FEDERAL REGISTER

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Washington, Saturday, December 14, 1946

The President

EXECUTIVE ORDER 9810

EXCUSING FEDERAL EMPLOYEES FROM DUTY ONE-HALF DAY ON DECEMBER 24, 1946

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. The several executive departments, independent establishments, and other governmental agencies in the District of Columbia, including the General Accounting Office, the Government Printing Office and the Navy Yard and Naval Stations, shall be closed one-half day on Tuesday, December 24, 1946, the day preceding Christmas Day; and all employees in the Federal service in the District of Columbia, and in the field service of the executive departments, independent establishments, and other agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty for one-half day on December 24, 1946.

2. This order shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 12, 1946.

[F. R. Doc. 46-21618; Filed, Dec. 12, 1946; 2:57 p. m.]

Regulations

TITLE 7—AGRICULTURE

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

Subchapter C—Regulations Under the Farm Products Inspection Act and the Agricultural Marketing Act of 1946

PART 53—MEATS, PREPARED MEATS AND MEAT PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

USE OF NAME OR TRADE-MARK OF APPLICANT ON GRADE-IDENTIFYING DEVICE

Pursuant to the authority vested in the Secretary of Agriculture by the Farm Products Inspection item in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong.) and the Agricultural Marketing Act of 1946 (Title II, Pub. Law 733, 79th Cong.), the regulations appearing in 7 CFR, Cumulative Supplement, Part 53 are hereby amended by deleting § 53.23 (e) thereof.

This amendment shall become effective 30 days after publication hereof.

(Pub. Law 422, 79th Cong., 60 Stat. 270; Pub. Law 733, 79th Cong., 60 Stat. 1082)

Issued this 10th day of December 1946.

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

[F. R. Doc. 46-21549; Filed, Dec. 13, 1946; 8:50 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

MARKETING QUOTA REGULATIONS FOR 1947-48 MARKETING YEAR

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54 Stat. 392; 56 Stat. 51; 59 Stat. 506; 60 Stat. 21; 7 U. S. C. 1301 (b), 1313, 1375.

GENERAL

§ 726.711 *Basis and purpose.* The regulations contained in §§ 726.711 to 726.726, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1947 farm acreage allotments and normal yield, for fire-cured and dark air-cured tobacco. The purpose of the regulations in §§ 726.711 to 726.726, inclusive, is to provide the procedure for allocating on an acreage basis the national marketing quotas for fire-cured and dark air-cured tobacco for the 1947-48 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 726.711 to 726.726, inclusive, notice of a public hearing (11 F. R. 10663) was given in accordance with the Administrative Procedure Act (60 Stat. 238) and a hearing was held at Hopkinsville, Kentucky, on October 3, 1946. The views and recommendations of growers of fire-cured and dark air-cured tobacco and other interested persons were received at the hearing and have been duly considered, within the limits prescribed by the Agricultural Adjustment Act of 1938, in formulating the procedural provisions of the regulations in §§ 726.711 to 726.726, inclusive, and making the determinations with respect to the acreages available for allotment.

§ 726.712 *Definitions.* As used in §§ 726.711 to 726.726, inclusive, and in all instructions, forms and documents in connection therewith the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community to assist in the administration of the Agricultural Conservation Program in such community.

(2) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

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

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

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Field Service Branch, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work-stock, farm machinery, and labor substantially separate from that for any other lands; and

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

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

(c) "New farm" means a farm on which tobacco will be produced in 1947 for the first time since 1941.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1942 through 1946.

(e) "Cropland" means that land on the farm which is included as cropland for purposes of the 1946 Agricultural Conservation Program but shall not include wood or wasteland from which no cultivated crop was harvested in one of the years 1942 through 1946.

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

(g) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Tobacco" means fire-cured tobacco, types 21, 22, 23, and 24, or dark air-cured tobacco, types 35 and 36, as classified in Service and Regulatory Announcement No. 118 (7 CFR 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both as indicated by the context.

§ 726.713 *Extent of calculations and rule of fractions.* All acreages shall be calculated to the nearest one-tenth acre.

§ 726.714 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such instructions and forms as may be deemed necessary or expedient for carrying out the regulations in §§ 726.711 to 726.726 inclusive.

§ 726.715 *Applicability of regulations.* The regulations in §§ 726.111 to 726.726 inclusive shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1947.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.716 *Determination of acreage allotments for old farms.* The tobacco acreage allotment for an old farm shall be the 1946 acreage allotment for the farm in the case of fire-cured tobacco, and 90 percent of the 1946 acreage allotment for the farm in the case of dark air-cured tobacco, unless adjusted in accordance with §§ 726.717, 726.718, and 726.719. For the purpose of this section, the 1946 acreage allotment shall include any acreage by which the 1946 allotment for the farm was reduced because of a violation of the marketing quota regulations for a prior marketing year.

No allotment shall be established under this section for any farm on which no tobacco was produced in any of the five years 1942 to 1946, inclusive.

§ 726.717 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1947 shall be reduced by the amount of tobacco so marketed: *Provided,* That such reduction for any such farm shall not be made if the Secretary, through the county committee, determines that no person connected with such farm caused, aided, or acquiesced in such marketing. The operator of the farm shall furnish complete and accurate proof of disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced by that amount of tobacco with respect to which accurate proof of disposition has not been furnished: *Provided,* That if the farm operator establishes to the satisfaction of the county and State committee that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made. Any such reduction shall be made with respect to the 1947 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1947 crop, such reduction shall be made with respect to the farm acreage allotment next determined for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

The amount of tobacco involved in the violation will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced, or, if the actual yield cannot be determined, by the estimated yield determined by the county committee for the farm for such year.

§ 726.718 *Adjustments of 1947 allotments for old farms*—(a) *Fire-cured tobacco.* The allotment for an old fire-cured tobacco farm may be adjusted if the community committee with the approval of the county committee finds it to be smaller in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices, than the average acreage of the allotments for other old farms in the community in relation to such factors: *Provided,* That the allotment as adjusted shall not exceed the smaller of (1) acreage capacity of curing barns located on the farm which are in usable condition and available for curing tobacco, or (2) 25 percent of the cropland in the farm. An allotment may be established for any farm on which tobacco was harvested in 1946 for which no acreage allotment was established. Such allotment shall be subject to the limitations in the proviso above, and shall not exceed the larger of 0.5 acre or 20 percent of the 1946 harvested acreage. The acreage available in any State for adjusting and establishing allotments for fire-cured tobacco pursuant to this paragraph shall not exceed two percent of the total acreage allotted to all farms in such State for the 1943–44 marketing year.

(b) *Dark air-cured tobacco.* (1) An acreage not in excess of two percent of the total acreage allotted to all farms in the State for the 1943–44 marketing year shall be available for making adjustments in the allotments which were reduced in 1946 pursuant to § 726.618 of the 1946–47 marketing quota regulations:[1] *Provided,* That no adjustment will be made in the dark air-cured allotment for any farm having a fire-cured tobacco allotment of three acres or more: *And provided further,* That the adjusted allotment shall not exceed the smaller of (i) acreage capacity of curing barns located on the farm which are in usable condition and available for curing tobacco or (ii) 25 percent of the cropland in the farm.

(2) The allotment for any old farm may be adjusted if the community committee with the approval of the county committee finds it to be smaller in relation to the past acreage of tobacco (harvested or diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices, than the average of the allotments for other old farms in the community which are similar in relation to such factors: *Provided,* That the allotment as adjusted shall not exceed the smaller of (i) acreage capacity of curing barns located on the farm which are in usable condition and available for curing tobacco, or (ii) 25 percent of the cropland in the farm. An allotment may be established for a farm on which tobacco was harvested in 1946 for which no acreage allotment was established. Such allotment shall be subject to the limitations in the proviso above, and shall not exceed the larger of 0.5 acre or 20 percent of the harvested acreage. The acreage available in any State for adjusting and establishing allotments for dark air-cured tobacco pursuant to this paragraph shall not exceed two percent of the total acreage allotted to all farms in such State for the 1943–44 marketing year.

§ 726.719 *Reallocation of allotments released from farms removed from agricultural production.* (a) Except as provided in paragraph (b) of this section the tobacco allotment determined or which would have been determined for any land which is removed from agricultural production because of acquisition by a State or Federal agency for any purpose shall be available to the State committee for use in providing equitable allotments for farms on which tobacco was grown in one or more of the past five years, and which are owned in 1947 by persons who owned land so removed from agricultural production. Insofar as possible the allotments for farms owned by such persons shall be comparable to the allotments for other old farms in the same community which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, soil and other physical factors affecting the production of tobacco, taking into consideration the allotment for the land removed from agricultural production. The allotment so determined shall not exceed the 1947 allotment which was or would have been determined for the land removed from agricultural production nor shall it exceed the larger of (1) 20 percent of the acreage of cropland in the farm or (2) three acres.

(b) The allotment determined or which would have been determined for any land acquired on or since January 1, 1940, by any Federal agency for national defense purposes shall be placed in a State pool and shall be used in determining equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farm by a Federal agency for national defense purposes. Upon application to the county committee within five years from the date of the acquisition of the farm by a Federal agency for national defense purposes, any owner so displaced shall be entitled to have an allotment for any of the other farms owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm acquired by the Federal agency: *Provided,* That such allotment shall not exceed 20 percent of the acreage of cropland in the farm. The provisions of this paragraph shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of the acquisition by the Federal agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 726.720 *Farms subdivided or combined.* (a) If land operated as a single farm in 1946 has been subdivided and will be operated in 1947 as two or more farms the 1947 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee: *Provided however,* That when a farm is to be subdivided in 1947 into two or more farms which were separate and distinct prior to a com-

[1] 11 F. R. 2629.

bination in 1942 or any subsequent year, the allotment shall be divided among such farms in the same proportion that each contributed to the farm acreage allotment, unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1946 are combined and operated in 1947 as a single farm, the 1947 allotment shall be the sum of the 1947 allotments determined for each of the farms composing the combination.

§ 726.721 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1941-45; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the normal yield established for the county in 1946.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 726.722 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 726.719 (b), for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the land, labor, and equipment available for the production of tobacco, crop-rotation practices, the soil and other physical factors affecting the production of tobacco; *Provided,* That the acreage allotment so determined shall not exceed the smaller of (a) 75 percent of the allotments established pursuant to § 726.716 for old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco or (b) 25 percent of the cropland in the farm.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met.

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a sharecropper, tenant, or as a farm operator during two of the past five years; except, that a farm operator who has been in the armed services shall be deemed to have met the requirements of this paragraph if he has had such experience during one year within the five years immediately prior to his entry into the armed services.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application unless the community committee, with the approval of the county committee, determines that he does not live on the farm because of conditions beyond his control, such as inability to obtain material with which to repair or construct a house on the farm.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any fire-cured or dark air-cured tobacco is produced in 1947.

(4) The farm will not have a 1947 allotment for any kind of tobacco other than that for which application is made hereunder.

(5) The farm was not a part of an old tobacco farm in any of the past five years 1942-46, or, if it was part of an old farm during such period, was not eligible for a tobacco allotment as an old farm because it made no contribution to the allotment on the old farm when it was combined therewith.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for new farms shall be two percent of the acreage allotted to all farms for the 1943-44 marketing year.

§ 726.723 *Time for filing application.* An application for an allotment for a farm for which no allotment was established in 1946 shall be filed with the county committee prior to February 1, 1947, unless the farm operator has been in the armed services, subsequent to December 31, 1946, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 726.724 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.725 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of these regulations, the acreage allotment for any farm which was acquired by a State or Federal agency for any purpose but which is returned to agricultural production in 1947 shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pools (plus such increases as have been applicable for old farms) may be established as the 1947 allotment for such farm by transfer from the pools, and if any part of the allotment for such land was transferred by the original owner through the State pools to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as increased) to the farm which is returned to agricultural production in 1947.

(2). If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm returned to agricultural production in 1947 shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.726 *Approval of the State committee.* All farm acreage allotments and normal yields established pursuant to the regulations in §§ 726.11 to 726.726, inclusive, shall be subject to the approval of the State committee.

Done at Washington, D. C. this 10th day of December, 1946.

Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 46-21548; Filed, Dec. 13, 1946; 8:49 a. m.]

