of Surplus Property

[Departmental Reg. 108.82; FLC Reg. 8, Order 6]

##### PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

DECEMBER 14, 1948.

Foreign Liquidation Commissioner Regulation 8, Order 6, of September 23, 1948 (Department Regulation 108.74, 13

F. R. 5528) is hereby revised and amended to read as herein set forth.

The President has requested the Secretary of State to act, with regard to permitting the importation of surplus property, upon determinations as made by the Secretary of Commerce. The Secretary of Commerce has informed the Secretary of State that certain materials which have been or may be declared to the Foreign Liquidation Commissioner as surplus property located in foreign areas are in critically short supply and urgently needed in the domestic economy and are qualified for importation into the United States during the periods hereinafter specified.

It is hereby ordered, (a) That § 8508.15 of FLC Regulation 8 shall not apply to prevent the importation of surplus property specified in paragraphs numbered (1) through (3) of Schedule A attached hereto if such property is in transit to a point in the United States on or before June 30, 1949, (b) That § 8508.15 shall not apply to prevent the importation of surplus property specified in paragraph numbered (4) of Schedule A attached hereto, except as to such items as may be deleted therefrom by subsequent amendment of this order, if such property is in transit to a point in the United States on or before June 30, 1949. Any amendment which may be issued for the purpose of deleting items from paragraphs numbered (4) of Schedule A shall not be effective until thirty (30) days after publication. For the purpose of this order "in transit to a point in the United States" shall mean the property involved has been delivered to or accepted by a carrier which has issued a through bill of lading thereon to a point in the United States.

(58 Stat. 765, 59 Stat. 533, 60 Stat. 168, 754; 61 Stat. 501, 678; 50 U. S. C. App. and Sup. 1611-46)

This order shall become effective as of January 1, 1949.

Approved: December 14, 1948.

[SEAL] ROBERT A. LOVETT,  
Acting Secretary of State.

#### SCHEDULE A

- (1) Burlap bags and strips.
- (2) Containers: steel, shipping barrels, drums, and pails.
- (3) Telephone and telegraph equipment, including lead covered cable; line wire; messenger and drop wire; pole line hardware; and porcelain insulators.
- (4) All items of iron and steel, machinery, equipment, and parts therefor in Schedule B, Statistical Classification of Domestic and Foreign Commodities exported from the United States, Part II, January 1, 1945, Edition, Nos. 600700 through 610800 (steel mill products); Nos. 700000 through 789998 inclusive with the following exceptions: Nos. 720100 (only as to excavators and cranes of 1 cubic yard and under bucket or dipper capacity), 721500 (concrete mixers), 722600 (scrapers, self-loading), 740005 through 748512 (machine tools and other metal-working machinery) and 770400 through 770800 (air compressors).

[F. R. Doc. 48-11002; Filed, Dec. 17, 1948; 8:46 a. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

#### PART 1—AREAS ADMINISTERED BY THE NATIONAL PARK SERVICE

##### ALASKA

CROSS REFERENCE: For order withdrawing lands within the Mount McKinley National Park, Alaska, thereby affecting the tabulation contained in § 1.2, see Public Land Order 538 in the Appendix to Chapter I of Title 43, *infra*.

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Subchapter A—Alaska

[Circular 1711]

#### PART 78—SURVEYS

##### SURVEY OF PUBLIC LANDS IN ALASKA

Part 78 is completely revised to read as follows:

- |      |   |
|------|---|
| Sec. |   |
| 78.1 | System of surveys.                                      |
| 78.2 | Meridians.  |
| 78.3 | Administration of surveying activities.                 |
| 78.4 | Existing surveys and extensions thereof.                |
| 78.5 | Special surveys.  |
| 78.6 | Deposit required for survey made by deputy surveyor.    |
| 78.7 | Copy of plat of non-mineral survey for posting on land. |
| 78.8 | Plats of mineral surveys released upon approval.        |
| 78.9 | Copies of records.                                      |

AUTHORITY: §§ 78.1 to 78.9 issued under R. S. 453, 2478; 43 U. S. C. 2, 1201.

§ 78.1 *System of surveys.* The rectangular system of survey of the public lands was extended to the Territory of Alaska by the act of March 3, 1899 (30 Stat. 1098; 48 U. S. C. 351). The regular township surveys in Alaska conform to that system, but departures therefrom are permitted under the conditions stated in the act of April 13, 1926 (44 Stat. 243; 48 U. S. C. 379), and in certain other cases, such as special surveys for trade and manufacturing sites, headquarters sites, and homesites under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U. S. C. 461), as amended; for soldiers additional entries, pursuant to sections 2306 and 2307 of the Revised Statutes (43 U. S. C. 274, 278); and for small tracts under the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended.

§ 78.2 *Meridians.* The public land surveys in Alaska are governed by three principal meridians established as follows: The Seward Meridian, initiated just north of Resurrection Bay and extending to the Matanuska coal fields; the Fairbanks Meridian, commencing near the town of Fairbanks and controlling the surveys in that vicinity, including the Nenana coal fields; and the Copper River Meridian which lies in the valley of the Copper River and from which surveys

have been executed as far north as the Tanana River and south to the Bering River coal fields and the Gulf of Alaska.

§ 78.3 *Administration of surveying activities.* Administration of the public land surveying activities in Alaska is under the general supervision of the Regional Administrator, Bureau of Land Management, at Anchorage, Alaska. A public survey office, in which the records relating to the public land surveys in the Territory are maintained, is located at Juneau, Alaska. Correspondence relating to local survey matters should be addressed to the Public Survey Office, Juneau, Alaska.

§ 78.4 *Existing surveys and extensions thereof.* The surveys up to the present time have been confined to known agricultural areas, the coal fields, and such other lands as have been considered to be suitable for development by settlers or otherwise. The extensions of the surveys to other areas will be governed largely by the character of the lands and their suitability for use, development, and administration under the public land laws applicable to Alaska.

§ 78.5 *Special surveys.* Information respecting special surveys of soldiers' additional entries, homesites, homesteads, and trade and manufacturing sites is given in Parts 61, 64, 65, and 81 of this chapter, respectively.

§ 78.6 *Deposit required for survey made by deputy surveyor.* When application is made to have a special survey executed by a deputy surveyor, the Regional Cadastral Engineer, Public Survey Office, Juneau, Alaska, will furnish the applicant with an estimate of the cost of the office work involved in the preparation of the plat and field notes of such survey. The applicant will be required to deposit such estimated amount with said officer. If the estimated amount is found to be insufficient to cover the actual cost of such office work, the applicant will be required to pay the deficiency; if in excess of the actual cost, the excess will be refunded to the applicant.

§ 78.7 *Copy of plat of non-mineral survey for posting on land.* The public survey office will furnish the claimant, without charge, a copy of the plat of a special non-mineral survey for posting on the land.

§ 78.8 *Plats of mineral surveys released upon approval.* Upon approval of plats of Alaskan mineral surveys by the Office Cadastral Engineer, Public Survey Office, Juneau, Alaska, two copies thereof will be prepared in the public survey office by photostat, blueprint, or such other process as may be available. Such copies will be furnished without charge to the claimant, or his agent or attorney, for immediate use, one for posting on the land and one for filing with the application.

§ 78.9 *Copies of records.* Copies of plats of surveys in Alaska, or other records of the Public Survey Office, will be sold at the cost of production, in accordance with section 1 of the act of August

24, 1912 (37 Stat. 497; 5 U. S. C. 488), as amended by the act of July 30, 1947 (61 Stat. 521), and § 240.4 of this chapter.

MARION CLAWSON,  
Director.

Approved: December 14, 1948.

C. GIRARD DAVIDSON,  
Assistant Secretary of the  
Interior.

[F. R. Doc. 48-11001; Filed, Dec. 17, 1948;  
8:46 a. m.]

#### Appendix—Public Land Orders

[Public Land Order 536]

##### CALIFORNIA

#### REVOKING EXECUTIVE ORDER NO. 5585 OF MARCH 30, 1931, WITHDRAWING LANDS PENDING RESURVEY

By virtue of the authority contained in section 1 of the act of June 25, 1910, 36 Stat. 847 (U. S. C. title 43, sec. 141) and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 5585 of March 30, 1931, withdrawing the public lands in the hereinafter-described areas in California pending resurvey, is hereby revoked.

Effective upon the signing of this order, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on February 11, 1949. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from February 11, 1949, to May 13, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C., sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C., secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from January 22, 1949, to February 19, 1949, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all

such applications, together with those presented at 10:00 a. m. on February 11, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on May 14, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from April 23, 1949, to May 13, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on May 14, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Sacramento, California.

The lands affected by this order are the public lands in the following-described areas:

##### MOUNT DIABLO MERIDIAN

T. 18 S., R. 3 E.;  
T. 18 S., R. 4 E.

The areas described, including both public and non-public lands, aggregate 46,545.47 acres.

Secs. 14, 15, secs. 17 to 23 inclusive, secs. 25 to 36 inclusive, T. 18 S., R. 3 E., and secs. 28 to 34 inclusive, T. 18 S., R. 4 E., are within the Los Padres National Forest, and some of the lands have been patented.

The lands are generally low, flat, and swampy in character, and are crossed by numerous sloughs draining into Kings River.

C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior.

DECEMBER 10, 1948.

[F. R. Doc. 48-11000; Filed, Dec. 17, 1948;  
8:46 a. m.]

[Public Land Order 538]

##### ALASKA

#### WITHDRAWING PUBLIC LANDS IN AID OF PROPOSED LEGISLATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the tract of land in Alaska described below by metes and bounds is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, in aid of proposed legislation:

Beginning at the point of intersection of the north right-of-way line of the Alaska Railroad and section line between sections 10 and 11, T. 17 S., R. 7 W., F. M.; thence northeasterly along the north and west right-of-way line of the Alaska Railroad to latitude 63°28' N.; thence west on the parallel to longitude 149° W.; thence south on the meridian to latitude 63°26' N.; thence east on the parallel to the north right-of-way line of the Alaska Railroad; thence northeasterly along the north right-of-way line of the railroad to the point of beginning.

The area described contains approximately 6,200 acres, including public and non-public lands.

The area described, which embraces in part secs. 2, 10, and 11, T. 17 S., R. 7 W., Fairbanks Meridian (surveyed), is within Mount McKinley National Park as enlarged by the act of March 19, 1932, 47 Stat. 63 (16 U. S. C. 355 and 355a).

OSCAR L. CHAPMAN,

Acting Secretary of the Interior.

DECEMBER 16, 1948.

[F. R. Doc. 48-11097; Filed, Dec. 17, 1948;  
9:03 a. m.]

## TITLE 46—SHIPPING

### Chapter II—United States Maritime Commission

#### EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

EDITORIAL NOTE: In order to conform Chapter II of Title 46 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President, effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. Codification of Part 200, Organization, Functions, and Delegations of Final Authority, is discontinued. Future amendments to this material will be published in the Notices section of the FEDERAL REGISTER.

2. Parts 204-266 are deleted. The subject matter contained therein is now covered by Part 201, Rules of Procedure Before the Commission, §§ 201.7, 201.10 and 201.41 to 201.45, inclusive (Rev. Gen. Order 41; 12 F. R. 6076-6078).

3. Part 211, Adoption of Existing Orders, is deleted.

4. Part 300, General Provisions, is deleted.

5. Part 301, General Regulations, §§ 301.52 to 301.56, inclusive, and 301.71 to 301.76, inclusive, are deleted.

6. Part 302, Contracts with Vessel Owners and Rates of Compensation Relating Thereto, is deleted.

7. Part 303, Contracts for Carriage on Vessels Owned or Chartered by the War Shipping Administration, §§ 303.1 to 303.5, inclusive, 303.11 to 303.16, inclusive, 303.18 to 303.21, inclusive, 303.31 to 303.34, inclusive, 303.40 to 303.42, inclusive, and 303.45 are deleted.

8. Part 304, Labor, §§ 304.1 to 304.7, inclusive, 304.10 to 304.12, inclusive, 304.61 to 304.72, inclusive, and 304.101 to 304.106, inclusive, are deleted.

9. Part 305, Insurance, is deleted.

10. Part 306, General Agents and Agents:

(a) Terminal Operations. Sections 306.29 to 306.34b, inclusive, are deleted.

(b) Freight Brokerage, Tankers. Sections 306.151 to 306.154, inclusive, are deleted.

11. Parts 307, War Shipping Administration Price Adjustment Board, 321, Directives, and Appendix A, Maritime War Emergency Board, are excluded from the Code of Federal Regulations, 1949 Edition.

12. Part 343, Freight Forwarders Forwarding of Foreign Relief Cargoes, is renumbered and redesignated "Part 243, Commercial Forwarding of Certain Exports for Foreign Relief and Rehabilitation." Section 343.1 is divided into two sections under the following headnotes:

- Sec.  
243.1 Finding of the Commission.  
243.2 Compilation of list of qualified forwarders.

Dated: December 15, 1948.

By the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,  
Secretary.

[F. R. Doc. 48-11013; Filed, Dec. 17, 1948; 8:48 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 3—RADIO BROADCAST SERVICES

##### TIME OF OPERATION OF STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of December, 1948;

The Commission having under consideration § 3.23 of its rules and regulations relating to the time of operation of classes of stations; and

It appearing, that section 1 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations provides that for Class IV stations on local channels the separation required for daytime protection shall also determine the nighttime separation; and that every Class IV station operating on a local channel can, under the Standards of Good Engineering Practice, operate full time without causing objectionable interference to any other station in accordance with these standards; and

It further appearing, that in order to make full utilization of Class IV frequencies it is in the public interest to amend § 3.23 of the Commission's rules and regulations to permit Class IV stations on local channels licensed to operate daytime only or with specified hours to operate at hours beyond those authorized in their license; and

It further appearing, that since the instant amendment is not prejudicial to any interested person notice and public procedure provided for in section 4 of the Administrative Procedure Act is unnecessary and that since this amendment relieves a restriction it may be made immediately;

It is ordered, Pursuant to sections 303 (a), 303 (b), 303 (c), 303 (f), 303 (r) and 307 (b) of the Communications Act of 1934, as amended that § 3.23 of the Commission's rules and regulations be and it is amended, effective immediately, to read as follows:

§ 3.23 *Time of operation of the several classes of stations.* The several classes of standard broadcast stations may be li-

censed to operate in accordance with the following:

(a) Unlimited time permits operation without a maximum limit as to time.

(b) Limited time is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset. (For exact time of sunset at any location see Average Sunrise and Sunset Times.) Daytime stations operating on local channels may, upon notification to the Commission and the engineer in charge of the district in which they are located, operate at hours beyond those specified in their license.

(d) Sharing time permits operation during hours which are so restricted by the station license as to require a division of time with one or more other stations using the same channel.

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in § 3.71.) Specified hours stations operating on local channels except those sharing time with other stations may, upon notification to the Commission and the engineer in charge of the district in which they are located, operate at hours beyond those specified in their license. (Secs. 303 (a), (b), (c), (f), 307 (b), 48 Stat. 1082, 1083, sec. 6 (b), 50 Stat. 191; 47 U. S. C. 303 (a), (b), (c), (f), (r), 307 (b))

Released: December 10, 1948.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-11032; Filed, Dec. 17, 1948; 8:52 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

##### [ 7 CFR, Part 730 ]

#### NATIONAL MARKETING QUOTA FOR RICE FOR 1949-50 MARKETING YEAR

#### DETERMINATION TO BE MADE BY SECRETARY OF AGRICULTURE

The rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1351-1356),

require that not later than December 31, 1948, the Secretary of Agriculture proclaim a national marketing quota for rice for the marketing year beginning August 1, 1949, if it appears from the latest available statistics of the Department that the total supply of rice exceeds the normal supply thereof for the current marketing year by more than 10 per centum of such normal supply.

Any person interested in the aforementioned determination and proclamation to be made by the Secretary may submit data, views, or recommendations

thereon in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than December 25, 1948.

Issued at Washington, D. C., this 16th day of December 1948.

[SEAL] RALPH S. TRIGG,  
Administrator, Production and Marketing Administration.

[F. R. Doc. 48-11084; Filed, Dec. 17, 1948; 9:02 a. m.]

## NOTICES

## DEPARTMENT OF THE TREASURY

## Bureau of Customs

[T. D. 52106]

## "NO CONSUL" LIST

ST. PIERRE-MIQUELON AND CARTAGENA, COLOMBIA ADDED AND TRIPOLI, LIBYA, REMOVED FROM LIST

DECEMBER 14, 1948.

In accordance with the recommendations from the Department of State, St. Pierre-Miquelon, and Cartagena, Colombia, are hereby added to, and Tripoli, Libya, is hereby removed from, the "No consul" list, (1947) T. D. 51797, as amended.

Consular invoices covering merchandise from St. Pierre-Miquelon, and Cartagena, Colombia, will be accepted by collectors of customs if certified under the provisions of section 482 (f), Tariff Act of 1930.

Invoices certified after the date of publication of this decision in the weekly Treasury Decisions, covering shipments of merchandise from Tripoli, Libya, shall be accepted by collectors of customs only when certified by an American consular officer as provided in section 482 (a), Tariff Act of 1930.

[SEAL]

W. R. JOHNSON,  
Deputy Commissioner.

[F. R. Doc. 48-11011; Filed, Dec. 17, 1948;  
8:48 a. m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Misc. 7192]

## CALIFORNIA

RESTORATION ORDER NO. 1265 UNDER FEDERAL POWER ACT

DECEMBER 14, 1948.

Pursuant to the determination of the Federal Power Commission (DA-682, California) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described so far as they have been withdrawn for Power Site Reserve No. 200 dated October 2, 1911, or reserved on January 13, 1923 for Water-Power Project No. 371, are hereby restored to location and entry under the United States mining laws only, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818), and subject to the valid existing rights-of-way:

## MOUNT DIABLO MERIDIAN

T. 1 N., R. 25 E.,  
Sec. 13, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
T. 1 S., R. 26 E.,  
Sec. 20, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 28, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 29, E $\frac{1}{2}$ E $\frac{1}{2}$ .

T. 2 S., R. 26 E.,  
Sec. 15, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ .

The areas described aggregate 1019.08 acres.

The above-described lands are within the Inyo National Forest.

This order shall become effective 10:00 a. m. on February 15, 1949.

MARION CLAWSON,  
Director.

[F. R. Doc. 48-10999; Filed Dec. 17, 1948;  
8:46 a. m.]

## ALASKA

NOTICE FOR FILING OBJECTIONS TO WITHDRAWAL OF PUBLIC LANDS IN AID OF PROPOSED LEGISLATION<sup>1</sup>

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,  
Acting Secretary of the Interior.

DECEMBER 16, 1948.

[F. R. Doc. 48-11098; Filed, Dec. 17, 1948;  
9:03 a. m.]

## DEPARTMENT OF COMMERCE

## Office of Industry Cooperation

PROPOSED VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION OF PIPE LINE TO SUPPLY NATURAL GAS TO PLANT OF UNITED STATES ATOMIC ENERGY COMMISSION AT OAK RIDGE, TENN.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Wednesday, December 29, 1948, at 10:00 a. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, 14th Street, between E Street and Constitution Avenue NW., Washington, D. C., for the purpose of affording to indus-

<sup>1</sup> See Title 43, Chapter I, Appendix, P. L. O. 538, *supra*.

try, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for the construction of pipe line to supply natural gas to plant of United States Atomic Energy Commission at Oak Ridge, Tennessee. A draft of the plan is set forth in Exhibit A hereto.

In view of the essentiality of the program represented by this plan, it is proposed to provide for continued assistance beyond February 28, 1949, which will be the termination date specified in the plan itself, as required by Public Law 395. Provision for continuation consists of two procedures developed in consultation with the Attorney General. First, the termination provisions in the plan provide for extension beyond next February in the event that the authority now contained in Public Law 395 is appropriately extended. Second, the Secretary of Commerce proposes to make a request for unilateral action by participants in carrying on the program after that date under the "carry-over" provisions of Public Law 395. A draft of the proposed request is set forth as Exhibit B hereto.

Both Exhibits A and B are subject to revision at or after the public hearing.

The proposed plan has been formulated after consulting with representatives of the steel producing industry and of the United States Atomic Energy Commission.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Monday, December 27, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

CHARLES SAWYER,  
Secretary of Commerce.