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

[Orange Reg. 106]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.317 *Orange Regulation 106*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued 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 compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that 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 for such compliance.

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

(1) During the period beginning at 12:01 a. m., e. s. t., December 16, 1946, and ending at 12:01 a. m., e. s. t., January 13, 1947, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) During the period beginning at 12:01 a. m., e. s. t., December 23, 1946, and ending at 12:01 a. m., e. s. t., January 1, 1947, no handler shall ship any oranges of any variety grown in the State of Florida.

(3) As used herein, "handler," "variety," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of December 1946.

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

[F. R. Doc. 46-21624; Filed, Dec. 13, 1946; 8:46 a. m.]

[Tangerine Reg. 59]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.319 *Tangerine Regulation 59*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued 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 compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that 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 for such compliance.

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

(1) During the period beginning at 12:01 a. m., e. s. t., December 16, 1946, and ending at 12:01 a. m., e. s. t., January 13, 1947, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended); 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 (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) During the period beginning at 12:01 a. m., e. s. t., December 23, 1946, and ending at 12:01 a. m., e. s. t., January 1, 1947, no handler shall ship any tangerines grown in the State of Florida.

(3) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of December 1946.

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

[F. R. Doc. 46-21621; Filed, Dec. 13, 1946; 8:46 a. m.]

[Grapefruit Reg. 78]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.318 *Grapefruit Regulation 78*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued 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 compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that 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 for such compliance.

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

(1) During the period beginning at 12:01 a. m., e. s. t., December 16, 1946, and ending at 12:01 a. m., e. s. t., January 13, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239));

(ii) Any seeded grapefruit, other than pink 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 (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, 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 (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) During the period beginning at 12:01 a. m., e. s. t., December 23, 1946, and ending at 12:01 a. m., e. s. t., January 1, 1947, no handler shall ship any grapefruit of any variety grown in the State of Florida.

(3) As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of December 1946.

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

[F. R. Doc. 46-21622; Filed, Dec. 13, 1946; 8:46 a. m.]

[Orange Reg. 156]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.302 *Orange Regulation 156*—(a) *Findings.* (1) Pursuant to the provisions of the order (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, issued 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 compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that 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 for such compliance.

(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 15, 1946, and ending at 12:01 a. m., p. s. t., December 22, 1946, is hereby fixed as follows:

(i) *Valencia oranges.* Prorate Districts Nos. 1, 2, and 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* Prorate District No. 1, 700 carloads; Prorate District No. 2, unlimited movement; Prorate District No. 3, 75 carloads.

(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. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "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 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of December 1946.

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

PRORATE BASE SCHEDULE

(Orange Regulation Period No. 156)

[12:01 a. m. Dec. 15, 1946 to 12:01 a. m. Dec. 22, 1946]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1: Handler	Prorate base percent
Total	100.0000
A. F. G. Lindsay	1.7762
A. F. G. Porterville	2.0893
Cooperative Citrus Association	.6683
Dofflemyer & Son, W. Todd	.5370
Elderwood Citrus Association	1.1809
Exeter Citrus Association	2.7453
Exeter Orange Growers Association	.6290
Exeter Orchards Association	1.0523
Hillside Packing Corp	1.5551
Ivanhoe Mutual Orange Association	1.1144
Klink Citrus Association	4.3672
Lemon Cove Association	1.4558
Lindsay Citrus Growers Association	2.6124
Lindsay Coop. Citrus Association	1.3905
Lindsay District Orange Co	1.4599
Lindsay Fruit Association	1.9410
Lindsay Orange Growers Association	.6824
Naranjo Packing House Co	.9360
Orange Cove Citrus Association	3.2170
Orange Packing Co	1.0205
Orosi Foothill Citrus Association	1.3175
Paloma Citrus Fruit Association	1.1107
Pogue Packing House, J. E	.6898
Rocky Hill Citrus Association	2.0729
Sanger Citrus Association	3.1213
Sequoia Citrus Association	.8735
Stark Packing Corp	2.4707
Visalia Citrus Association	.6717
Waddell & Son	1.8550
Butte County Citrus Association, Inc	.6664
James Mills Orchard Co	1.1731
Orland Orange Growers Association, Inc	.5971
Baird-Neece Corp	1.6714
Beattie Association, Agnes M	.6557
Grand View Heights Citrus Association	1.9646
Magnolia Citrus Association	2.1843
Porterville Citrus Association, The	1.3465
Richgrove-Jasmine Citrus Association	1.4310
Sandilands Fruit Co	.9909
Strathmore Coop. Association	1.5654
Strathmore District Orange Association	1.4780
Strathmore Fruit Growers Association	1.0984
Strathmore Packing House Co	1.4136
Sunflower Packing Association	2.2392
Sunland Packing House Co	2.5892
Terra Bella Citrus Association	1.2485
Tule River Citrus Association	1.0624
Jensen, M. N	2.2990
Kroells Brothers, Ltd	1.4238
Lindsay Mutual Groves	1.8439
Martin, J. D	1.0452
Stivers Packing Co	.7736
Woodlake Packing House	1.7169
R. M. C. Porterville	1.7401
Abbate Co., The Chas	.6812
Anderson Packing Co., R. M	.4616
Baker Brothers	.1037
California Citrus Groves, Inc., Ltd	1.8373

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Con. Handler	Prorate base percent
Chess Company, Meyer W	0.2840
Edison Groves Co	.8781
Edison Orange Growers Association	.7114
Evans Brothers Packing Co	1.5321
Furr, N. C	.2231
Ghianda Ranch	.0228
Harding & Leggett	1.3891
Lo Bue Brothers	.4529
Marks, W. & W	.4694
Raymond Brothers	.1394
Reimers, Don H	.2399
Rooke Packing Co., B. G	3.4306
Snyder & Sons Co., W. A	.7693
Toy, Chin	.0331
Webb Packing Co., Inc	.9228
Western States Fruit & Produce Co	.2439
Wollenman Packing Co	.7941
Woodlake Heights Packing Corp	.8656
Zaninovich Brothers, Inc	.6828

Prorate District No. 3: Handler	Prorate base percent
Total	100.0000
Allen-Young Citrus Packing Co	1.0511
Consolidated Citrus Growers	5.1742
Leppla-Pratt Produce Distributors, Inc	5.6454
McKellips Mutual Citrus Growers, Inc	14.1973
McKellips Phoenix Citrus Co., C. H	2.3956
Phoenix Citrus Packing Co	2.5217
Arizona Citrus Growers	24.0479
Bumstead, Dale	.0000
Desert Citrus Growers	3.2157
Mesa Citrus Growers	17.1582
Yuma Mesa Fruit Growers Association	.0000
Arizona Citrus Products	2.6229
Libbey Fruit Packing Co	6.4427
Pioneer Fruit Co	5.1651
Tempe Citrus Co	2.4587
Arthur & Son, J. E	.4947
Champion Produce House, L. M	.0966
Commercial Citrus Packing Co	.7927
Dhuyvetter Brothers	.1299
Ishikawa, Paul	.1908
Macchiaroli Fruit Co., James	.9037
Morris Brothers Fruit Distributors	.0000
Orange Belt Fruit Distributors	.1459
Potato House, The	.5890
Sun Valley Packing Co	1.6287
Valley Citrus Packing Co	2.9315

[F. R. Doc. 46-21620; Filed, Dec. 13, 1946; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51582]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

AUTHORITY TO INCUR EXPENSES

Limitation for purchase of articles or services without obtaining authorization and without soliciting competitive bids increased from $50 to $100, and authorization granted to purchase certain articles on an exchange basis. Section 24.31, Customs Regulations of 1943, amended.

Section 24.31, Customs Regulations of 1943 (19 CFR, Cum. Supp., 24.31), is hereby amended as follows:

1. Paragraph (b) (2) is amended by deleting "$50" and substituting "$100".

2. Paragraph (b) (3) is amended to read as follows:

(3) Typewriters, adding machines and other equipment authorized to be purchased on an exchange basis (5 U. S. C. and Supp., 118d, 118d-1; 41 U. S. C., 26, 27; sec. 8, Public No. 600, 79th Cong.) where the sale price to the Government before deducting any allowance for old equipment is in excess of $100. The exchange allowance or proceeds of sale of old equipment authorized by law to be exchanged or sold may be applied in whole or in part payment for the equipment to be purchased, provided, the transaction is evidenced in writing.[5b] In all other cases involving the disposal of old equipment, the customs appropriation shall be charged with the full purchase price of the equipment being purchased, and any amount allowed for the old equipment shall be covered into the Treasury as miscellaneous receipts (31 U. S. C. 487).

3. Paragraphs (d) (2) and (f) are amended by deleting "$50" wherever it appears and substituting "$100".

4. T. D. 51513, dated August 6, 1946 (11 F. R. 8770), is hereby revoked.

(R. S. 161, R. S. 3618, Sec. 5, 38 Stat. 1161, Sec. 7, 41 Stat. 947, Sec. 624, 46 Stat. 759, 50 Stat. 64, Pub. Laws 334, 600, 79th Cong.; 5 U. S. C. and Supp. 22, 118d, 118d-1, 19 U. S. C. 1624, 31 U. S. C. 487, 41 U. S. C. 26, 27)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: DECEMBER 10, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-21571; Filed, Dec. 13, 1946; 8:47 a. m.]

[5b] "In purchasing motor-propelled or animal-drawn vehicles or tractors, or road, agricultural, manufacturing, or laboratory equipment, or boats, or parts, accessories, tires, or equipment thereof, or any other article or item the exchange of which is authorized by law, the head of any department or his duly authorized representative may exchange or sell similar items and apply the exchange allowances or proceeds of sales in such cases in whole or in part payment therefor: *Provided*, That any transaction carried out under the authority of this section shall be evidenced in writing." (Sec. 8, Public Law 600 79th Cong.)

"Section 3709 of the Revised Statutes of the United States is hereby amended to read as follows:

"'Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Government may be made or entered into only after advertising a sufficient time previously for proposals, except (1) when the amount involved in any one case does not exceed $100, (2) when the public exigencies require the immediate delivery of the articles or performance of the services, (3) when only one source of supply is available and the Government purchasing or contracting officer shall so certify, or (4) when the services are required to be performed by the contractor in person and are (A) of a technical and professional nature or (B) under Government supervision and paid for on a time basis * * *.'" (Sec. 9 (a), Public Law 600, 79th Cong.)

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

PART 203—OPERATION

SALES COMMISSIONS ON SHARES

CROSS REFERENCE: For notice of proposed rule making under this part, see F. R. Doc. 46-21566, National Housing Agency, Federal Savings and Loan System in Notices section, *infra*.

Chapter III—Federal Savings and Loan Insurance Corporation

PART 301—INSURANCE OF ACCOUNTS

SALES COMMISSIONS

CROSS REFERENCE: For notice of proposed rule making under this part, see F. R. Doc. 46-21565, National Housing Agency, Federal Savings and Loan Insurance Corporation in Notices section, *infra*.

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

CROSS REFERENCE: For notice of proposed rule making under this part see F. R. Doc. 46-21534, Department of the Interior, Office of Indian Affairs, in Notices section, *infra*.

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War, Department of the Interior

[Reg. 1, Notice of Interim Direction 10[1] Under § 602.1, Amdt. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

INTERIM DIRECTION TO SHIPPERS OF BITUMINOUS COAL PRODUCED IN ALL DISTRICTS, TO LAKE AND TIDEWATER COMMERCIAL DOCK OPERATORS, TO RETAIL DEALERS, AND SHIPPERS OF DOMESTIC COKE

In order to effect an orderly restoration of the normal distribution of bituminous coal as quickly as practicable, Notice of Interim Direction No. 10, issued December 8, 1946, is amended as hereinafter set forth:

A new paragraph numbered 3a, under the general heading "Shippers of Bituminous Coal Including Commercial Dock Operators Shipping via Rail Ex-Dock" is added as follows:

3a. If, after arranging for shipments to the preference group and to other consumers, in conformity with and to the extent permitted by paragraphs numbered 1, 2 and 3 of this Notice of Interim Direction No. 10, a shipper still has excess tonnage, he may ship such excess tonnage to any consumer, retail dealer, or dock operator, or for export in conformity with the provisions of Revised Regulation No. 31 (11 F. R. 7894): *Provided, however*, That to the extent practicable, additional shipments of such excess tonnage should first be made to consumers within the preference group who have the lowest number of days' supply, and then to others on the basis of the lowest number of days' supply.