## EXHIBIT A—PLAN

PROPOSED VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION OF PIPE LINE TO SUPPLY NATURAL GAS TO PLANT OF UNITED STATES ATOMIC ENERGY COMMISSION AT OAK RIDGE, TENNESSEE

[Preamble—To be inserted in final draft]

1. *What this plan does.* This Plan sets up the procedure under which steel producers (hereinafter called Producers) agree voluntarily to make certain steel products available to East Tennessee Natural Gas Company, a Tennessee corporation, of Chattanooga, Tennessee (hereinafter called the Participating Builder), for use in the construction of a 22-inch pipe line to transport natural gas to the plant of the United States Atomic Energy Commission at Oak Ridge, Tennessee, said pipe line to extend from a point, at or near Mitchellville, Tennessee, on the main line of Tennessee Gas Transmission Company, to said plant at Oak Ridge.

2. *Agreement by steel Producers.* During the period this Plan remains in effect, Producers will make available, out of their own production or that of their producing sub-



sidaries or affiliates, to the Participating Builder, an aggregate total of 25,500 net tons of 22-inch steel line pipe, in monthly deliveries, beginning in January 1949, of approximately 5,000 tons each.

Producers will, from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available, or to accelerating the monthly deliveries provided for above.

3. *Determination of quantities to be furnished by respective producers.* Unless otherwise specified in its acceptance of this Plan, the quantities to be made available by each Producer, as its commitment under this Plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Producers will take credit against their commitments under this Plan only for quantities delivered to the Participating Builder on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective Producers, or their producing subsidiaries and affiliates, with the Participating Builder. This Plan does not authorize or approve any fixing of prices, and participation in this Plan does not affect the prices or terms and conditions on which any steel products are actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A Producer need make available under this Plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this Plan. The quantities which it may have undertaken to make available in any month may be reduced, or, at its option, their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each Producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under this Plan.

7. *Reports from Participating Builder.* The Participating Builder will submit such reports as may be requested from time to time by the Secretary of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942).

8. *Obligations of Participating Builder.* By participation in this Plan, the Participating Builder shall be obligated as follows: To secure all necessary permits and certificates (including a certificate of public convenience and necessity from Federal Power Commission and any State commission or board having jurisdiction) to authorize and enable it to construct and operate said pipe line; to use all products obtained under this Plan solely for and in the construction of said pipe line; not to resell or transfer any products so obtained under this Plan in the form received by the said Participating Builder and not to build up, beyond current needs, any inventories of products obtained under this Plan. If the Participating Builder for any reason becomes unable to use, for the purposes of this Plan, any products obtained under the Plan, it shall be further obligated to hold them subject to such disposition (including return to the producer from whom purchased) as shall be required and authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for placing orders under this plan.* Purchase orders under this Plan are to be placed with participating Producers, or their producing subsidiaries or affiliates. Each such purchase order shall bear the fol-

lowing certification by the Participating Builder:

DEPARTMENT OF COMMERCE VOLUNTARY PLAN,  
UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR  
ALLOCATION OF STEEL PRODUCTS FOR CON-  
STRUCTION OF PIPE LINE TO SUPPLY NATURAL  
GAS TO PLANT OF UNITED STATES ATOMIC EN-  
ERGY COMMISSION AT OAK RIDGE, TENNESSEE

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the construction of a pipe line to supply natural gas to the plant of United States Atomic Energy Commission at Oak Ridge, Tennessee, and that this order is placed under, and in strict compliance with, the above Voluntary Plan, with which the undersigned is familiar and in which the undersigned is a participant.

EAST TENNESSEE NATURAL GAS  
COMPANY,

By \_\_\_\_\_  
(Title of duly authorized  
officer)

\_\_\_\_\_  
(Date)

10. *Procedure for, and effect of, becoming a participant.* After approval of this Plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and of the Participating Builder by the Secretary of Commerce, any such producer, and the Participating Builder, may become a participant in this Plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, only with respect to such participants as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective date and duration.* This Plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the close of business on February 28, 1949, unless the time limitation of March 1, 1949, now specified in Section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this Plan, in which event this Plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949, is so specified). However, the Plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the FEDERAL REGISTER.

12. *Withdrawal from Plan.* Any Producer or the Participating Builder may withdraw from this Plan by giving not less than 60 days written notice to the Secretary of Commerce.

13. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this Plan shall be binding upon all participants notified of such interpretation.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

#### EXHIBIT B—REQUEST

PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH  
CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS  
FOR CONSTRUCTION OF PIPE LINE TO SUPPLY  
NATURAL GAS TO PLANT OF UNITED STATES  
ATOMIC ENERGY COMMISSION AT OAK RIDGE,  
TENNESSEE

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919,

after consultation with representatives of the steel producing industry, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 29, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for the construction of pipe line to supply natural gas to plant of United States Atomic Energy Commission at Oak Ridge, Tennessee, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to such builder after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 5,000 net tons of steel products available monthly, during the period March 1, 1949 through June 30, 1949, on certified orders from East Tennessee Natural Gas Company, until an aggregate total of 25,500 net tons of such steel products shall have been delivered; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That East Tennessee Natural Gas Company place purchase orders hereunder only for the quantities and types of steel products established for it by the Secretary of Commerce; that it put identifying certifications on such purchase orders; and that it use all steel products obtained hereunder solely for construction of pipe line to supply natural gas to plant of United States Atomic Energy Commission at Oak Ridge, Tennessee.

In the event that an amendment to the above-mentioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by said extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-11031; Filed, Dec. 17, 1948;  
8:52 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### COMMISSION POLICY ON CONSIDERATION OF APPLICATIONS FOR HIGH POWER VHF STATE POLICE TRANSMITTERS

DECEMBER 9, 1948.

The Commission announced today that it granted on an experimental basis the applications of the States of Missouri, Kansas, and Iowa authorizing operation of a total of nine high power transmitters (5000 watts maximum plate input power to final radio stage). These grants were made on an experimental basis for the purpose of obtaining information regarding the desirability of the use of high power versus medium power for state police base stations and for obtaining additional information regarding area coverage.

The Commission considers that the experimental operation authorized to the States of Missouri, Kansas and Iowa and that previously made to Illinois will provide adequate information on coverage and interference. Accordingly, it does not appear that authorization for addi-

tional operations of this type on an experimental basis would be warranted, pending Commission determination as to whether higher power can be authorized on a permanent basis. This would protect applicants from unnecessary expenditures for experimental equipment and installations and, at the same time, expedite action on rules under which such operation might be authorized upon a regular basis. In view of the volume of work now before the Commission, it is anticipated that it will be at least a year before final study can be completed.

Pending a final determination of the feasibility of adopting rules covering operation of state police radio stations with high power, an extensive study will be made by the Commission's staff of information relating to this matter which is now on file, and of experimental reports hereafter submitted by the four licensees authorized to conduct experimentation in this field. The study will include a review of the present state police assignment plan for the 42 Mc frequencies to determine to what extent this plan requires modification and reassignment of frequencies to certain existing state police systems in order to keep at a minimum the interference that will result from such high power operation. In the event such high power operation is determined to be in the public interest and to be technically feasible, public hearings will be held in order that appropriate rules can be promulgated. On the other hand, if it should develop that such high power operation would not be in the public interest, the licensees authorized to conduct experimentation in this field will be required to reduce power in order to re-license the equipment in the regular service.

Adopted: December 8, 1948.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-11033; Filed, Dec. 17, 1948;  
8:52 a. m.]

USE OF APPROVED FREQUENCY AND MODULATION MONITORS IN STANDARD BROADCAST STATIONS

DECEMBER 10, 1948.

Sections 3.55 (b) and 3.60 of the Commission rules require that all standard broadcast stations maintain a constant check on modulation percentage and on frequency deviation by means of monitors which have received formal Commission approval.

For an extended period after the war these monitors were not readily available. Manufacturers were unable to supply the demand resulting from the large number of new standard broadcast stations authorized by the Commission. The Commission has, from time to time, authorized the issuance of waivers of §§ 3.55 (b) and 3.60 of the rules where new stations were unable to obtain delivery of monitors on condition that alternate means were provided for

maintaining a check on modulation and frequency.

The Commission has recently made inquiry of the manufacturers of this type of equipment and it appears that monitors are now available to the industry and that delivery can be expected with nothing more than the usual calibration and shipping delays. Waivers of §§ 3.55 (b) and 3.60 no longer appear necessary and, accordingly, stations beginning program tests after March 1, 1949 will not be authorized to operate without approved frequency and modulation monitors.

Stations now operating without monitors will be expected to have monitors installed after March 1, 1949. Because of the present availability of monitors, such waivers as have been granted will no longer be effective after March 1, 1949.

The Commission's Chief Engineer will continue to authorize standard broadcast stations to operate without an approved monitor pending repairs or replacement upon request, when necessary, but will not waive the rules in so doing.

Adopted: December 9, 1948.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-11034; Filed, Dec. 17, 1948;  
8:52 a. m.]

[Docket No. 8111]

WILLIAM H. BLOCK Co. (WUTV)

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of: The William H. Block Company (WUTV), Indianapolis, Indiana, Docket No. 8111, File No. BMPCT-364; for additional time in which to complete construction of TV station WUTV, Indianapolis, Indiana.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of December, 1948;

The Commission having under consideration the above-entitled application of the William H. Block Company (File No. BMPCT-364) for additional time in which to complete construction of TV broadcast station WUTV, Indianapolis, Indiana; and

It appearing, that on October 10, 1946 the Commission granted the William H. Block Company a construction permit for a TV broadcast station at Indianapolis, Indiana, File No. BPCT-126; and

It further appearing, that the construction of the TV broadcast station authorized on October 10, 1946 has not been completed, and the Commission being fully advised in the premises;

It is ordered, That, pursuant to sections 309 and 319 of the Communications Act of 1934, as amended, the above-entitled application (File No. BMPCT-364) be, and it is hereby, designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the William H. Block Company has been diligent in

proceeding with the construction of the television station at Indianapolis, Indiana as authorized by the construction permit granted October 10, 1946, File No. BPCT-126.

2. To determine whether it would be in the public interest, convenience and necessity to grant the application of the William H. Block Company, File No. BMPCT-364, for additional time in which to construct the TV broadcast station at Indianapolis, Indiana, authorized by the Commission on October 10, 1948, File No. BPCT-126.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-11035; Filed, Dec. 17, 1948;  
8:52 a. m.]

[File No. P-C-2014]

MICHIGAN BELL TELEPHONE Co.

ORDER DESIGNATING APPLICATION FOR PUBLIC HEARING

In the matter of the application of Michigan Bell Telephone Company, File No. P-C-2014, Docket No. 9191; for a certificate under section 221 (a) of the Communications Act of 1934, as amended.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of December 1948;

The Commission, having under consideration the application filed by Michigan Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by the Michigan Bell Telephone Company of certain telephone plant and property of Grand Blanc Telephone Company located in Grand Blanc, Genesee County, Michigan, will be of advantage to persons to whom service is to be rendered and in the public interest;

It is ordered, That pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon the said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 10th day of January 1948, and that a copy of this Order be served on the Michigan Bell Telephone Company, and also the Governor of Michigan, the Public Service Commission of Michigan, the Postmaster and the city of Grand Blanc, Genesee County, Michigan;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Genesee County, Michigan, and shall furnish proof of such publication at the hearing herein.

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-11036; Filed, Dec. 17, 1948;  
8:52 a. m.]

[Docket Nos. 7054, 8356]

BAY STATE BROADCASTING CORP. AND  
WHALING CITY BROADCASTING CORP.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bay State Broadcasting Corporation, New Bedford, Massachusetts, Docket No. 7054, File No. BP-4201; Whaling City Broadcasting Corporation, New Bedford, Massachusetts, Docket No. 8356, File No. BP-6893; for construction permits.

The Commission has before it the above-entitled applications of Bay State Broadcasting Corporation and Whaling City Broadcasting Corporation, each seeking a construction permit for a new standard broadcast station to operate on the frequency 1230 kc, with 100 w power, unlimited time, at New Bedford, Massachusetts. The Commission also has before it a petition filed September 28, 1948, by Bay State Broadcasting Corporation, requesting a conditional grant of its aforesaid application pursuant to § 1.385 (c) of the Commission's rules and regulations. An opposition to the petition has been filed by Whaling City Broadcasting Corporation.

The Bay State application, as originally filed on November 19, 1945, sought the frequency 1400 kc, with 250 w power, unlimited time, at New Bedford and it was designated for hearing in consolidation with the applications of Southeastern Massachusetts Broadcasting Corporation (File No. BP-4185, Docket No. 7053) and Narragansett Broadcasting Company (File No. BP-4409, Docket No. 7312) which applications requested like facilities at New Bedford and Fall River, respectively. Following a hearing, the Commission on July 1, 1947, announced its proposed decision favoring the grant of the Narragansett application. Bay State thereupon filed a petition to amend its application to request the instant facilities and the petition was granted on August 20, 1947. Southeastern Massachusetts Broadcasting Corporation also petitioned to amend to the same frequency requested by Bay State which petition was granted on September 11, 1947, and both applications, as amended, were designated for consolidated hearing. On July 30, 1948, Southeastern was permitted to dismiss its application without prejudice and the application of Bay State was removed from hearing on the Commission's own motion. An August 9, 1948, Whaling City Broadcasting Corporation filed the above-entitled application for the same facilities which Bay State now requests.

In the petition of Bay State it is alleged that since there is only one station providing primary service to the city, public interest requires the prompt establishment of other radio service in New Bedford since the existing station is owned by the only daily newspaper there. Petitioner then points out that a Max Kramer, who had held a one-third interest in Southeastern Massachusetts Broadcasting Corporation but who had transferred 25 shares of his stock to his son, Charles Kramer, and 75 to his son, Robert Kramer, is providing funds for Robert Kramer who holds 27.77% stock interest in and is president of Whaling City Broadcasting Corporation—the mutually exclusive applicant here. Petitioner further states that "although it is not alleged that the Whaling City Broadcasting Corporation application was not filed in good faith, it is apparent that the continued activity of Max Kramer is delaying or hindering the grant of petitioner's application".

The rule which petitioner invokes for a conditional grant (§ 1.385 (e)) provides that in case of mutually exclusive applications, the Commission "may, if public interest will be served thereby, make a conditional grant of one of the applications and designate all of the mutually exclusive applications for hearing". The rule further provides that such a conditional grant will be made only if it appears:

(1) That some of all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That public interest requires the prompt establishment of radio service in a particular community; or

(3) That a grant of one or more applications would be in the public interest and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the Commission's rules and regulations.

There is no contention that subsections (3) or (4) are applicable here. Petitioner has specifically disavowed the application of subsection (1) of § 1.385 (e), namely, that a conditional grant will be made if a competing application was not filed in good faith. Petitioner does charge that it is apparent that the continued activity of Max Kramer is delaying or hindering the grant of petitioner's application. However, the subsection reads that the delay must be because of the lack of good faith in filing. It is too obvious to require extended discussion that in any comparative hearing one mutually exclusive application delays the grant of another since *ex proprio vigore*, it has caused a hearing with resulting delay. But mere delay is not sufficient

to warrant a conditional grant under the rule.

There remains for consideration the second subsection setting forth a requisite for a conditional grant, namely, that public interest requires the prompt establishment of radio service in a particular community. It should be pointed out that New Bedford already has an existing station and receives service from stations in other communities. Upon these facts the Commission is of the opinion that the showing in this case for a conditional grant falls far short of the standard contemplated by the rule.

For the foregoing reasons,

*It is ordered*, This 9th day of December, 1948, That the said petition of Bay State Broadcasting Company be, and it is hereby, denied; and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, its application and that of Whaling City Broadcasting Corporation be, and they are hereby, designated for hearing in a consolidated proceeding at New Bedford, Massachusetts on January 13, 1949, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations particularly with respect to the coverage of the city of New Bedford and the metropolitan district.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-11037; Filed, Dec. 17, 1948;  
8:52 a.m.]

## FEDERAL DEPOSIT INSURANCE CORPORATION

COMMITTEE ON ADMINISTRATIVE PROCEDURE, REGULATIONS AND FORMS

### ABOLISHMENT

Notice is hereby given that the Board of Directors of Federal Deposit Insurance Corporation at its meeting held on December 9, 1948 adopted a resolution abolishing its Committee on Administrative Procedure, Regulations and Forms, effective immediately.

FEDERAL DEPOSIT INSURANCE CORPORATION,  
[SEAL] E. F. DOWNEY,  
Secretary.

[F. R. Doc. 48-11003; Filed, Dec. 17, 1948; 8:46 a. m.]

## FEDERAL POWER COMMISSION

[Project No. 1930]

SOUTHERN CALIFORNIA EDISON CO.

ORDER GRANTING MOTION FOR ORAL ARGUMENT

Pursuant to the provisions of § 1.31 of the Commission's general rules and regulations, Southern California Edison Company, applicant for license for Project No. 1930, filed on October 4, 1948, its exceptions to the decision of the Presiding Examiner in the above-entitled matter and on the same date filed a motion requesting an opportunity to present oral argument before the Commission in support of its exceptions.

The Commission finds that it is appropriate under the circumstances to grant applicant's motion. *It is ordered, That:*

(1) Oral argument in the above-entitled proceeding be had before the Commission on February 1, 1949 at 10:00 a. m. (o. s. t.) in the Hearing Room of the Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

(2) Counsel for the applicant, for the Secretary of Agriculture and Commission staff counsel may participate in the oral argument, the scope and content of the argument to be as provided by the aforesaid § 1.31.

Date of issuance: December 14, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-10998; Filed, Dec. 17, 1948; 8:45 a. m.]

## INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS WITH COLOMBIA, DENMARK, DOMINICAN REPUBLIC, EL SALVADOR, FINLAND, GREECE, HAITI, ITALY, LIBERIA, NICARAGUA, PERU, SWEDEN, AND URUGUAY

ORIGINAL NOTICE WITH RESPECT TO COLOMBIA AND LIBERIA; SUPPLEMENTARY NOTICE WITH RESPECT TO DENMARK, DOMINICAN REPUBLIC, FINLAND, GREECE, HAITI, ITALY, PERU, SWEDEN, AND URUGUAY; POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS

1. Pursuant to section 4 of the Trade Agreements Act approved June 12, 1934

(48 Stat. (pt. 1) 945, ch. 474), as extended and amended by the Trade Agreements Extension Act of 1948 (Pub. Law 792—80th Cong.) and to paragraph 4 of Executive Order 10004 of October 5, 1948 (13 F. R. 5853), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to conduct trade-agreement negotiations with Colombia and Liberia. It is proposed to enter into negotiations with these countries with a view to their accession as contracting parties to the General Agreement on Tariffs and Trade.

2. Pursuant to paragraph 4 of Executive Order 10004 of October 5, 1948 (13 F. R. 5853), the Interdepartmental Committee on Trade Agreements hereby gives notice supplementary to the notice issued by the Committee on November 5, 1948 (13 F. R. 6586), with respect to conduct of trade-agreement negotiations with each of the following countries: Denmark, Dominican Republic, Finland, Greece, Haiti, Italy, Peru, Sweden, and Uruguay.

3. There are annexed hereto a list of articles imported into the United States to be considered for possible modifications of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the proposed trade-agreement negotiations with each of the countries specified in paragraph 1 of this notice, and a supplementary list of such articles to be considered in the proposed trade-agreement negotiations with each of the countries specified in paragraph 2 of this notice supplementing the lists of articles imported from each of such countries annexed to the notice of November 5, 1948 (there are no supplementary lists with respect to El Salvador and Nicaragua). Each of these lists and supplementary lists has been approved by the President and transmitted to the Tariff Commission in the manner set forth in paragraph 4 of Executive Order 10004. In the case of an article in one or more of these lists or supplementary lists with respect to which the corresponding product of Cuba is now entitled to preferential treatment, a modification of the rate in the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps in some cases with an adjustment or specification of the rate applicable to the product of Cuba.

4. No tariff concession will be considered in the negotiations with any country on any article which is not included in the list relative to such country annexed to the notice of November 5, 1948 or in a list or a supplementary list relative to the country annexed hereto, unless it is subsequently included in a supplementary public list approved by the President and transmitted to the Tariff Commission. No duty or import tax imposed under a paragraph or section of the Tariff Act or Internal Revenue Code other than the tariff paragraph listed with respect to such article will be considered for a possible decrease, although an additional or separate duty on the article, which is imposed under a paragraph or section other than that listed, may be bound against increase as an assurance that the concession under

the listed paragraph or section will not be nullified.