Paragraph numbered 9, under the general heading "Release of Previously Held Coal" is amended to read as follows:

9. All coal held under previous Notices of Direction at tidewater ports and at other points may be released for shipment to the original consignee, except that shipments for export are subject to the provisions of Revised Regulation No. 31 (11 F. R. 7894) and renewals of approvals previously issued on Form No. 428, extensions of which will be granted upon request by telephone or otherwise.

This amendment is effective immediately.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658; E. O. 9125, Apr. 7, 1942, 7 F. R. 2719; E. O. 9332, Apr. 19, 1943, 8 F. R. 5355)

Issued this 10th day of December 1946.

J. A. KRUG,
Solid Fuels Administrator for War.

[F. R. Doc. 46-21542; Filed, Dec. 13, 1946; 8:47 a. m.]

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[1] 11 F. R. 14183.

PART 602—GENERAL ORDERS AND DIRECTIVES

STATEMENT OF POLICY RELATING TO AUTHORIZATIONS BY SFAW FOR SHIPMENT DURING DECEMBER 1946 OF COAL ON GOVERNMENT'S EXPORT PROGRAM

UNRRA, through the State Department, and the liberated areas of Europe through the Reconstruction Finance Corporation, have made arrangements for the purchase of a portion of their coal requirements through the facilities of the United States Treasury Department's Procurement Division.

The Solid Fuels Administration for War has been advised that these purchases for the month of December 1946 will be made at prices not in excess of the maximum prices which were in effect on November 9, 1946, and that only coal of a merchantable quality will be accepted.

Accordingly, any person who has or will have surplus coal available for export during the month of December 1946 may forthwith submit an offer to the Solid Fuels Administration for War in accordance with the Statement of Policy issued on June 24, 1946 (11 F. R. 7128) as supplemented on July 12, 1946 (11 F. R. 7739), in the case of bituminous coal, and in accordance with the Statement of Policy issued July 2, 1946 (11 F. R. 7460), in the case of anthracite coal, showing the price at which the coal is being of-

fered and the maximum f. o. b. mine price for the coal as of November 9, 1946.

In filling the allocations under this program, the Solid Fuels Administration for War will direct shipment to the extent of the tonnage required only of the best coals offered within the price limitations designated by the purchaser as stated above.

(Sec. 2 (a), 54 Stat. 676 as amended by 55 Stat. 236, 56 Stat. 176; 58 Stat. 827, 59 Stat. 658, 60 Stat. 345; 41 U. S. C. prec. 1 note, 50 U. S. C. App. Sup. 645; E. O. 9125, Apr. 7, 1942, 7 F. R. 2719, E. O. 9332, Apr. 19, 1943, 8 F. R. 5355)

Dated this 11th day of December 1946.

DAN H. WHEELER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 46-21578; Filed, Dec. 13, 1946; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—OFFICE OF THE SECRETARY, AND BUREAUS, DIVISIONS, AND OFFICES PERFORMING CHIEFLY STAFF AND SERVICE FUNCTIONS

ORGANIZATION; DELEGATIONS OF AUTHORITY

For the purpose of transferring supervision of the Committee on Practice from the General Counsel to an Assistant Secretary of the Treasurer, § 1.25 (a) (11 F. R. 177 A-11) is amended to read as follows:

§ 1.25 *Delegations of authority.* (a) The following assignments have been made within the Treasury Department: To the Under Secretary, by Treasury Department Circular No. 244, July 15, 1943, the supervision of the Division of Research and Statistics; and by Treasury Department Order No. 63, April 19, 1946, the supervision of the Bureau of Customs and the Bureau of Internal Revenue. To an Assistant Secretary, by Treasury Department Order No. 65, April 23, 1946, supervision of the Office of the Comptroller of the Currency; by Treasury Department Order No. 64, April 19, 1946, the supervision of the Coast Guard, the Bureau of Engraving and Printing, the Bureau of the Mint, the Bureau of Narcotics, the Chief Coordinator, Treasury Enforcement Agencies, and the Secret Service; by Treasury Department Order No. 66, May 10, 1946, the supervision of the Procurement Division; and by Treasury Department Order No. 76, December 10, 1946, the supervision of the Committee on Practice. To the General Counsel, by Treasury Department Circular No. 244, July 15, 1943, the supervision of the Legal Division (see also Treasury Department Order No. 1, November 20, 1933). To an Assistant to the Secretary by Treasury Department Order No. 62, December 26, 1945, the supervision of the United States Savings Bonds Division. To a Special Assistant to the Secretary, by Treasury Department Order No. 70, August 20, 1946, the supervision of the Division of Monetary Research (including the management of the exchange stabilization fund), Foreign Funds Control, and the foreign relations affairs of the Treasury Department.

(R. S. 161; 5 U.S.C. 22)

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-21557; Filed, Dec. 13, 1946; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls

[OTC Reg. 1]

PART 3—DELEGATION OF AUTHORITY

ADOPTION, RATIFICATION, CONFIRMATION AND VALIDATION OF CPA ACTIONS

§ 3.1 *Adoption, ratification, confirmation and validation of CPA actions.* All rules, regulations, orders, directives, directions, certificates, delegations of authority, organizational documents, procedural documents and other actions which were issued or taken by or under authority of the Civilian Production Administrator, the Chairman of the War Production Board, the Executive Vice Chairman of the War Production Board or the Program Vice Chairman of the War Production Board, or in the name of the War Production Board countersigned or attested by the Recording Secretary or other authorized official of the War Production Board, or in accordance with Civilian Production Administration Regulation 1, and which were in effect December 12, 1946, are hereby adopted, ratfied and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or are amended. Pending the adoption and preparation of revised procedures, and until otherwise ordered, rules, regulations, orders, directives, directions, certificates, delegations of authority, organizational documents, procedural documents, or other actions issued or taken on or after December 12, 1946 in accordance with Civilian Production Administration Regulation 1 shall be valid for all purposes to the same extent as if issued or taken in the name of the Temporary Controls Administrator. (E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued this 12th day of December 1946.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 46-21652; Filed, Dec. 13, 1946; 11:55 a. m.]

Chapter VI—Selective Service System

[Amdt. 407]

PART 605—GENERAL ADMINISTRATION

CONFIDENTIAL RECORDS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 605.31 of the regulations to read as follows:

§ 605.31 *What records confidential.* Except as by law or hereinafter in the regulations in this part provided, the information in a registrant's file shall be confidential.

The foregoing amendment to the Selective Service regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

(54 Stat. 885, 55 Stat. 627, 844, 56 Stat. 1018, 59 Stat. 166; 50 U. S. C. App. Sup. 302, et seq.)

LEWIS B. HERSHEY,
Director.

DECEMBER 10, 1946.

[F. R. Doc. 46-21572; Filed, Dec. 13, 1946; 8:49 a. m.]

[Amdt. 408]

PART 609—PROPERTY ACCOUNTABILITY

NONEXPENDABLE PROPERTY

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by deleting § 609.5 in its entirety.
2. Amend § 609.6 to read as follows:

§ 609.6 *Nonexpendable property: Lost, stolen, destroyed, damaged, or unserviceable.* Whenever any article of nonexpendable property is lost, stolen, destroyed, damaged, or becomes unserviceable through fair wear and tear in service, the responsible officer shall prepare and submit in triplicate to the State Director of Selective Service, Report of Survey (DSS Form 105). All copies of Report of Survey (DSS Form 105) shall be forwarded, through the accountable officer, to a surveying officer specifically designated by the State Director of Selective Service to make an investigation and report of his findings with recommendations. After reviewing the evidence pertaining to the loss, theft, destruction, damage, or unserviceability of the nonexpendable property and the recommendations of the surveying officer, the State Director of Selective Service will indicate his approval or disapproval and forward all copies of Surveys that exceed $50 to the Director of Selective Service for final action and instructions. Final action with respect to approval or disapproval of Surveys that total $50 or less may be taken by the State Director of Selective Service. One copy of each completed Survey will be forwarded to the Director of Selective Service at National Headquarters.

The foregoing amendments to the Selective Service regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the con-

tinental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

(54 Stat. 885, 55 Stat. 627, 844, 56 Stat. 1018, 59 Stat. 166; 5 U. S. C. App. Sup. 302 et seq.)

LEWIS B. HERSHEY,
Director.

DECEMBER 10, 1946.

[F. R. Doc. 46-21573; Filed, Dec. 13, 1946; 8:48 a. m.]

Chapter IX—Office of Temporary Control, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32 as Amended Dec. 13, 1946]

INVENTORIES

(a) What this regulation does.

General Restrictions

(b) Restriction on delivery.
(c) Restrictions on receipts.
(d) Restriction on ordering more than needed.
(e) Adjusting outstanding orders when requirements change.
(f) Restriction on processing.

Exceptions

(g) In general.
(h) Receipts permitted after contract cancellations or cut-backs.

Miscellaneous Provisions

(i) Previous inventory authorizations.
(j) Separate inventories.
(k) Redistribution of excess inventories.
(l) Violations.
(m) Revisions of tables.
(n) Appeals, letters and questions.

§ 944.53 *Priorities Regulation 32*—(a) *What this regulation does.* This regulation contains the inventory rules formerly in § 944.14 of Priorities Regulation 1 and in CMP Regulation 2. Its purpose is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of materials in short supply. All kinds of materials are covered including raw or semi-fabricated materials, commodities, equipment, accessories, parts, assemblies or products of any kind, whether or not acquired with priorities assistance. However, foods for humans or animals, tobacco and tobacco products, oils and fats, petroleum and petroleum products including natural and liquefied petroleum gas, and coal are not covered by this regulation, but are subject to applicable restrictions of other Government agencies. This regulation applies to all persons buying for use or for resale whether established firms or newcomers, except ultimate consumers buying for personal or household use.

The general rule on receipts is in paragraph (c) (1), and this is controlling unless a more specific limitation or exception is indicated in Table 1 or 2 or a direction to this regulation, or unless Table 3 (formerly Order M-161) exempts the material entirely. Other exceptions to the inventory limitations are stated in paragraphs (g) and (h) and in directions to this regulation.

General Restrictions

(b) *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that acceptance of the delivery would be in violation of this regulation.

NOTE: For rule on making or delivering material earlier than required by customers, see Interpretation 3.

(c) *Restrictions on receipts*—(1) *General rule.* A person whether buying for use or resale including a person buying for export may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1.

(2) *Special rules in Tables 1 and 2.* If Table 1 at the end of this regulation shows a special inventory limit on a particular material or product (either specifically or by reference to another CPA order or regulation), that limitation governs and the restrictions of paragraph (c) (1) above may be disregarded unless the applicable order or regulation (or a note in Table 1) also states that a practicable minimum working inventory may not be exceeded. The same is true with respect to particular classes of persons shown on Table 2. Where a specific period of time is shown on Table 1 or 2, no person affected may accept delivery of any material specified if his inventory of it is, or will be, more than he needs during the immediate period specified on the basis of his current or scheduled method and rate of operation. Even if an order or regulation is not listed on Table 1 or 2, any specific inventory limits imposed by it must be complied with. If an order or regulation listed on Table 1 or 2 is revoked or a listing removed from the tables all provisions of this regulation, including paragraph (c) (1), are automatically applicable.

(3) *Early delivery of steel, iron products, aluminum, copper and copper base alloys.* Early delivery, up to 15 days before the requested delivery month may be accepted from a producer of steel, iron products, aluminum, copper or copper base alloys (in the forms listed on Table 1), but the producer may not make the early delivery if it would interfere with any rated orders. Other special rules on these materials are explained in Table 1.

(d) *Restriction on ordering more than needed.* (1) A person may not place any order, whether rated or unrated, for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this regulation, or any other applicable orders or regulations of CPA. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. However, this restriction does not apply to materials listed on Table 3 of this regulation nor to purchases by ultimate consumers for personal or household use. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production as long as this restriction is effective.