5. Pursuant to section 3 of the Trade Agreements Extension Act of 1948, information and views as to the matters specified in that section relating to the articles contained in the lists and supplementary lists annexed hereto may be submitted to the United States Tariff Commission in accordance with the announcement of this date issued by the Commission.<sup>1</sup> Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 6 of Executive Order 10004 of October 5, 1948, information and views relating to any aspect of the proposed trade-agreement negotiations with the countries specified in paragraph 1 of this notice, and relating to the articles contained in the supplementary lists annexed hereto, may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.<sup>2</sup> Arrangements are being made to coordinate the hearings to be held by the Tariff Commission and the Committee for Reciprocity Information in order to facilitate the convenience of persons desiring to appear at both hearings. Information and views submitted to the Tariff Commission, except those accepted by the Commission as confidential, will be made available to the Committee for Reciprocity Information although, on account of the statutory requirement as to the investigation by the Tariff Commission, persons and groups who wish to be assured that their information and views will be considered by the Tariff Commission should present them directly to the Commission.

By direction of the Interdepartmental Committee on Trade Agreements this 17th day of December 1948.

WOODBURY WILLOUGHBY,  
Chairman.

LISTS AND SUPPLEMENTARY LISTS OF ARTICLES IMPORTED INTO THE UNITED STATES WHICH IT IS PROPOSED SHOULD BE CONSIDERED IN TRADE AGREEMENT NEGOTIATIONS WITH THE COUNTRIES SPECIFIED THEREIN

Each of the following lists and supplementary lists contains descriptions of articles imported into the United States which it is proposed should be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade-agreement negotiations which are proposed with the country specified at the beginning of such list.

For the purpose of facilitating identification of the articles listed, reference is made in each list and supplementary list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930. The descriptive phraseology is frequently limited to a narrower scope than that covered by the numbered tariff paragraph. In such cases only the articles covered by the descriptive phraseology of the list or supplementary list will come under consideration for the granting of concessions.

In the event that an article which as of September 1, 1948 was regarded as classifiable under a description included in one of

<sup>1</sup> See F. R. Doc. 48-11027, United States Tariff Commission, *infra*.

<sup>2</sup> See F. R. Doc. 48-11111, Committee for Reciprocity Information, *infra*.

more of the lists or supplementary lists is description in a trade agreement, the list or excluded therefrom by judicial decision or lists will nevertheless be considered as in- otherwise prior to the inclusion of such de- cluding such article.

Tariff Act of 1930 Par.

COLOMBIA

Item

- 10.----- Balsams, natural and uncomponded, not containing alcohol: Tolu.
- 38.----- Extracts, dyeing and tanning, not containing alcohol: Mangrove.
- 753.----- Cut flowers, fresh, dried, prepared, or preserved: Orchids.
- 1530 (a)----- Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncurd, or dried, salted, or pickled.
- 1602.----- Ipecac, natural and uncomponded and in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol.
- 1654.----- Coffee, except coffee imported into Puerto Rico and upon which a duty is imposed under the authority of section 319.
- 1668.----- Emeralds, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, whether in their natural form or broken, not set.
- 1670.----- Dyeing or tanning materials: Dyeing materials, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, and not specially provided for.
- 1734.----- Ores of the platinum metals.
- 1744.----- Platinum, unmanufactured or in ingots, bars, sheets, or plates not less than one-eighth of one inch in thickness, sponge, or scrap.

DENMARK

(Supplementary List)

- 223 (b)----- All optical instruments, frames and mountings therefor, and parts of any of the foregoing; all the foregoing, finished or unfinished, not specially provided for: Range finders designed to be used with photographic cameras.
- 709.----- Butter, when entered, or withdrawn from warehouse, for consumption during the period from April 1 to October 31, inclusive, in any year.
- 802.----- Aquavit. [Note: "802—Compounds and preparations of which distilled spirits are the component material of chief value and not specially provided for", in list of products for negotiation with Denmark dated November 5, 1948, is deleted.]

DOMINICAN REPUBLIC

(Supplementary List)

- 601.----- Filler tobacco (except cigarette leaf tobacco) not specially provided for, unstemmed or stemmed.
- 603.----- Scrap tobacco.
- 746.----- Mangoes.
- 747.----- Pineapples, candied, crystallized, or glace.
- 751.----- Jellies, jams, marmalades, and fruit butters: Guava (except jelly and marmalade); pineapple; mango; papaya; mamey colorado (*calocarpum mamosum*); sweetsop (*annona squamosa*); soursop (*annona muricata*); sapodilla (*sapota achras*) cashew apple (*anacardium occidentale*); and currant and other berry (except jellies).
- 752.----- Guavas, prepared or preserved, not specially provided for (not including guavas in brine, pickled, dried, desiccated, or evaporated).
- 752.----- Mango paste and pulp and guava paste and pulp.
- 765.----- Black-eye cowpeas, dried, or in brine.
- 777 (b)----- Cocoa and chocolate, sweetened, in any form (other than in bars or blocks weighing ten pounds or more each), whether or not prepared, and valued at less than 10 cents per pound.
- 802.----- Rum.

FINLAND (Supplementary List)

Item

- 412.----- Manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for: Doors.

GREECE

(Supplementary List)

- 10.----- Balsams, natural and uncomponded, not containing alcohol: Styrax.
- 740.----- Figs, fresh, dried, or in brine.
- 1672.----- Emery ore.

HAITI

(Supplementary List)

- 746.----- Mangoes.
- 747.----- Pineapples, candied, crystallized, or glace.
- 751.----- Jellies, jams, marmalades, and fruit butters: Guava (except jelly and marmalade); pineapple; mango; papaya; mamey colorado (*calocarpum mamosum*); sweetsop (*annona squamosa*); soursop (*annona muricata*); sapodilla (*sapota achras*); cashew apple (*anacardium occidentale*); and currant and other berry (except jellies).
- 752.----- Guavas, prepared or preserved, not specially provided for (not including guavas in brine, pickled, dried, desiccated, or evaporated).
- 752.----- Mango paste and pulp and guava paste and pulp.
- 802.----- Rum.
- 1529 (a)----- Brads wholly or in chief value of vegetable fiber other than cotton (except brads suitable for making or ornamenting hats, bonnets, or hoods), loom woven and ornamented in the process of weaving, or made by hand, or on a loom, knitting, or braiding machine.

ITALY

(Supplementary List)

- 372.----- Textile machinery, finished or unfinished, not specially provided for, and parts thereof wholly or in chief value of metal or porcelain, not specially provided for: Machinery for making synthetic textile filaments, bands, strips, or sheets, and parts thereof.
- 710.----- Cheese and substitutes therefor (except cheese having the eye formation characteristic of the Swiss or Emmenthaler type; Gruyere process-cheese; Roquefort and other blue-mold cheeses, in original loaves; Romano, Pecorino, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya cheeses, in original loaves; Cheddar cheese, not processed otherwise than by division into pieces; Bryndza cheese, in casks, barrels, or hogsheds, weighing with their contents more than 200 pounds each; and Edam and Gouda cheeses).
- 738.----- Vinegar (except malt vinegar).
- 739.----- Fruit peel (not including peel of the orange, grapefruit, lemon, shaddock or pomelo and citron), candied, crystallized, or glace, or otherwise prepared or preserved (not including fruit peel dried or in brine).
- 757.----- Filberts, not shelled.
- 911 (a)----- Blanket cloth, napped or unnapped, not Jacquard-figured, wholly or in chief value of cotton.
- 923.----- All manufactures, wholly or in chief value of cotton, not specially provided for: Articles of pile construction (except terry-woven towels).
- 1205.----- Woven fabrics in the piece, exceeding 30 inches in width, the fibers of which are chiefly but not wholly of silk, bleached, printed, dyed, or colored; all the foregoing whether or not Jacquard-figured, valued at \$5 or less per pound.
- 1205.----- Woven fabrics in the piece, not exceeding 30 inches in width, the fibers of which are wholly of silk, bleached, printed, dyed, or colored, whether woven with fast or split edges; all the foregoing if Jacquard-figured and valued at \$5.50 or less per pound.

ITALY—Continued  
(Supplementary List)

Tariff Act  
of 1930  
Par.

- 1205-----  
1502-----  
1509-----  
1518-----  
1529 (a)-----  
1529 (a)-----  
1529 (a)-----  
1530 (c)-----  
1531-----  
1537 (c)-----  
1541 (a)-----  
1552-----
- Item*
- Woven fabrics in the piece, not exceeding 30 inches in width, the fibers of which are chiefly but not wholly of silk, bleached, printed, dyed, or colored, whether woven with fast or split edges, including umbrella silk or Gloria cloth; all the foregoing, whether or not Jacquard-figured, and valued at \$5 or less per pound.
- Filaments of rayon or other synthetic textile, not exceeding 30 inches in length, other than waste, whether known as cut fiber, staple fiber, or by any other name.
- Buttons of vegetable ivory, finished or partly finished.
- Natural grasses, grains, leaves, plants, shrubs, herbs, trees, and parts thereof, not specially provided for, when colored, dyed, painted, or chemically treated.
- Laces, lace fabrics, and lace articles, made wholly by hand without the use of any machine-made material or article provided for in paragraph 1529 (a).
- Tariff Act of 1930 (except laces, fabrics, and articles, if exceeding 2 inches in width and valued at more than \$50 per pound); all the foregoing if wholly or in chief value of vegetable fiber other than cotton, however provided for in said paragraph 1529 (a).
- Articles made wholly of any handmade lace, handmade lace fabrics, or handmade lace articles (except wearing apparel) in paragraph 1529 (a). Tariff Act of 1930, and fabrics, or handmade lace articles provided for in said paragraph 1529 (a); all the foregoing if wholly or in chief value of vegetable fiber other than cotton, and if containing no machine-made material or article provided for in said paragraph 1529 (a), however provided for in said paragraph 1529 (a), (except articles valued at more than \$50 per pound in which none of the laces, lace fabrics, or lace articles is 2 inches or less in width).
- Laces, lace fabrics, and lace articles, made on a machine other than a Levers (including go-through) or bobbinet-Jacquard machine, however provided for in paragraph 1529 (a), Tariff Act of 1930 (except articles of wearing apparel, nets and nettings, veils and veillings made on a lace or net machine, and gloves and mittens).
- Leather (except reptile leather) provided for in subparagraph (d) of paragraph 1530, Tariff Act of 1930), made from hides or skins of animals \* \* \*, in the rough, in the white, crust, or russet, partly finished, or finished: Glove and garment leather made from goat or kid skins, not imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear.
- Manufactures of leather (except reptile leather), rawhide, or parchment, or of which leather (except reptile leather), rawhide, or parchment is the component material of chief value, not specially provided for, (not including bags, baskets, belts, satchels, pocketbooks, jewel boxes, portfolios, and other boxes and cases; coin purses, change purses, billfolds, bill cases, bill rolls, bill purses, bank-note cases, currency cases, money cases, cardcases, license cases, pass cases, passport cases, letter cases, and similar flat leather goods; straps and straps; buckles and other wearing apparel; leads, leashes, collars, muzzles, and similar dog equipment, nor any article permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets).
- Combs of whatever material composed, except combs wholly of rubber, metal, or compounds of cellulose, not specially provided for, if valued at \$4.50 or less per gross.
- Musical instruments and parts thereof, not specially provided for: Accordions (including concertinas but not including piano accordions); and parts (except reeds) specially designed for concertinas and other accordions having not more than 32 treble buttons and not more than 25 bass buttons.
- Cigarette paper (except cork paper and cigarette paper in bobbins or cut to cigarette size, and not including cigarette books).