(2) This restriction does not require immediate adjustment of orders placed before August 28, 1945. However, in view of its policy to prevent hoarding and speculative buying of materials in short supply, the CPA may direct adjustments or cancellations in individual cases where orders are in excess of reasonably anticipated needs especially where failure to do so might result in unbalanced distribution and curtail total production.

(3) If the inventory limits applying to any material are made more restrictive, whether by a change in Table 1 or otherwise, any person affected must immediately cancel, reduce or defer any order for the material to the extent that the scheduled delivery would result in an inventory greater than permitted by the new restriction and other applicable provisions of this regulation.

(e) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this regulation, he must promptly adjust his outstanding orders, and, if necessary, postpone or cancel them. Paragraph (h) below describes what further deliveries may be accepted.

(f) *Restriction on processing.* No person may process, fabricate, alloy or otherwise alter the shape or form of any material not listed in Table 3 if his inventory of the material in its processed, fabricated, alloyed or otherwise altered shape or form (including the form in which he sells it) is, or will be more than a practicable minimum working inventory. This limitation applies whether the manufacturer does his own processing or has it done for his account by others. He may not exceed it by causing or permitting avoidable delays in transportation, storage, or processing. However, this does not restrict a person from altering the form of surplus materials by scrapping or reprocessing them, unless a CPA order specifically says otherwise. The CPA may issue directions to Priorities Regulation 32 or other orders that are more restrictive on processing than the general limitations of this paragraph.

In such case, these more restrictive directions or orders control instead of the general restrictions of the paragraph.

Exceptions

(g) *In general.* This paragraph, paragraph (h) below, and certain directions to this regulation state general exceptions to the restrictions on acceptance of delivery described in paragraph (c) above, and to all other inventory restrictions on delivery and acceptance of delivery in CPA orders and regulations unless they contain specific provisions to the contrary. None of these or any other exceptions to CPA inventory restrictions on receipts permit a supplier to disregard any applicable CPA order or regulation which restricts production or delivery.

(1) *Exemption of Table 3 materials.* Materials listed on Table 3 at the end of this regulation may be delivered and accepted without regard to CPA inventory restrictions.

(2) *Materials bought under PR-13.* Priorities Regulation 13 provides a limited exemption from inventory restrictions in the case of items bought on special sales.

(3) *Imported materials.* A person may import any material without regard to CPA inventory restrictions, but if his inventory of it thereby becomes in excess of the amount permitted by this regulation, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him may receive.

(4) *Advance stockpiling for civilian production.* A person may receive in anticipation of starting or resuming civilian production the minimum amount of material or equipment he would need during the first 30 days of such production, provided no priorities assistance is used to get the material or equipment. Records of such receipts and the basis on which they were computed must be preserved as required by § 944.15 of Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his civilian product. Changes in this 30-day amount may be indicated for a particular material by a note in Table 1. This paragraph relates to production only and does not permit the advance stockpiling of building materials for construction purposes.

(5) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this Regulation. However, where Column 3 of Table 1 shows a specific amount of a particular material, that is considered to be the minimum sale quantity of it. Thus, if a person would be permitted under paragraph (c) to accept less than the amount shown, he may accept delivery of the full amount. In any event, after receiving a minimum sale quantity of any material, a person may not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(6) *Small inventory exemption for particular materials.* If a note in Table 1 or 2 shows a specific amount of a particular material as a small inventory exemption a person may accept delivery of any quantities of it as long as his total inventory of it after acceptance is no more than the specified amount.

(h) *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders with his supplier as required by paragraph (e) and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be made and accepted and the inventory restrictions of paragraph (c) exceeded to the following extent only:

(1) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to adjust; or

(2) Delivery may be made and accepted of any special item which the supplier actually has in stock or in production or special components or special materials which he has acquired for the purpose of filling that contract. A special item as used above, means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others; or

(3) Even if the material is not a special item, delivery may be made by and accepted from a producer if it has already been produced or is in production before receipt of the instruction to adjust, and it cannot be used to fill other orders on the producer's books. However, in the case of steel processed beyond the slab, billet or sheet bar stage before receipt of the instruction to adjust, producers are not required to examine other orders on their books. In this case, unless otherwise ordered by the CPA, deliveries may be made and accepted if the producer cannot readily dispose of the material to others without loss of production.

NOTE: For special rules on continuing receipts of special items after contract cut backs, see Direction 3 to this regulation; and as to transfers of idle materials after cancellations or cut backs, see Direction 1. For effect of reduction in consumption rate on permitted inventories, see Interpretation 5.

Miscellaneous Provisions

(i) *Previous inventory authorizations.* Any specific authorizations, exceptions, or grants of appeals issued under § 944.14 of Priorities Regulation 1 or CMP Regulation 2 remain in effect according to their terms unless individually modified or revoked.

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, has more than one operating unit and keeps separate inventory records for them, this regulation applies to each such operating unit or division independently. A person may not make any further separation or consolidation of such operating units without special written approval of the Civilian Production Administration, unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Special sales of materials and products.* Special sales of materials and products acquired or made for use and not for sale or resale may be disposed of subject to the provisions of Priorities Regulation 13.

(l) *Violations.* Any person who wilfully violates any provision of this regulation, or who, in connection with this regulation, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Revisions of tables.* Tables 1, 2, and 3 attached to this regulation will be revised from time to time. As materials and products become in more ample supply, it is expected that they will be listed on Table 3. In special cases, particular materials or products may also be removed from Table 3 or added to Table 1. It is, therefore, important to be familiar with the latest revision of the tables.

(n) *Appeals, letters and questions.* Any appeal or other question regarding any provision of this regulation should be sent by letter in duplicate to the Inventory Control Division, Civilian Production Administration, Washington 25, D. C., Ref.: PR 32, unless Table 1 or 2 attached to this regulation indicates otherwise with respect to particular materials or classes of persons.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

NOTE: Table amended Dec. 13, 1946.

Explanation. Materials or products listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation, except to the extent that different rules may apply as to certain classes of persons under Table 2.

Column 2 shows either the CPA order or regulation which controls inventories of the material, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

If Column 2 shows a specific period of time (e. g., 30 days, 60 days, etc.) for a particular material or product, this restriction applies only to "users" of that material or product, i. e., persons, including Government operated consuming establishments, who use the material or product for production, operating supplies, maintenance and repair, or for construction whether for own account or for the account of another. In addition, the restriction applies only within the 48 States and the

District of Columbia. In the case of persons who are not "users", such as persons buying for resale, paragraph (c) (1) applies instead of Column 2.

A figure in Column 3 shows the minimum sale quantity, that is, the amount of the particular material which a person may receive under the conditions stated in paragraph (g) (5) even if it is more than allowed under Column 2. If no figure is shown, the rule in Interpretation 2 must be followed.

Column 4 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described.

Column 5 (Remarks) gives explanations, exemptions or other special rules applicable to the particular material or limitation.

TABLE 1

NOTE: Table amended Dec. 13, 1946.

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Aluminum sheets	45 days*		Aluminum and magnesium.	
Aluminum extrusions	45 days*		Aluminum and magnesium.	
Aluminum, all other forms (see Table 3).				
Antimony	M-112		Tin, lead and zinc.	
Asbestos friction material	30 days*		Cork, asbestos and fibrous glass.	
Asbestos-cement shingles and flat sheets (products made from asbestos fibres).	45 days*		Cork, asbestos and fibrous glass.	
Asphalt and tarred roofing products.**	30 days*		Building materials.	**The limitations of column (2) apply to the total amount in the user's inventory rather than item by item.
Babbitt	M-43, Dir 2.		Tin, lead and zinc.	
Bismuth and bismuth alloys containing 50% or more of bismuth.	30 days*		Tin, lead, and zinc.	
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibre stock)**	30 days*		Building materials.	**The limitations of column (2) apply to the total amount in the user's inventory rather than item by item.
Burlap	90 days*		Textiles.	
Butyl Acetate	45 days*		Chemicals.	
Butyl Alcohol (Normal)	45 days*		Chemicals.	
Cadmium, meaning all grades of metallic cadmium, cadmium oxide, or cadmium salts produced directly from ores concentrates or other primary materials, or redistilled or remelted from cadmium scrap or any secondary cadmium-bearing material.	30 days*	100 lbs.	Tin, lead and zinc.	
Casein	45 days.		Chemicals.	
Castings, malleable iron. (See Steel; including iron products.)				
Caustic Soda (see sodium hydroxide).				
Coke	PR 32, Dir 10.		Steel.	
Copper and copper base alloy scrap.	60 days*		Copper.	
Copper and copper base alloys. NOTE: (1) The provisions of this regulation apply separately to each "item" of copper or copper base alloys in any class listed below which is different from all other items in that class by reason of one or more of its specifications, such as width thickness, temper, alloy, finish, or method of manufacture. Differences in color of insulation do not differentiate items of wire mill products.	**			**The specific limitations in Column 2 on receipts of copper and copper base alloys do not apply to producers who acquire copper or copper base alloys for the purpose of conversion into another listed form of those materials, but they are subject to paragraph (c) (1). Certain other classes of persons to whom these Column 2 limitations do not apply are shown on Table 2.

TABLE 1—Continued

NOTE: Table amended Dec. 13, 1946.

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Copper and copper base alloys—Continued.				
(2) [Deleted Nov. 23 1945]				
Copper:				
Refinery shapes, castings, etc.	45 days*		Copper	
Brass mill products, sheet, rod, tube.	45 days*		Copper	
Wire mill products, except magnet wire.	45 days*		Copper	
Magnet wire	45 days*		Copper	
Copper base alloys:				
Ingot castings, etc.	45 days*		Copper	
Brass mill products; sheet, rod, tube.	45 days*		Copper	
Wire mill product, except magnet wire.	45 days*		Copper	
Magnet wire	45 days*		Copper	
Ethyl fluid	L-355		Chemicals	
Fibre, Manila (Abaca) and yarn.	M-84		Textile	
Gaskets, oil seals and packing	30 days*		General industrial equipment.	
Glue, hide	45 days*		Chemicals	
Gypsum board	30 days*		Building materials.	
Gypsum lath	30 days*		Building materials.	
Iron, pig	30 days*		Steel	
Iron scrap	M-21		Steel	
Iron products (see steel including iron products.)				
Lead: Metallic lead, lead alloys components or products (such as, but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead. It includes battery lead oxide but does not include other lead chemicals **	30 days*		Tin, lead, and zinc.	**The specific limitations in column (2) on receipts of lead do not apply to smelters and refiners who acquire lead for the purpose of conversion into another listed form of this material but they are subject to paragraph (c) (1) of Priorities Regulation 32.
Lead chemicals. NOTE: The provisions of this regulation apply to each item of lead chemicals, and, in the case of chrome pigments, to each grade and type of pigment.	30 days*		Chemicals	
Lumber—Seasoned, green, rough, surfaced and/or worked to pattern (all kinds, sizes and grades)** NOTE: Deleted Nov. 23, 1945.	60 days*		Lumber	**The limitations of Column 2 apply to the total amount of lumber in usable condition in the user's inventory rather than item by item. The Column 2 restrictions do not apply to green lumber which must be seasoned by the user before it is usable for the purpose for which it was purchased but such receipts are subject to the restrictions of paragraph (c) (1) of the regulation. However, when such lumber is sufficiently seasoned for use it must be counted in determining whether or not the person is eligible to accept any further deliveries of lumber in usable condition under the limitations of this Table 1.
Metal plastering base (metal lath).	30 days*		Building materials.	

NOTE: Table amended Dec. 13, 1946.

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Mica: * * *				
Muscovite:				
Block & Film	45 days*	1 case	Metals and minerals.	**Applies only to mica furnished from Government stocks, but does not apply to any mica that has been declared surplus and is sold by a disposal agency.
Splittings	90 days*	5 cases		
Phlogopite:				
Block	45 days*	1 case		
Splittings	90 days*	5 case		
Motors:				
Fractional horsepower motors, alternating current under 1/20th h. p. except universal.	45 days*	1,000	General industrial equipment.	
Fractional horsepower motors, alternating current 1/20th h. p. or larger but less than ½ h. p. except universal.	45 days*	600	do	
Fractional horsepower motors, alternating current, ½ h. p. or larger but less than 1 h. p., except universal.	45 days*	50	do	
Single phase alternating current motors 1 h. p. and over except universal.	45 days*	100	do	
Oil seals, packings and gaskets	30 days*		General industrial equipment.	
Packings, gaskets and oil seals	30 days*		General industrial equipment.	
Pipe: soil, cast iron	30 days*		Building materials.	
Potash	M-300. Sch. 120.		Chemicals	
Radiation, cast iron and convector.	45 days*		Building materials.	
Rubber: Natural rubber; natural rubber latex; synthetic rubber; reclaimed rubber.	R-1		Rubber	
Screen cloth, insect	30 days*		Building materials.	
Soda Ash (see Sodium Carbonate).				
Sodium Bicarbonate	30 days*		Chemicals	
Sodium Carbonate	30 days*		Chemicals	
Sodium Hydroxide	30 days*		Chemicals	
Sodium Phosphates	30 days*		Chemicals	
Sodium Sesquicarbonate	30 days*		Chemicals	
Sodium Silicate	30 days*		Chemicals	
Solder	M-43, Dir. 2		Tin, lead and zinc	**The specific limitations in Column 2 on receipts of steel, including iron products, do not apply to producers who acquire steel, including iron products, for the purpose of conversion into another listed form of those materials, but they are subject to paragraph (e) (1). Certain other classes of persons to whom these Column 2 limitations do not apply are shown on Table 2.
Steel, including iron products NOTE (1) The provisions of this regulation apply separately to each "item" of steel or iron products in any class listed below which is different from all other items in that class by reason of one or more of its specifications, such as width, thickness, temper, alloy, finish, or method of manufacture.	(**)			
Iron products:				
Gray iron castings (rough as cast) (except soil pipe).	45 days*	(***)	Inventory control	***Receipts of less than 2,000 pounds from any one pattern or mold, or of a minimum production run as explained in Interpretation 2 are permitted under the conditions explained in paragraph (g) (5).
Malleable iron castings (rough as cast).	45 days*	(***)	do	

NOTE: Table amended Dec. 13, 1946.

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Steel:				
Carbon steel (including wrought iron):****				****Column 2 does not apply to certain special kinds of steel used in file and rasp production or piston production as explained in Table 2.
Bars—Cold finished	45 days*	10,000 lbs	Inventory control	
Bars—Hot rolled or forged.	45 days*	10,000 lbs	do	
Sheet and strip	45 days*	10,000 lbs	do	
Structural shapes and piling.**	45 days*		do	**Column 2 does not apply to fabricators who order structural steel for use in construction (including buildings, bridges, and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead no fabricator may accept delivery of such steel more than 45 days before it is scheduled to be fabricated.
Tin plate, terneplate and tin mill black plate.	45 days*	10,000 lbs	do	
All other shapes and forms of carbon steel as described in Order M-21.	45 days*		do	
Alloy steel (including stainless):				
Sheet and strip—silicon electrical only.	45 days*	10,000 lbs	do	
All other shapes and forms of alloy steel as described in Order M-21.	45 days*		do	
Steel, fabricated structural or structural steel cut to length and ready for assembly for use in construction.	Par. (c) (1)		Inventory control.	
Steel scrap	M-21		Steel	
Tin:				
Pig tin	M-43		Tin, lead and zinc.	
Alloys, other than copper base alloys.	M-43, Dir. 2		do	
Tires and tubes	R-1		Rubber	
Titanium pigments	30 days*		Chemicals	
Turpentine	5 months		do	
Vegetable waxes	90 days		do	
Wiring devices (electrical), of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types-lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one-piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event the appurtenances are not part of the lampholder itself).	45 days*		Building materials.	

TABLE 1—Continued

NOTE: Table amended Dec. 13, 1946.

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Wiring devices (electrical), etc.—Continued (2) Convenience receptacles (outlets)—types suitable for residential use. (3) Toggle switches—types designed specifically for tools and appliances not included. (4) Wall and face plates. (5) Outlet, switch, and receptacle boxes—types suitable for residential use-covers, hangers, supports, and clamps included. (6) Box connectors for residential-type metallic or nonmetallic-sheathed cable.				
Zinc: metallic zinc, all grades, including zinc base diecast alloy.**	30 days*		Tin, lead and zinc	**The limitations in column 2 apply to the total amount of zinc, including zinc base diecast alloy, in the user's inventory rather than item by item.

*Or a practicable minimum working inventory whichever is less.

TABLE 2—CLASSES OF PERSONS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

NOTE: Table amended Dec. 13, 1946.

Explanation. The classes of persons listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation.

Column 2 shows either the CPA order or regulation which controls the inventories of the particular class of persons, or if no order is specified there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the particular minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

Column 3 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described.

Column 4 (Remarks) gives explanations, exemptions or other special rules applicable to the particular class of persons or limitation. Where this column specifies certain materials, the limitation or exemption for the particular class of person applies only to the materials specified.

NOTE: Table amended Dec. 13, 1946.

Classes of persons (1)	Order of limitation (2)	CPA division or office administering the control (3)	Remarks (4)
File and rasp manufacturers	120 days*	Inventory control	Applicable only to special high carbon steel in special forms and shapes needed to make files and rasps.
Jeweled watch manufacturers	None	Inventory control	No inventory restrictions apply to receipts of steel, iron products, copper and copper base alloys for making jeweled watches.
Merchants (consumers goods inventories).	L-219	Wholesale and Retail Branch.	
Pipe nipple manufacturers	(**)	Inventory control	**All provisions of this regulation apply except that with respect to steel pipe the imitation on receipts applies to the total tonnage of pipe in the users inventory rather than item by item.
Piston ring manufacturers	90 days*	Inventory control	Applicable only to special heat treated, tempered, polished, and colored high carbon steel (known as segment or expander steel) for use in the production of piston rings.
Rubber and rubber product manufacturers.	R-1	Rubber	
Scrap dealers:			
Copper and Copper Base Alloy Scrap.	PR-32, Dir. 11	Copper	
Iron and Steel Scrap	M-21	Steel	
Tin and Lead Scrap	PR-32, Dir. 5	Tin, Lead and Zinc	
Segregated structural steel for construction, fabricators of.	(**)	Inventory control	**See special rule under "Steel" in table 1.
Suppliers	L-63	Wholesale and Retail Branch.	
Telegraph operators	(**)	Inventory control	**All provisions of this regulation apply, except that with respect to steel, iron products, aluminum, copper and copper base alloys such operators are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1.
Telephone operators	(**)	Inventory control	
Transportation systems, operators of (MRO supplies).	(***)	Inventory control	***All provisions of this regulation apply, except that with respect to the materials on Table 1 (other than lumber) such operators are subject to paragraph (c) (1) instead of the specific limitations in Column 2 of Table 1. This does not prevent an operator from maintaining minimum stocks of material for emergency use, nor from acquiring reasonable stocks of ties and lumber for seasoning.
Utility producers (electric, power, gas, water and central steam heating).	(**)	Inventory control	**All provisions of this regulation apply, except that with respect to steel, iron products, aluminum, copper and copper base alloys such producers are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1.

*Or a practicable minimum working inventory, whichever is less.

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS

NOTE: Table amended Dec. 13, 1946.

Explanation. The following materials and products are exempt from the inventory restrictions of this regulation and of all other CPA orders or regulations unless they specifically state otherwise

Aluminum, all forms except sheet and extrusions
Amblygonite
Aplite
Asbestos, unmanufactured, all grades and types
Asbestos Tape .010—.025 thickness
Asbestos textiles
Batteries, dry cell
Bentonite
Beryl
Blocks, concrete
Brick, cement
Brick, clay, common and face
Brick, sand lime
Bristles
Carbon electrodes (over 1" dia.)
Chalk
China clay (English)
Clay (not including fire clay)
Cork, raw-corkwood, milling cork, grinding cork
Corundum
Cotton: Baled, raw cotton
Diamond dies
Diatomaceous earth
Domestic andalusite
Domestic dumortierite
Emery
Feldspar
Fibrous glass products
Fluorspar
Fuller's earth
Furfural

TABLE 3—Continued

Garnet
Gold
Graphite
Graphite electrodes (over 1" dia.)
Illinium
Istle fiber and products
Jewel bearings
Jute fiber and jute products (except burlap)
Kaolin
Kyanite
Lamps, incandescent
Lithium ore
Magnesite
Magnesium in all forms
Mercury
Mica (except Mica received from Govt. stocks—see Table 1)
Mineral aggregates:
Sand
Gravel
Crushed stone
Slag
Olivine
Optical calcite
Platinum and the platinum metals
Potter's flint
Pulpwood
Pyrophyllite
Quartz crystals
Salt (sodium chloride) in bulk
Sapphire
Sediment separators
Sillimanite
Silver
Sodium sulfate (salt cake)
Sodium sulfite
Spodumene
Stoneware clay
Sulphur
Talc
Tantalite
Tellurium
Vermiculite
Waste paper
Wood pulp
Wool: raw wool

TABLE 4—[Deleted Dec. 13, 1946.]

INTERPRETATION 1

INVENTORIES IN SEASONAL INDUSTRIES

Paragraph (c) (1) of Priorities Regulation 32 prohibits any person from accepting a delivery which will give him "more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation." This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question, provided (a) that he is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements (Issued Aug. 28, 1945.)

INTERPRETATION 2

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

(a) *Applicable provisions of the regulations.* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

(c) *Relief in exceptional cases.* If the conditions stated in paragraph (b) above cannot be satisfied but the customer wants to order or accept delivery of more than his actual needs at the time of delivery, he should apply to the Civilian Production Administration for permission, stating the facts and why it is not practicable to satisfy the condition of paragraph (b).

(d) *Special provisions for certain materials.* Where a specific minimum sale quantity is shown in Column 3 of Table 1 of Priorities Regulation 32 with respect to any material or product, that quantity controls instead of the rule in this interpretation.

(e) *Specific limits on ratings may not be exceeded.* This interpretation does not apply to the use of a rating where a specific quantity is stated in the instrument assigning the rating. If a person is assigned a rating for a specific amount of material, he may not use it to get more. If he finds that he can only get the material in larger quantities, he should apply for a modification of the rating.

(f) *No effect on contractual rights.* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified times in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b). (Issued Oct. 1, 1945.)

INTERPRETATION 3

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

(a) Paragraph (b) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation. Paragraph (f) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (c) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order a supplier is requested to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (f) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation, nor does it prevent earlier delivery of iron products, steel, copper and copper base alloys under the conditions described in paragraph (c) (3) of Priorities Regulation 32. Also, if any CPA order or regulation permits increased deliveries to the extent necessary to avoid shipping partly filled containers (such as paragraph (y) (4) of Order M-300), the rule in this interpretation does not prevent such deliveries. (Issued Oct. 1, 1945.)

INTERPRETATION 4

INVENTORY MATERIAL

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses wire or rod cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed.

(c) If a manufacturer purchases and stores steel castings in the form purchased, the steel castings are not put into process when the castings are painted and stored. Consequently, the inventory of castings includes those painted and stored.

(d) If a manufacturer shears steel sheet and stocks in sheared form, such stock is still part of his inventory, if the material does not continue in production. (Issued Aug. 28, 1945)

INTERPRETATION 5

EFFECT OF REDUCTION IN CONSUMPTION RATE ON PERMITTED INVENTORIES

(a) Paragraph (c) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is, or will be, more than the amount permitted by the regulation. If material is acquired within these restrictions the regulation does not prohibit the mere possession of an inventory if a change in circumstances makes it greater than the amount permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of one item of steel is 100 tons and he has in inventory 60 tons, he may receive

a further delivery of 40 tons. If after receiving the delivery of 40 tons his rate of consumption, because of contract cancellation or the like, is reduced drastically the mere fact that he has an inventory of 100 tons, although his permitted inventory may be only 10 tons, is not a violation of the regulation. He may not, of course, accept any further deliveries of that item of steel until his inventory has been reduced below 10 tons (except as provided in paragraph (h) of Priorities Regulation 32 and Direction 3 to that regulation relating to material already shipped, special items, etc.)