LIBERIA

Tariff Act  
of 1930  
Par.

- 1684-----  
1697-----  
1732-----  
1117 (c)-----  
1670-----
- Item*
- Textile grasses or fibrous vegetable substances, not dressed or manufactured in any manner, and not specially provided for: Palm leaf fiber.
- India rubber, crude (not including jelutong or pontianak): Latex.
- Oils, expressed or extracted: Palm.
- Floor coverings, including mats and druggets, wholly or in chief value of wool, not specially provided for: If wholly or in chief value of hair of the alpaca, llama, guanaco, huarizo, suri, misti, or a combination of the hair of two or more of these species, and if valued at more than 40 cents per square foot.
- Dyeing or tanning materials, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, and not specially provided for: All articles of vegetable origin used for tanning (except tara and not including any article specifically mentioned by name in paragraph 1670, Tariff Act of 1930).

PERU  
(Supplementary List)

- 1117 (c)-----  
1670-----
- Item*
- Floor coverings, including mats and druggets, wholly or in chief value of wool, not specially provided for: If wholly or in chief value of hair of the alpaca, llama, guanaco, huarizo, suri, misti, or a combination of the hair of two or more of these species, and if valued at more than 40 cents per square foot.
- Dyeing or tanning materials, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, and not specially provided for: All articles of vegetable origin used for tanning (except tara and not including any article specifically mentioned by name in paragraph 1670, Tariff Act of 1930).

SWEDEN

(Supplementary List)

- 5-----  
27 (a)-----  
28 (a)-----  
31 (b) (2)-----  
228-----  
352-----  
357-----  
358-----  
361-----  
379-----  
412-----  
1413-----  
1516-----  
1558-----
- Item*
- All chemical elements, all chemical salts and compounds, all medicinal preparations, and all combinations and mixtures of any of the foregoing, all the foregoing obtained naturally or artificially and not specially provided for: Cesium chloride, salts known as chrome alums, dicyandamide, ferric chloride, zinc arsenate, and wood impregnating materials containing salts of arsenic, chromium, or zinc.
- Xylidine.
- Diethylaminoacetoxylidide (Xylocaine).
- All compounds of cellulose (except cellulose acetate, but including pyroxylin and other cellulose esters and ethers), and all compounds, combinations, or mixtures of which any such compound is the component material of chief value: Made into finished or partly finished articles of which any of the foregoing is the component material of chief value, not specially provided for (except articles made in chief value from transparent sheets, bands, or strips not more than three one-thousandths of one inch in thickness).
- Photometers, frames and mountings therefor, and parts of any of the foregoing; all the foregoing, finished or unfinished.
- Twist and other drills, reamers, milling cutters, taps, dies, die heads, and metal-cutting tools of all descriptions, and cutting edges or parts for use in such tools, composed of steel or substitutes for steel, all the foregoing, if suitable for use in cutting metal, not specially provided for (not including cutting tools of any kind containing more than one-tenth of 1 per centum of vanadium, or more than two-tenths of 1 per centum of tungsten, molybdenum, or chromium).
- All scissors and other shears (except pruning and sheep shears), and blades for the same, finished or unfinished, valued at not more than \$1.75 per dozen.
- Razors and parts thereof (not including safety razors, and safety-razor blades, handles, or frames), finished or unfinished, valued at \$1.50 or more per dozen.
- Pliers (not including slip joint pliers), pincers, and nippers, and hinged hand tools for holding and splicing wire, finished or unfinished; all the foregoing valued at not more than \$2 per dozen.
- Metallic arsenic.
- Manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for: Brush backs.
- Manufactures of paper, or of which paper is the component material of chief value, not specially provided for (except ribbon fly catchers or fly ribbons), colored stick or stem.
- Articles manufactured, in whole or in part, not specially provided for: Tall oil or liquid rosin.

NOTICES

URUGUAY  
(Supplementary List)

Tariff Act  
of 1930  
Par.

Item

19.----- Casein or lactarene and mixtures of which casein or lactarene is the component material of chief value, not specially provided for.

[F. R. Doc. 48-11112; Filed, Dec. 17, 1948; 11:32 a. m.]

**COMMITTEE FOR RECIPROCITY INFORMATION**

TRADE-AGREEMENT NEGOTIATIONS WITH COLOMBIA, DENMARK, THE DOMINICAN REPUBLIC, EL SALVADOR, FINLAND, GREECE, HAITI, ITALY, LIBERIA, NICARAGUA, PERU, SWEDEN, AND URUGUAY

ORIGINAL NOTICE WITH RESPECT TO TRADE-AGREEMENT NEGOTIATIONS WITH COLOMBIA AND LIBERIA; SUPPLEMENTARY NOTICE WITH RESPECT TO DENMARK, THE DOMINICAN REPUBLIC, FINLAND, GREECE, HAITI, ITALY, PERU, SWEDEN, AND URUGUAY; POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS; SUBMISSION OF INFORMATION TO THE COMMITTEE FOR RECIPROCITY INFORMATION

Closing date for application to be heard, January 13, 1949.

Closing date for submission of briefs, January 13, 1949.

Public hearings open, January 25, 1949.

1. The Interdepartmental Committee on Trade Agreements has issued on this day a notice<sup>1</sup> announcing intention to conduct trade-agreement negotiations with Colombia and Liberia, and making a supplementary announcement regarding the trade-agreements negotiations proposed by the notice issued by that Committee on November 5, 1948 (13 F. R. 6586) with each of the following countries: Denmark, Dominican Republic, Finland, Greece, Haiti, Italy, Peru, Sweden, and Uruguay. Annexed to this public notice are lists of articles imported into the United States to be considered for possible concessions in the negotiations with Colombia and with Liberia, and supplementary lists of such articles to be so considered in the negotiations with each of the other countries specified in this paragraph. (There are no supplementary lists with respect to El Salvador and Nicaragua.)

2. It is stated by the Trade Agreements Committee that it is proposed to enter into these negotiations with Colombia and Liberia with a view to the accession of those countries as contracting parties to the General Agreement on Tariffs and Trade. The Trade Agreements Committee has also announced in such notice that, in the case of an article in one or more of these lists or supplementary lists with respect to which the corresponding product of Cuba is now entitled to preferential treatment, a modification of the rate in the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps in some cases with an adjustment or specification of the rate applicable to the product of Cuba.

3. The Committee for Reciprocity Information hereby gives notice that per-

sons who desire to submit to it information and views in writing in regard to the foregoing proposals with respect to Colombia or Liberia (including areas for which either of these countries has authority to conduct trade-agreement negotiations), or with respect to the articles contained in the supplementary lists annexed to the notice by the Trade Agreements Committee issued today, shall do so not later than 12:00 noon, January 18, 1949, and all persons who desire to submit to the Committee for Reciprocity Information applications for oral presentation of views in regard thereto shall submit such application, including a statement as to the product or products, if any, on which the applicant wishes to be heard, to the Committee not later than 12:00 noon, January 18, 1949.

4. Such communications shall be addressed to "The Chairman, Committee for Reciprocity Information, Department of Commerce, Washington 25, D. C.". Ten copies of written statements, either typewritten or otherwise duplicated, shall be submitted, of which one copy shall be sworn to.

5. Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard. The first hearing will be at 10:00 a. m. on January 25, 1949, in the auditorium of Department of Commerce Building at 14th and E Streets N. W., Washington, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made by or on behalf of those persons who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

6. Persons or groups interested in import products may present to the Committee their views concerning possible tariff concessions by the United States in the proposed negotiations with Colombia and Liberia on any product, whether or not included in the lists with respect to those countries annexed to the notice of intention to negotiate which has been issued by the Trade Agreements Committee, and concerning any other matters relating to the proposed negotiations. Copies of these lists and of the supplementary lists with respect to the other countries specified in paragraph 1 of this notice may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce. As indicated in the notice of intention to negotiate, no tariff concessions will be considered on any product which is not included in a list annexed to the notice by the Trade Agreements Committee of November 5, 1948 or in a list or a supplementary list

annexed to the notice by that Committee issued today, unless it is subsequently included in a supplementary public list.

7. Persons or groups interested in export products may present their views regarding any tariff or other concessions that might be requested of Colombia or Liberia.

8. A written statement submitted to the Committee for Reciprocity Information may relate to articles contained in one or more of the lists or supplementary lists annexed to the notice by the Trade Agreements Committee issued today or to other matters relating to the proposed trade-agreement negotiations with Colombia and Liberia, and oral statements may also relate to one or more such lists or negotiations, subject to any scheduling that may be made by the Committee in advising as to the time and place of individual appearances.

9. By direction of the Committee for Reciprocity Information this 17th day of December 1948.

EDWARD YARDLEY  
Secretary.

DECEMBER 17, 1948.