(b) Similarly the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law. (Issued Aug. 28, 1945)

[F. R. Doc. 46-21649; Filed, Dec. 13, 1946; 11:47 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Revocation of Direction 8]

FORTY-FIVE DAY INVENTORY ON STEEL AND IRON

Direction 8 to Priorities Regulation 32 is revoked. This revocation does not affect any liabilities incurred for violation of the Direction or of actions taken by the Civilian Production Administration under the Direction. Inventories of iron and steel remain subject to the provisions of Priorities Regulation 32 and other applicable orders and regulations of the Civilian Production Administration.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21645; Filed, Dec. 13, 1946; 11:46 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1040]

J. SCHNITZER

J. Schnitzer, of 35 No. 18th Street, Allentown, Pennsylvania, is engaged in residential construction. On or about September 6, 1946, he began the construction of a two-story, seven-room brick house at 2835 Liberty Street, Allentown, Pennsylvania, at an estimated cost of $15,000, without specific authorization of either the Civilian Production Administration or the Federal Housing Administration. The beginning and carrying on of this construction subsequent to March 26, 1946, without authorization, constituted a grossly negligent violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1040 *Suspension Order No. S-1040.* (a) Neither J. Schnitzer, his successors or assigns, nor any other person shall do any construction on the premises located at 2835 Liberty Street, Allentown, Pennsylvania, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration or the Federal Housing Administration.

(b) J. Schnitzer shall refer to this order in any application or appeal which he may file with the Civilian Production Administration, or the Federal Housing Administration for priorities assistance or for authorization to carry on the construction.

(c) Nothing contained in this order shall be deemed to relieve J. Schnitzer, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21644; Filed, Dec. 13, 1946; 11:46 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1047]

EDMOND GOBIN

Edmond Gobin of Sandy Point Road, West Yarmouth, Massachusetts, on or about July 12, 1946, began to construct a restaurant and bar on Main Street, West Yarmouth, Massachusetts, at a cost far more than the maximum amount permitted by Veterans' Housing Program Order 1 without authorization from the Civilian Production Administration. Upon application to the Civilian Production Administration dated August 27, 1946, Edmond Gobin received authorization dated August 29, 1946, to perform certain work on the building to prevent deterioration of the materials already incorporated. After the above authorization was granted, Edmond Gobin did construction work on the premises which not only differed substantially from that authorized but was work done for the purpose of completing the structure and not merely to preserve it from the elements. The beginning and carrying on of construction of the restaurant and bar in excess of the cost permitted by Veterans' Housing Program Order 1 (11 F. R. 11564) and the construction done in violation of the authorization granted to preserve the structure constituted a wilful violation of the order and the authorization. This violation diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1047 *Suspension Order No. S-1047.* (a) Neither Edmond Gobin, his successors or assigns nor any other person shall do any construction on the restaurant and bar located on Main Street, West Yarmouth, Massachusetts, except to board over doors and window openings in accordance with Civilian Production Administration authorization Form CPA 4423 numbered 1-1-2479 and dated August 29, 1946, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Edmond Gobin shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve Edmond Gobin, his successors or assigns from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21641; Filed, Dec. 13, 1946; 11:45 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Interpretation 13 as Amended Dec. 13, 1946]

TIME LIMIT ON USE OF RATINGS

The following amended interpretation is issued with respect to PR 3:

(a) Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship) it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

(b) The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may apply or extend his rating. However, a rating properly applied or extended on an order served upon a supplier within the time limit of the above rules, but not accepted by him, remains valid with that supplier where the failure to accept the rated

order was a violation of a CPA regulation or order. This does not permit the rating to be used on any other purchase orders not placed within the proper time limit.

(c) The periods of time stated in (a) above for the use of ratings do not mean that deliveries on rated orders must be made within those periods. The delivery dates which may be requested are controlled by Section 944.8 of Priorities Regulation 1, and any other applicable limitations, such as those in Priorities Regulation 32 controlling inventories. The rules for scheduling and making deliveries on rated orders are in Priorities Regulation 1 and other applicable orders or regulations. All validly rated orders must be scheduled and filled under those rules, unless the orders or ratings are cancelled.

Issued the 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21650; Filed, Dec. 13, 1946; 11:48 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317A, Revocation of Direction 1]

TERMINATION OF SET-ASIDES FOR INDUSTRIAL AND AGRICULTURAL PURPOSES AND BAGS CONTROLLED BY ORDER M-221 AND OF CERTAIN SET-ASIDES FOR COMPONENTS

Direction 1 to Supplementary Order M-317A is revoked as its provisions have been incorporated in Order M-317A as amended December 13, 1946. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under it.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21647; Filed, Dec. 13, 1946; 11:47 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Limitation Order L-181, Revocation]

MEN'S WORK CLOTHING

Section 3290.125 *General Limitation Order L-181* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board or the Civilian Production Administration under the order.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21646; Filed, Dec. 13, 1946; 11:46 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317A, as Amended Dec. 13, 1946]

COTTON FABRIC DISTRIBUTION

§ 3290.116 *Supplementary Order M-317A*—(a) *What this order does.* This order states the special rules for distribution of cotton fabrics, particularly with respect to set-asides for certain purposes, the certificates of use which must be filed with orders in order to obtain set-aside fabrics, and the effect and use of preference ratings. The set-aside percentage figures are shown in the tables at the end of this order.

The set-asides of cotton fabrics for industrial and agricultural purposes, for bags formerly controlled by Order M-221, and for cotton components for apparel (except as to fabric ref. Nos. 59, 60 and 81) were terminated on November 22, 1946, by Direction 1 to Order M-317A. Producers may deliver these cotton fabrics without regard to the former set-asides, and any person who has obtained any of these cotton fabrics with a certificate formerly provided for these set-asides may use or dispose of the fabric without regard to the provisions of the certificate or the former provisions of this order. Cotton fabrics obtained with a preference rating, however, must still be used or disposed of, if possible, for the purpose for which the rating was granted as explained in § 944.11 of Priorities Regulation 1.

Definitions

(b) *Definitions.* (1) "Cotton fabric" means any fabric 12" or more in width woven or braided from cotton yarn which contains 50% or more by weight of cotton or cotton waste or any combination of the two. The term includes not only fabrics in the gray and yarn dyed fabrics, original mill or regular finish, but also fabrics which have been bleached, Sanforized, dyed or printed; and includes shorts, seconds, remnants or mill ends. The term does not include blankets or blanketing containing 25% or more by weight of wool; or fabrics (other than blankets or blanketing) containing wool produced on the woolen or worsted system.

(2) "Producer" means any person who weaves for his own account, or has woven for his account, any cotton fabric in the forty-eight States or the District of Columbia. A person who weaves cotton fabric for the account of another is not a producer of that fabric for the purpose of this order.

(3) [Deleted Dec. 13, 1946.]
(4) [Deleted Dec. 13, 1946.]
(5) [Deleted Dec. 13, 1946.]

Set-Asides

(c) [Deleted Dec. 13, 1946.]
(d) [Deleted Dec. 13, 1946.]
(e) [Deleted Dec. 13, 1946.]

(f) *Set-aside for cotton components for men's suits.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter for delivery only on orders certified for use as cotton components for men's suits an amount computed from Column 8 of the attached tables in accordance with paragraph (h) (1) of this order. "Cotton components for men's suits" means cotton fabric used as components (excluding body fabric) in the manufacture of men's suits. However, orders certified for use or resale for use for making cotton components for apparel under this order before December 13, 1946 and accepted before that date, may be charged against the set-aside. Any orders accepted after that date may be charged against this set-aside only if certified for use, or resale for use, for making cotton components for men's suits.

(g) *Exports of cotton fabrics.* (1) *Set aside for export (other than to Canada).* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery for export (not including export to Canada), an amount computed from Column 9 of the attached tables in accordance with paragraph (h) (1) of this order. Fabrics set aside under this paragraph shall not be delivered on orders for eventual export by the United States Army, Navy, Maritime Commission, American Red Cross, or any U. S. military exchange or service department as defined in Priorities Regulation 17. Unrated orders may not be charged against this set aside.

(2) *Set aside for export to Canada.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery for export to the Dominion of Canada, an amount computed from Column 10 of the attached tables in accordance with paragraph (h) (1) of this order. Deliveries for export to Canada may not be charged to the set-aside of paragraph (g) (1) above, irrespective of whether there is a percentage specified for Canada in Column 10 of the attached tables.

(3) *Scope of export set-aside.* The export set-asides are for cotton fabrics to be exported in the gray, in the finished state, as piece goods as shorts, seconds, or mill ends (except remnants under 10 yards in length), or in any of the following forms: bedsheets, pillow cases, blankets, towels, diapers, face cloths, table "linen", or clothing.

(4) *Special export rules for wide combed cotton fabrics (Table I).* In calculating export-set-asides of cotton fabrics in the attached Table I the producer may exclude his production of cotton fabrics wider than 42½". However, deliveries on certified export orders of cotton fabrics wider than 42½" may be credited against the producer's export set-aside of cotton fabrics less than 42½" wide within the same reference number in column 1 of the attached

Table I (or, in the case of drills, twills and sateens, deliveries on certified export orders of any of these fabrics wider than 42½" may be credited against the producer's export set-aside of any drill, twill or sateen less than 42½" wide).

(5) *Certifying orders for replacement of exported cotton fabrics.* Purchase orders may be certified "for export" under this order when the cotton fabrics (or other items listed in paragraph (g) (3) above) being ordered either will be exported as certified, or else will replace in inventory other cotton fabrics (or items) of like description which have been exported as certified within the previous 90 days.

(h) *General provisions for set-asides—*(1) *Quantities to be set aside and carry-overs from previous quarters.* (i) The total quantity of each cotton fabric subject to set-aside during each calendar quarter for each specified purpose is the sum of the undelivered balance required to be set aside for that purpose during the previous quarters, plus the amount required to be set aside from the current quarter's production for that purpose.

(ii) [Deleted Oct. 4, 1946.]

(iii) Set-asides from production during each calendar quarter shall be determined by applying the required percentages to a figure equal to total production during the previous quarter. A producer may appeal under paragraph (m) if his production of any cotton fabric during any quarter does not equal the total amount of the required set-asides of that fabric for that quarter based on his previous quarter's production.

(iv) [Deleted Dec. 13, 1946.]

(v) References to "each cotton fabric" in set-aside provisions refer to cotton fabrics having the same Reference Number in the attached tables. References to "production" include what a producer weaves or has woven for his account, and excludes what he weaves for the account of others.

(2) *Deliveries in excess of required set-asides.* Deliveries in excess of the quantity required to be set aside for any purpose may not be credited against the set-aside for any other purpose, nor against the next quarter's set-aside for the same purpose. The set-aside for each purpose is a minimum required quantity, and does not prevent additional quantities being delivered from production which has not been set aside for other purposes.

(3) *Shorts, seconds, remnants and mill ends.* Shorts, seconds, remnants and mill ends must be included in total production for the purpose of determining set-asides. Deliveries of gray or finished shorts, seconds, remnants and mill ends may be credited as deliveries against set-asides in the same way as other cotton fabrics, except that deliveries of remnants less than 10 yards in length may not be credited against any export set-aside.

(4) [Deleted Dec. 13, 1946.]

(5) *Territorial limitation.* Cotton fabric set aside, or received on certification, for any purpose other than export, may be used, sold or delivered as cotton fabric only within the United States and its territories and possessions (notwithstanding the last sentence of § 944.13 of Priorities Regulation No. 1).

(6) *No double set-asides on fabrics listed twice in the attached tables.* Certain fabrics are listed in one form in one part of the attached tables, and in another form in another part of the tables. The producer of such a fabric must set it aside only in the form in which he sells it to another person, if that form is listed in the attached tables. If the producer processes the fabric into a form not listed in the attached tables before disposing of it, he must set it aside on the basis of the last intermediate form of the fabric which is listed in the tables. For example, a producer who sells soft filled sheetings as such must set them aside as required for soft filled sheetings; on the other hand, a producer of soft filled sheetings who naps and sells them as napped fabrics must set them aside as required for napped fabrics.

Certificates

(i) *Purchase order certificates for cotton fabrics—*(1) *When certificate required, and restrictions on use or resale of fabric received on certification.* No producer may deliver cotton fabrics which he is required to set aside under this order except on purchase orders with certificates stating that the fabrics ordered will be used or resold for purposes meeting the set-aside provisions. Except where set-asides have been terminated, a person who has obtained cotton fabrics on certification may use them only as certified, and may resell them only on orders similarly certified (this does not apply to the use or resale by a finisher of the shorts, seconds, remnants or millends which result from his normal finishing operations). However, he may resell at retail without certification from the buyer unless he knows or has reason to believe that the buyer will not use the fabric for the certified purpose.

In the case of the cotton fabrics covered by fabric ref. nos. 59, 60 and 81, which under paragraph (f) are now subject to set-asides for cotton components for men's suits only, any person who has obtained any of these fabrics with the certificate formerly permitted under this order for use, or resale for use, for making "cotton components for apparel" must still use or dispose of the fabric in accordance with that certificate.

Delivery shall not be made on any order which the seller knows or has reason to believe is falsely certified, or on any uncertified order which is required to be certified, even though the order is rated MM or CC.

NOTE: Former undesignated paragraph re certification requirements deleted Dec. 13, 1946.

(2) *Content and form of certificate.* The purchase order certificate must state the ultimate use of the cotton fabric ordered and in addition must be certified and signed substantially as follows:

For use or resale for use for making cotton components for men's suits under CPA Order M-317A, or

For export (or state that "these cotton fabrics will be exported or will replace in inventory similar cotton fabrics which have been exported within 90 days"; moreover, state also the governing export license number and date of validation, or the United States Treasury Procurement Division contract number and date; or if the export is to Canada, so state and add the Canadian Cotton Administrator's Serial Number and date).

The above statements of use must be certified in the standard form provided in Priorities Regulation 7, or in the following form:

Certified under CPA Order M-317A and subject to penalties of sec. 35 (a) of U. S. Criminal Code.

(Authorized signature)

(3) *Addition of rating.* If the statement of ultimate use is certified in the special form shown above, the applicable preference rating (if any) and statement of source of rating (required by paragraph (c) of Order M-317) must be certified separately (as provided in Priorities Regulation No. 3). Alternatively, the statement of use, the rating, and the source of rating, may be covered by a single standard certification in the form specified in Priorities Regulation No. 7.

Preference Ratings

(j) *Effect and use of preference ratings—*(1) *Rated orders for set-aside fabrics.* Orders which are duly certified for any set-aside purpose and also bear preference ratings and the statement of source of rating required by Order M-317, must be accepted and filled from the applicable set-aside in accordance with the provisions of Priorities Regulation No. 1 (without limitation under the rating ceiling of Column 11 of the attached tables, and without being credited against that ceiling). On the other hand, delivery may not be made of any set-aside cotton fabrics on any rated order which is not certified as required by paragraph (i) above.

(2) *Rating ceiling on amounts in excess of set-asides.* No producer need accept or fill rated orders which would cause him to deliver during any calendar quarter more of any cotton fabric on rated orders in excess of total set-asides, than a quantity equal to the percentage specified in the attached tables (Column 11) applied to a figure equal to his total production of that fabric during the previous calendar quarter (the term "any cotton fabric" refers to any group of fabrics having the same Reference Number in the attached tables). Deliveries on rated certified orders which have been credited against any set-aside may not also be credited against the rating ceiling of this paragraph unless the set-

asides have been terminated. On the other hand, deliveries on rated orders which are certified for set-aside purposes may be credited against the rating ceiling of this paragraph if the applicable set-asides are exhausted or terminated.

(3) *Kinds of ratings affected.* Paragraph (j) (1) and (2) above refer to MM and CC rated orders. Orders rated AAA must be accepted and filled regardless of the set-aside or rating ceiling provisions of this order.

(4) *Restriction on serving ratings on another producer.* No producer of cotton fabric shall use any preference rating to obtain cotton fabric from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing on Form CPA-2842, that his own production is insufficient or unsuitable.

(5) *Expiration of export ratings.* Preference ratings assigned for the export of cotton fabric expire if they are not applied or extended to an order accepted by a producer within six months of the date the rating was assigned.

(6) *Rated orders for future delivery.* No person is required to accept any rated order for cotton fabrics calling for delivery more than 90 days after the receipt of the order, except from the United States Army, Navy, Maritime Commission or Veterans' Administration.

(7) *Ratings on export licenses for fabricated goods.* Substantially the following form of assignment of preference rating may appear on licenses issued by the Department of Commerce, Office of International Trade, for export of woven cotton fabricated goods (such as clothing).

Pursuant to the official certification set forth below, a CC rating is assigned to the delivery of-------- yards of-------- for incorporation into the fabricated goods authorized for export under this license.

If the holder of the license manufactures the fabricated goods himself he may apply the rating to his purchase order for the necessary cotton fabric. On the other hand, if he buys the goods in the fabricated state he may not apply the rating on his purchase order for the fabricated goods; however, he may authorize his supplier to use the rating to get cotton fabric to make the goods, by furnishing the following certificate with his purchase order for the fabricated goods (filling in the blanks as indicated):

You are hereby authorized to apply a CC preference rating to purchase orders for ----------- yards of ----------- to make the goods specified in my attached purchase order. The source of this rating is Export License Number -----------, date of validation -----------.

(Signature of export license holder).

Miscellaneous

(k) *Integrated mills.* Requisitions for intra-company deliveries of cotton fabrics from the producing mill shall be treated as if they were purchase orders, for the purpose of the set-aside and certification requirements and the other provisions of this order.

(l) *Reports.* Each producer of cotton fabrics shall file a report with the Civilian Production Administration on Forms CPA-658B and C at the time and in the manner prescribed in these forms. These reporting requirements have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the ground of the appeal.

(n) *Communications.* All reports, appeals and other communications concerning this order shall be addressed to: Civilian Production Administration, Textile Division, Washington 25, D. C. Ref: M-317A.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

COTTON FABRIC DISTRIBUTION TABLES FOR FOURTH QUARTER OF 1946

TABLE I—FINE COTTON GOODS

NOTE: Table amended Dec. 13, 1946.

Ref. No.	Form CPA 658-C (Sept 18, 1946) item numbers	Fabrics	Minimum percentages for set-asides (see par. (h) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for men's suits	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
			Terminated	Terminated	Terminated	Terminated	par. (f)	par. (g) (1)	par. (g) (2)	par. (j) (2)	Terminated
1	2	3	4	5	6	7	8	9	10	11	12
1	1, 2	Airplane and balloon fabrics						2½	1½	5	
2	3-6	Broadcloth (combed)						7½	2½	20	
3	7	Dimities						6½	1½	5	
4	11-18	Lawns and organdies (combed and part combed and carded).						8½	2	5	
5	19-22	Marquisettes (combed and part combed and carded).						3	2	5	
6	23	Oxfords, combed and fine carded (average carded yarns finer than 35s).						4	4	5	
7	24	Piques						4	1	5	
8	25	Pongees						4	1	5	
9	26, 27	Poplins (combed)						7	3	5	
10	28	Sateens (combed and part combed)						8½	2½	5	
11	29	Sateens, carded (average yarns finer than 35s), narrow (under 42").						11	3	5	
12	32	Shirtings, jacquard, gray-dobby and colored						9	5	5	
13	33, 34	Army twills, 6.0 oz. shirting and 8.2 oz. uniform								100	
14	36	Albert twills						5½	1½	93	
15	37	Gabardines (combed)						8	2	5	
16	35, 38	All other combed twills						4	1	5	
17	39	Twills, carded, (average yarns finer than 35s)						8	2	5	
18	42	Voiles						6	2	5	
19	43, 4[illegible] and 157 on Form CPA 658-B.	Combed and carded cotton-rayon fabrics, chiefly cotton less than 25% rayon and lighter than 3.00 yd.						6½	1½	5	
20	44, 46 and 158-159 on Form CPA 658-B.	Combed and carded cotton-rayon fabrics, chiefly cotton—all other less than 51% rayon.						6½	1½	5	
21	47	Dotted swiss, carded, undyed yarn						10	2	5	
22	48	Dotted swiss, all other						10	2	5	
23	49	Seersuckers (combed)						10	2	5	
24	50	Seersuckers, fine carded (average yarns finer than 35s).						10	2	5	
25	51	All other combed, part combed and fine carded fabrics (average carded yarns finer than 35s) except seersuckers and dotted swiss.						10	2	5	
26		All other combed, part combed and fine carded fabrics not elsewhere specified in distribution table 1.								10	

COTTON FABRIC DISTRIBUTION TABLES FOR FOURTH QUARTER OF 1946—Continued

TABLE II—CARDED GRAY FABRIC

NOTE: Table amended Dec. 13, 1946.

Ref. No.	Form CPA 658-B (June 16, 1946) item numbers	Fabrics	Minimum percentages for set-asides (see par. (h) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for men's suits	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
			Terminated	Terminated	Terminated	Terminated	par. (f)	par. (g)(1)	par. (g) (2)	par. (j) (2)	Terminated
1	2	3	4	5	6	7	8	9	10	11	12
27	5-12 on Form CPA-658-A.	Flat duck (including enameling duck)								5	
28	20 on Form CPA-658-A	Hose and belting duck									
29	21 on Form CPA-658-A	Filter cloth (duck yarns)									
30	23 on Form CPA-658-A	Chafer fabrics									
31	1-8	Osnaburgs						1¾	1¼	2	
32	12	Soft filled sheetings under 42″						10	3	5	
33	13	Soft filled sheetings, 42″ and wider							2	5	
34	14-17, 19	Class A sheetings under 42″						4	4	2	
35	18, 20	Class A sheetings, 42″ and wider							4	5	
36	21	Class B sheetings; 40″ 48 x 40—3.25 yd						10½	2	2	
37	22	Class B sheetings; 40″ 48 x 40—3.75 yd						7	3	2	
38	23	Class B sheetings; 37″ 48 x 44—4.00 yd						8	4	2	
39	24	Class B sheetings; 40″ 44 x 40—4.25						15	4	5	
40	25	Class B sheetings; 31″ 48 x 44—5.00 yd						9	4	2	
41	26	Class B sheetings; pro rata widths to above, under 42″.						10½	2	2	
42	27	Class B sheetings pro rata widths to above, 42″ and wider.						15		5	
43	28	All other class B sheetings, under 42″						10½	2	2	
44	29	All other class B sheetings, 42″ and wider						15		5	
45	30-33	Class C sheetings; 36″ 64 x 64—3.50 yd.; 36″ 60 x 52, 56 x 56—4.00 yd.; 36″ 48 x 40, 44 x 40—5.50 yd.; 36″ 44 x 40, 40 x 40—6.05 to 6.15 yd.						12	1	2	
46	34	Class C sheetings; 40″ 64 x 64—3.15 yd						15		2	
47	35	Class C sheetings; 40″ 60 x 52, 56 x 56—3.60 yd						15		2	
48	36	Class C sheetings; 40″ 56 x 48—4.30 yd									
49	37, 38	Class C sheetings; 40″ 44 x 40—5.50 yd., 40″ 36 x 40—5.55 yd						14	1	2	
50	39	Class C sheetings; 40½″ 74 x 86—2.80 to 2.90 yd. (Mead's cloth)									
51	40, 42	All other class C sheetings, under 42″						12	1	2	
52	41, 43	All other class C sheetings, 42″ and wider						11		5	
53	44-47	Bed sheetings, 42″ and wider						10	2	5	
54	49	Carded poplins (sheeting yarns)						10	1	5	
55	50	Three leaf herringbone twills (except jeans)						10	2½	5	
56	51-54	Drills, under 42″						10	2	5	
57	55	Drills, 42″ and wider							3	2	
58	56	Jeans (plain and herringbone)						11	1	5	
59	57	Three leaf pocketing twills (sheeting yarns)					75				
60	58	Three leaf silesia twills (sheeting yarns)					75				
61	59-62	Four leaf twills, under 42″						11	1	5	
62	63, 64, 66	Four leaf twills and sateens, 42″ and wider								2	
63	65, 67, 68	Sateens under 42″; gabardines (carded); all other carded twills and sateens N. E. C.						11	2	5	
64	69	Birdseye diaper cloth						2	½	5	
65	71	Plain print cloths: 39″ 80 x 80—4.00 yd. and pro rata						5	1	8	
66	72	Plain print cloths: 39″ 68 x 64—4.85 yd. and pro rata						8	4	5	
67	73	Plain print cloths: 39″ 68 x 72—4.75 yd. and pro rata							1	2	
68	74	Plain print cloths: 38½″ 64 x 56-5.50 yd. and pro rata.						10	4	5	
69	75	Plain print cloths: 38½″ 64 x 60-5.35 yd. and pro rata.							1	2	
70	76	Plain print cloths: 38½″ 60 x 48-6.25 yd. and pro rata.						10	2	6	
71	77	All other plain print cloth constructions, under 36″						13	2	5	
72A	78	All other plain print cloth constructions, 36″ and wider, 80 sley and higher (except Ref. No. 72B below).						13	2	5	
72B	78	Plain print cloths: 40″-80 x 84-3.65 yd., 40″ 80 x 92-3.50 yd.						13	2	5	
73	79	All other plain print cloth constructions 36″ and wider, under 80 sley.						13	2	5	
74	80	Pajama checks						4	1	50	
75	81	Gauze diaper cloth						1½	1	5	
76	82	All other fancy print cloths						12	3	5	
77	83	Bandage cloth 38½″-44 x 36-8.60 yd. and pro rata								10	
78A	84	Bandage cloth 38½″-44 x 36—8.20 yd. and pro rata								10	
78B	84	All other bandage cloth const. (total threads per sq. ″99 to 72).								10	
79	88-91	Carded broadcloths						12	2	5	
80	92	Carded poplins (print cloth warp yarns)						9	3	5	
81	93-96	Three leaf twills (print cloth yarns)					75				
82	97-101, 103, 104	Denims (except sport denims), pinstripes, pincheeks, hickory stripes, etc.						7	1	5	
83	102	Sport denims						7	1	2	
84	105-109	Cottonades and suiting coverts, whipcords and Bedford cords.						13	2	5	
85	110	Ginghams, checks and plaids (carded)						11	4	2	
86	111, 112	Seersuckers, checks and plaids, stripes						11	4	5	
87	113-117	Colored yarn suitings, all cotton, cotton and rayon						14	1	5	
88	118-121	Shirting coverts, and 36″—3.90 yd. chambrays and colored yarn shirtings.						14	1	5	
89	122	All other chambrays and colored yarn shirtings						13	[illegible]	2	
90	123	Bed tickings						5	3	2	
91	124	Turkish and terry woven toweling						9	1	10	
92	125	Huck, damask and Jacquard woven toweling						3	1	10	