[F. R. Doc. 48-11111; Filed, Dec. 17, 1948; 11:32 a. m.]

**UNITED STATES TARIFF COMMISSION**

TRADE AGREEMENTS

PUBLIC NOTICE OF INVESTIGATION AND PUBLIC HEARING

Final date for filing request to testify: January 17, 1949. Date of start of hearing: January 25, 1949.

Investigation No. 2 under section 3 of the Trade Agreements Extension Act of 1948. This is a notice of investigation with regard to articles for the proposed trade agreement negotiations included in a letter dated December 17, 1948, from the President to the Tariff Commission. This letter indicates that two new countries (Colombia and Liberia) are to be included in the trade agreement negotiations to commence at Geneva, Switzerland in April. Additional products are listed for nine of the countries for which notice was previously given. No new products are listed for El Salvador and Nicaragua.

The United States Tariff Commission on this 17th day of December 1948, under and by virtue of section 3 of the Trade Agreements Extension Act of 1948 and pursuant to the Commission's rules of practice and procedure, hereby announces an investigation, including a public hearing, with respect to each import article included in the list of articles received by the Commission from the President on December 17, 1948, in connection with proposed negotiations for trade agreements with:

Colombia.	Italy.
Denmark.	Liberia.
Dominican Republic.	Peru.
Finland.	Sweden.
Greece.	Uruguay.
Haiti.	

for the purpose of determining for each said import article (a) the limit to which modification of duties and other import restrictions or imposition of additional

<sup>1</sup> See F. R. Doc. 48-11112, Interdepartmental Committee on Trade Agreements, *supra*.

import restrictions, or continuance of existing customs or excise treatment may be extended in order to carry out the purpose of the Trade Agreements Act of 1934, as amended, without causing or threatening serious injury to the domestic industry producing like or similar articles; and (b) the minimum increases in duties or additional import restrictions required in cases where increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or similar articles.

The purpose of the investigation and hearing is to assist the Tariff Commission in the preparation of its report to the President on the question of what concessions may be made in the proposed trade agreements without causing or threatening serious injury to domestic industry. Since the statute specifically imposes on the Tariff Commission the obligation of holding its own hearing, persons who wish to be assured that their information will be considered by the Tariff Commission must present it directly to the Commission either at the hearing or in writing before the close of the hearing, in accordance with § 206.4 of the Commission's rules.

**List of articles.** A copy of the list of articles to be considered in this investigation may be obtained from the United States Tariff Commission, Washington 25, D. C., or from the Commission's office in Room 437, Custom House, New York 4, N. Y. The list is being published in the FEDERAL REGISTER<sup>1</sup> and is also available for reference in the field offices of the Department of Commerce. The investigation will be limited to articles in the lists transmitted with the President's letter of December 17, 1948. It does not include the articles in the list of November 5, 1948, which have already been the subject of a hearing in investigation No. 1, unless special permission is granted by the Commission, for good cause shown, with respect to particular articles.

**Hearing.** All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to commence at the office of the Commission in Washington, D. C., at 10 a. m. on the 25th day of January 1949.

**Request to testify.** For the convenience of parties interested and the orderly presentation of evidence it will be necessary to schedule hearings on the various articles at different times. Accordingly, parties desiring to testify must file a request to that effect and indicate the articles on which they desire to be heard on or before January 17, 1949. If possible, also indicate the length of time that will be required by testimony to be presented. The Commission will then notify the parties of the date for presentation of their evidence.

**Written statements.** Persons unable to attend the public hearings may file written statements of relevant information at any time before the close of the hearings. Five copies of these statements must be filed and one copy sworn

<sup>1</sup> See F. R. Doc. 48-11112, Interdepartmental Committee on Trade Agreements, *supra*.

to. The statements will then be considered the same as oral testimony and, except for confidential data, will be open for inspection.

**Rules.** Copies of the Commission's rules of procedure are available upon request from the United States Tariff Commission, Washington 25, D. C.

By order of the United States Tariff Commission this 17th day of December 1948:

[SEAL] SIDNEY MORGAN,  
Secretary.

[F. R. Doc. 48-11027; Filed, Dec. 17, 1948; 8:59 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1619] -

PUBLIC SERVICE CORP. OF NEW JERSEY AND SOUTH JERSEY GAS CO.

### ORDER RELEASING JURISDICTION OVER LEGAL FEE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of December 1948.

The Commission having by orders dated October 2, 1947 and October 16, 1947 granted the applications and declaration, as amended, of South Jersey Gas Company ("South Jersey") and its parent, Public Service Corporation of New Jersey, a registered holding company, regarding, among other things, the issue and sale of \$4,000,000 principal amount of first mortgage bonds by South Jersey; and

The Commission having by order dated October 16, 1947 released jurisdiction over the payment of all fees and expenses incurred in connection with the transactions except the legal fee of Drinker, Biddle & Reath, as to which supporting data had not yet been furnished; and

The Commission now having been furnished with information in respect to the nature and extent of the legal services rendered by Drinker, Biddle & Reath, for which a request for payment has been made in the amount of \$10,000; and

The Commission having considered the record and it appearing to the Commission that the legal fee of Drinker, Biddle & Reath is not unreasonable and that jurisdiction over such fee should now be released:

*It is ordered,* That the jurisdiction heretofore reserved over the payment of the legal fees of Drinker, Biddle & Reath incurred in connection with the transactions herein be, and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-11004; Filed, Dec. 17, 1948; 8:46 a. m.]

[File No. 70-1869]

UNITED LIGHT AND RAILWAYS CO. AND CONTINENTAL GAS & ELECTRIC CORP.

### ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission held at its of-

fice in the city of Washington, D. C., on the 14th day of December A. D. 1948.

The United Light and Railways Company ("Railways"), a registered holding company, and its registered holding company subsidiary, Continental Gas & Electric Corporation ("Continental"), having filed an amended joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and the rules and regulations promulgated thereunder, with respect to the following transactions:

Railways and Continental request a modification of the Commission's order of June 29, 1948 granting and permitting to become effective a joint application-declaration with respect, among other things, to the subscription by Railways for the purchase of 37,500 shares of common stock of Continental at \$40 per share. The application-declaration provided that Railways pay to Continental the full subscription price of \$1,500,000 immediately upon the entry of the Commission's order authorizing the subscription, but that the common stock of Continental was not to be issued or purchased except pursuant to a further order of the Commission and that if such order were not issued on or before December 31, 1948 the subscription would become void and the subscription price would be regarded as a capital contribution by Railways to Continental.

Applicants-declarants now request that the Commission modify its order of June 29, 1948, to extend to July 1, 1949, the time for the issuance of said 37,500 shares of common stock of Continental.

Applicants-declarants having requested the entry of a modifying order on or before December 31, 1948; and

The Commission finding that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and deeming it appropriate to grant the requested modification of the Commission's order of June 29, 1948:

*It is ordered,* Pursuant to the applicable provisions of the act, that the Commission's order of June 29, 1948, be modified to extend from December 31, 1948, to July 1, 1949, the time within which Continental may issue and Railways may acquire the 37,500 shares of common stock of Continental.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-11005; Filed, Dec. 17, 1948; 8:46 a. m.]

[File No. 70-1970]

NEW BEDFORD GAS AND EDISON LIGHT CO. SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of December 1948.

New Bedford Gas and Edison Light Company ("New Bedford"), a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application and amend-



ments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act for exemption from the provisions of section 6 (a) of the act, of the issue and sale by New Bedford, pursuant to the competitive bidding requirements of Rule U-50, of \$5,000,000 principal amount of unsecured notes, due 1973; and

The Commission by order dated December 2, 1948 having granted said application, as amended, subject to the condition, among others, that the proposed sale of notes shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all legal fees and expenses in connection with the proposed transaction; and

New Bedford having on December 14, 1948, filed a further amendment to said application in which it is stated that it has offered the notes for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to New Bedford	Interest rate	Cost to New Bedford
	Percent	Percent	Percent
Halsey, Stuart & Co., Inc.	100.10	3	2.994292
Harriman, Ripley & Co., Inc.	101.837	3 1/4	3.019718
Coffin & Burr, Inc., and F. S. Mosley & Co.	101.633	3 1/4	3.031353
Kidder, Peabody & Co.	101.41	3 1/4	3.044038
Whiting, Weeks & Stubbs	101.105267	3 1/4	3.061413
The First Boston Corp.	101.65	3 1/4	3.154103

The amendment further stating that New Bedford has accepted the bid of Halsey, Stuart & Co., Inc., for the notes as set forth above, and that the notes will be offered for sale to the public at a price of 100.50% of principal amount thereof, resulting in an underwriter's spread of .40%; and

The legal fees and expenses proposed to be incurred in connection with the proposed sale of notes having been estimated as follows:

William A. Hill: counsel for New Bedford	\$5,500
Choate, Hall & Stewart: Counsel for bidders	5,000
Counsel for trustee under trust indenture	1,500
	12,000

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said notes, the redemption price thereof, the interest rate thereon and the underwriter's spread; and

It appearing that the proposed legal fees and expenses are not unreasonable and that jurisdiction with respect thereto should be released;

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said notes be, and the same hereby is, released, and that the said application, as further amended, be, and the same hereby is, granted forthwith,

subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over the legal fees and expenses in connection with the proposed transaction be, and the same hereby is, released.

By the Commission.

[SEAL] ORVILLE L. DuBOIS,  
Secretary.

[F. R. Doc. 48-11006; Filed, Dec. 17, 1948; 8:47 a. m.]

[File No. 70-2017]

KINGS COUNTY LIGHTING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of December 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Kings County Lighting Company, a subsidiary of Long Island Lighting Company, a registered holding company. Declarant has designated section 6 (a) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than December 22, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 22, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

Declarant proposes to issue and sell for cash at principal amount to The National City Bank of New York an unsecured promissory note in the principal amount of \$500,000 which will bear interest at the rate of 2 3/4% per annum and will mature June 1, 1949. Under the terms of the agreement under which the note will be issued, declarant will be prohibited from declaring or paying any dividend on its common stock until the note is paid. The proceeds of the sale of the note will be used for construction purposes.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-11007; Filed, Dec. 17, 1948; 8:47 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 12485]

ERNA PLUM

In re: Estate of Erna Plum, deceased. File D-28-12414; E. T. sec. 16534.

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 (Volckening) Voikening, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Erna Plum, deceased, is property payable or deliverable to or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John C. Glenn, as administrator, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-11019; Filed, Dec. 17, 1948; 8:49 a. m.]

[Supp. Vesting Order 12440]

LOUIS HOLLWEG

In re: Trusts under deeds of Louis Hollweg, Grantor, dated June 6, 1923. File No. D-28-376-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the issue, names unknown, of Ernst Lochmann, of Auguste Lochmann, of Sophie Lochmann, of Elisabeth Lochmann, of Ida Kuhlmann, of Auguste Kuhlmann, of Dora Kuhlmann, and of Louise Kuhlmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 6, 1923 (known as the Lochmann Trust), made by Louis Hollweg, as Grantor, and that certain trust agreement dated June 6, 1923 (known as the Kuhlmann Trust), made by Louis Hollweg, as Grantor, presently being administered by Ferdinand L. Hollweg, Successor-Trustee, 2445 Park Avenue #4, Indianapolis 5, Indiana,

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

and it is hereby determined:

3. That to the extent that the persons identified in subparagraph 1 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 November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-11016; Filed, Dec. 17, 1948; 8:49 a. m.]

[Vesting Order 12482]

AGNES F. MAND

In re: Estate of Agnes F. Mand, deceased. File D-28-12279; E. T. sec. 16507.

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 Arthur Rosel, Gertrude Rosel, Frieda Reidel Else Reidel, Gertrude Rei-

del, Lucy Shaller, Hulda Rosel, Gertrude Rosel, Martha Rosel, Klare Rosel, Hanny Rosel, Herbert Seiffarth and Martha Weifel, whose last known address was, on October 21, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of \$1,754.07 was paid to the Attorney General of the United States by J. Olin Horne, Administrator D. B. N. of the Estate of Agnes F. Mand, deceased;

3. That the said sum of \$1,754.07 was accepted by the Attorney General of the United States on October 21, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$1,754.07 is presently in the possession of the Attorney General of the United States and was 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 was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on October 21, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

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.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

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

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-11017; Filed, Dec. 17, 1948; 8:49 a. m.]

[Vesting Order 12484]

PETER MAURER

In re: Estate of Peter Maurer, deceased. File D-28-8183; E. T. sec. 9131.

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 Johann Maurer, Elizabeth Hiither, Theobald Maurer, Katherine Brick, Elizabeth Maurer, Herman Konig (Koenig), Ida Hiither, Bernhardt Konig

(Koenig), Mary Schnur (Schuur) and Eva Bosslet, whose last known address was, on August 26, 1946, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of \$458.56 was paid to the Alien Property Custodian by Mrs. Mildred Smith, Administratrix d. b. n., c. t. a., of the Estate of Peter Maurer, deceased;

3. That the said sum of \$458.56 was accepted by the Alien Property Custodian on August 26, 1946, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$458.56 is presently in the possession of the Attorney General of the United States, and was 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 was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on August 26, 1946, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

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.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

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

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-11018; Filed, Dec. 17, 1948; 8:49 a. m.]

[Vesting Order 12490]

PHILIP STARK

In re: Estate of Philip Stark, deceased. File: D-28-12102; E. T. sec. 16314.

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 Tola Mutzenmacher, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Philip Stark, Deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, as Administrator, acting under the judicial supervision of the Superior Court, Los Angeles County, California;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-11020; Filed, Dec. 17, 1948; 8:50 a. m.]

[Vesting Order 12492]

ALFRED STUMPP

In re: Estate of Alfred Stumpp, deceased. File D-28-12501; E. T. sec. 16707.

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 Frederich Stumpp, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Alfred Stumpp, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

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

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

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

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-11021; Filed, Dec. 17, 1948; 8:50 a. m.]

[Vesting Order 12502]

HUGO KLEIN

In re: Debt owing to Hugo Klein. F-28-29226-E-1.

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

1. That Hugo Klein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the First National Bank in Yonkers, New York, payable to Hugo Klein in trust for Johann Petry, dated February 21, 1944, numbered Q-126653 and in the amount of \$310.19, said check representing the third (final) dividend on Claim No. 20961 against the insolvent First National Bank and Trust Company of Yonkers, New York, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

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, Hugo Klein, 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 December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-10987; Filed, Dec. 16, 1948; 8:54 a. m.]

[Vesting Order 12506]

PAULINE NIECKE

In re: Mortgage participation certificates owned by and debt owing to Pauline Niecke.

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 Pauline Niecke, whose last known address is Eichwalde, Konigstrasse 2, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) Title Guarantee and Trust Company guaranteed 5½% first mortgage certificate, of \$1,000 face value, bearing the number 169839, registered in the name of Pauline Niecke and presently in the custody of The American Express Company, Incorporated, New York Agency, 65 Broadway, New York, New York, in an account in the name of American Express Company m. b. H., together with any and all rights thereunder and thereto.

b. One (1) Title Guarantee and Trust Company guaranteed 5½% first mortgage certificate, of \$2,000 face value, bearing the number 169840, registered in the name of Pauline Niecke and presently in the custody of The American Express Company, Incorporated, New York Agency, 65 Broadway, New York, New York, in an account in the name of American Express Company m. b. H., together with any and all rights thereunder and thereto.

c. That certain debt or other obligation owing to Pauline Niecke by Clinton Trust Company, 857 Tenth Avenue, New York, New York, arising out of a blocked account in the name of Pauline Niecke, 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 December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-11022; Filed, Dec. 17, 1948;  
8:50 a. m.]

[Dissolution Order 84, Amdt.]

JAPAN COTTON CO.

Dissolution Order No. 84, executed on October 11, 1948 (13 F. R. 6071, October 15, 1948), is hereby amended by deleting the subparagraphs numbered c, d and e of said dissolution order and substituting in lieu thereof the following:

c. They shall then pay to the Attorney General of the United States the sum of \$805.65 representing expenses incurred by the Office of Alien Property Custodian and by the Office of Alien Property for the benefit of the corporation subsequent to its dissolution; and

d. They shall then set aside the sum of \$4,419.72 as a reserve to meet such administrative expenses as may arise in connection with the continued liquidation of the corporation; and

e. They shall then provide for pro-rata payment of 10.5% on each of the above-mentioned accounts payable as follows:

(1) They shall make payment on the account payable to Yamakawa & Co. by paying to the Attorney General of the United States, as owner of said account by virtue of Vesting Order 369, the amount of \$21,066.44.

(2) They shall make payment on the account payable to Menka G. m. b. H. by paying to the Attorney General of the United States, as the owner of said account by virtue of Vesting Order 10491, the amount of \$11.53.

(3) They shall make payment on account of the claim of the Attorney Gen-

eral of the United States for expenses incurred by the Office of Alien Property Custodian prior to the dissolution of the corporation in the amount of \$23.45 by paying to the Attorney General of the United States the amount of \$2.46.

(4) They shall make payment on each of the accounts payable to nationals of foreign countries, and each of the accounts payable to nationals of designated enemy countries which shall not have been previously vested by the Attorney General, by making payment into separate accounts to be maintained by the Comptroller's Branch of the Office of Alien Property as follows:

Jean Boeswillwald.....	\$119.26
R. Latham & Ed Gilg.....	16.25
Maison du Pasquier.....	64.54

Each of said accounts shall be entitled substantially as follows: "Attorney General of the United States, Account of (Name of Account) in the case of Japan Cotton Company, Vesting Orders 76 and 186." Such payment shall not transfer title to such accounts to the Attorney General but such accounts shall be subject to his authorization. The payments herein directed into such accounts shall, to the extent thereof, be a full acquittance and discharge for all purposes of the obligations of Japan Cotton Company.

(5) They shall set aside as a reserve, to cover pro rata payment on the account payable to Yokohama Specie Bank, Ltd., New York, in the amount of \$300,399.14, the sum of \$31,541.91, to be paid, in the event such account payable is determined to be valid, to the Attorney General of the United States by virtue of his acquisition of said account payable by Vesting Order 915 and assignment from the Superintendent of Banks of the State of New York, pursuant to that vesting order.

All other provisions of said Dissolution Order No. 84 are hereby confirmed.

Executed at Washington, D. C., this 15th day of December 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-11023; Filed, Dec. 17, 1948;  
8:50 a. m.]

MRS. MADELEINE RUOFF

Termination of supervision of certain property of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

Whereas, by Vesting Order 12073, as amended, dated October 1, 1948, certain property described in Exhibit A, attached thereto and by reference made a part thereof, was vested and the direction, management, supervision and control of all property in the United States of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, was undertaken to the extent deemed necessary or advisable from time to time, without limitation on the power to vary the extent of, or terminate, such direction, management, supervision or control; and

Whereas, pursuant to demand therefor, an inventory of all property within

the United States of Mrs. Ruoff not vested by Vesting Order 12073 has been furnished; and

Whereas, it appearing from an examination of such inventory that the continued direction, management, supervision and control of such non-vested property is not at this time necessary or advisable in the national interest,

Now, therefore, 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, it is hereby found and determined:

That, without prejudice to the vesting of the property described in Exhibit A of said Vesting Order 12073, the continued direction, management, supervision and control of the remaining property in the United States of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, referred to in subparagraph 2 of Vesting Order 12073, is not at this time necessary or advisable in the national interest, and

It is hereby ordered, That the direction, management, supervision and control of said property be and it hereby is terminated.

Executed at Washington, D. C., on December 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-11024; Filed, Dec. 17, 1948;  
8:50 a. m.]

[Return Order 218]

SIEGMUND CHAMBRE AND MAX CHAMBRE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention to Return Published, and Property

Siegmund Chambre, Los Angeles, Calif., Claim No. 33766, and Max Chambre, San Francisco, Calif., Claim No. 6289; November 6, 1948 (13 F. R. 6600); two-thirds ( $\frac{2}{3}$ ) of the all right, title, interest, and claim of any kind or character whatsoever, of Lina Chambre Meyer and Klara Chambre, and each of them, in and to the Trust Estate of Meler Katten, deceased, one-half ( $\frac{1}{2}$ ) thereof to each claimant. \$3,036.78 in the Treasury of the United States, one-half ( $\frac{1}{2}$ ) thereof to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 13, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-10928; Filed, Dec. 16, 1948;  
8:54 a. m.]