COTTON FABRIC DISTRIBUTION TABLES FOR FOURTH QUARTER OF 1946—Continued

TABLE II—CARDED GRAY FABRIC—continued

Ref. No.	Form CPA 658-B (June 16, 1946) item numbers	Fabrics	Minimum percentages for set-asides (see par. (h) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for men's suits	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
			Terminated	Terminated	Terminated	Terminated	par. (f)	par. (g) (1)	par. (g) (2)	par. (j) (2)	Terminated
1	2	3	4	5	6	7	8	9	10	11	12
93	126	Dish toweling and other twill and plain woven toweling.						7	1	10	
94A	128	Outing flannels except Ref. No. 94B below						9½	4½	2	
94B	128	Outing flannels, 4.50 yd. and lighter						9½	4½	2	
95	129, 130	Work shirt flannels						12½	1½	5	
96	131	Canton flannels (glove and mitten)						1		2	
97	133	Interlining flannels						7	1	5	
98	134	Moleskin and suedes						8	7	5	
99	135	All other napped fabrics except blankets						15		5	
100	136	Crib blankets and blanketing						5	1	5	
101	137-139	Blankets and blanketing other than crib, all cotton and cotton and rayon containing less than 25% by weight of wool.						13	2	5	
102	142, 143	Bedspread fabrics, woven style						2½	3½	5	
103	146-148	Drapery, upholstery and tapestry fabrics						1¾	2¼	7	
104	151-153	Corduroys						5½	3½	5	
105	154, 155	Velvets, velveteens, plushes and other pile fabrics						6	1	5	
106	156	Table damask, covers, cloths and napkins						2½	3½	5	
107	161	Carded oxfords						13	2	10	
108	162	All other carded cotton woven fabrics over 12"						14	1	5	
109		All other carded cotton woven fabrics reported on Form CPA-658-A or B not elsewhere specified in Distribution Table II.								10	

INTERPRETATION 1: Revoked Oct. 1, 1945.
INTERPRETATION 2: Revoked Apr. 1, 1946.

[F. R. Doc. 46-21648; Filed, Dec. 13, 1946; 11:47 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, as Amended Dec. 13, 1946]

VETERANS' EMERGENCY HOUSING PROGRAM

§ 944.54 *Priorities Regulation 33*—(a) *What this regulation does.* Priorities Regulation 33 was the method by which the Civilian Production Administration provided general priorities assistance for the Veterans' Emergency Housing Program on applications filed before September 10, 1946. It was also the method by which persons who wished to do construction work restricted by VHP-1 could apply for authorization under that order when the work was to be done on structures used for residential purposes. Applications under the regulation were made to the National Housing Agency or an agency acting for it under a delegation. Beginning September 10, 1946, all new applications in connection with housing accommodations, either for priorities assistance for materials on Schedule A to this regulation or for authorization under VHP-1 or both, have been filed under Housing Expediter Priorities Regulation 5 or other applicable regulations of the Housing Expediter.

The provisions of Priorities Regulation 33, as amended, apply to all housing accommodations built under an approved application on Form CPA-4386 or Form CPA-4387.

(b) *Kinds of applications approved:* Applications for authorization under VHP-1 or for priorities assistance under PR-33, or both, have been approved when made by the following kinds of persons:

(1) Veterans of World War II or members of the armed forces wishing to build, alter or repair a house for their own occupancy.

(2) Persons wishing to build, complete or convert moderate or low cost dwelling accommodations to which veterans of World War II and members of the armed forces would be given preference in selling or renting.

(3) Persons wishing priorities assistance to complete dwelling accommodations under construction on March 26, 1946, which could not otherwise qualify under this paragraph.

(4) Persons wishing to reconstruct or repair dwelling accommodations destroyed by fire, flood, tornado, or other similar disaster.

(5) Persons wishing to make repairs or alterations to dwelling accommodations in order to maintain them in a habitable condition or to return them to a habitable condition or to provide space for additional persons.

(6) Persons wishing to construct, repair or alter dwelling accommodations where the construction or repairs were necessary to increase or maintain the production of scarce materials or products.

(7) Persons wishing to construct, repair or alter a farm dwelling where the construction, repairs or alterations were necessary to increase or maintain the production of essential food products.

(8) Educational institutions or public organizations wishing to construct, repair or alter a dormitory or other group housing facility for veterans of World War II and members of the armed forces.

(c) On approval of an application, a copy of the application bearing a project serial number and a placard or placards are sent to the builder.

(1) If the application covers the construction of accommodations to be rented or sold to veterans or members of the armed forces under paragraph (b) (2) or paragraph (b) (8), the placard will contain a statement to this effect and will contain spaces for the maximum sales price or rent and the project serial number. The builder must insert in the placard or placards clearly, legibly and permanently the project serial number and the appropriate rent and sales price, not in excess of those specified in the application as approved. The builder must set up a placard in front of each separate residential building on the project site in a conspicuous location within 5 days after the time construction has started and must keep the placard there until completion of the building, and, unless all the accommodations in the building have seen sold or rented to veterans of World War II or members of the armed forces in accordance with paragraph (h), and for 30 days afterwards (for 60 days afterwards in the case of accommodations approved after August 6, 1946, which are being offered for sale).

(2) If the application is not based on paragraph (b) (2) or paragraph (b) (8), the placard will contain a space for the project serial number which must be inserted by the builder. This placard must be set up in front of the building in a conspicuous location within 5 days after construction has started, or after receipt of the placard in case of an application under paragraph (b) (3), and must be kept there until the work is completed.

(d) Paragraph (c) of Schedule A to PR-33 contains the provisions concerning the use of HH ratings formerly in paragraph (d) of this regulation.

(e) *Construction of the project.* A builder who constructs, converts, alters, or repairs housing accommodations under this regulation must do the work in accordance with the description given in the application, except where he has obtained written approval for a change from the agency which approved the original application.

(f) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the CPA, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph (g) must be observed so long as this regulation remains in effect. They apply to dwellings of the kinds described below when built or converted under this regulation. Dwellings or other housing accommodations covered by approved applications under this regulation are considered to have been built or converted under this regulation when the priorities assistance assigned has been used to get materials for the accommodations or when the construction of the accommodations could not have been done under VHP-1 without the authorization granted by the approval of the application. The restrictions on sales prices do not apply to judicial or statutory foreclosure sales of a dwelling and do not prohibit any subsequent sale of the dwelling at or below the amount of the foreclosure sale. The restrictions on sales prices and rents apply to all sales and leases, whether made to veterans of World War II or to other persons. It is a violation of this regulation to condition a sale or rent on the purchase of or the agreement to purchase any commodity, service or property interest except where this regulation specifically permits the consideration paid for the commodity, service or property interest to be included in or added to the maximum sales price or maximum rent. Approval of a proposed sales price or rent should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes. In the case of remodelling or rehabilitation, the Office of Price Administration may reduce the maximum rent specified in the application, unless prior approval of the rent has been obtained from that agency.

(2) *One-family dwelling.* (i) A "one-family dwelling" means a building designed for occupancy by one family and to be occupied, rented or sold as a unit, including a detached or semi-detached house or a row house but not including an apartment house or a two-family "one-over-one" house.

(ii) A builder must not sell a one-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or by the purchaser.

(iii) No other person shall sell a one-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus normal and customary brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder) whether paid by previous sellers or purchasers.

(iv) No person shall rent a one-family dwelling built or converted under this regulation for more than the maximum rent specified in the application as approved. If no rent is specified in the application, the person wishing to rent the dwelling may request the Federal Housing Administration to set a rent on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. A rent of more than $80 a month will not be approved except as a result of an appeal showing that unusual hardship would result.

(3) *Two-family dwellings.* (i) A "two-family dwelling" means a building designed for occupancy by two families which will be sold as a unit, not including semi-detached or row houses covered by paragraph (g) (2).

(ii) A builder must not sell a two-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or the purchaser.

(iii) No other person shall sell a two-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder), whether paid by previous sellers or purchasers.

(iv) No person shall rent an apartment in a two-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) A "multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(5) *Dormitories and group housing facilities.* No person (whether the builder or any other person) shall rent accommodations in a dormitory or other group housing facility built under this regulation for more than the maximum shelter rent specified in the application as approved.

(6) *Maximum rent and maximum shelter rent.* "Miximum rent" means the total consideration paid by the tenant for the accommodations including charges paid by the tenant for tenant services specified on the application and including charges paid by the tenant for garage as specified on the application, but excluding charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage. Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of dwelling accommodations built or altered under this regulation must be considered as a part of the maximum rent. However, if the rental of furniture was requested by the tenant in connection with a lease entered into with the tenant before December 13, 1946, the amount paid for furniture need not be included in the maximum rent.

(7) *Requests for increases in sales prices and rents by builders.* A builder may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application before the house is sold (i. e., before title has passed) or initially rented. The application will not be approved unless he can show that he has incurred or will incur additional or increased costs in the construction over which he had, or has, no control, or if he can show that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it unreasonable for him to sell or rent at the price or rent specified in the application. No increase in sales price or rent will be granted in excess of the increase in construction cost, or a proper proportion of it, or the increase in operating cost, as the case may be.

(8) *Requests for increases in sales prices or rents by subsequent owners.* An owner of a dwelling built under this regulation, other than the builder, may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application if the subsequent owner has made improvements to the dwelling which would warrant an increase. No increase will be granted in excess of the cost of construction of the improvement, or a proper proportion of it in the case of a re-

quested increase in rents. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to more than $80 a month will be granted, except on appeal where unusual hardship would result. If an increase in rent is needed because of subsequent improvements, and the accommodations have previously been rented and are in a Defense Rental Area established by the Office of Price Administration, the owner should apply to the Area Rent Office of the Office of Price Administration for an increase (or in the District of Columbia to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the appropriate office of the Federal Housing Administration. Upon the filing of this copy with the Federal Housing Administration, the new rent granted becomes the maximum shelter rent under this regulation. (Note: Under Veterans' Housing Program Order 1 it may be necessary to get authorization to make these alterations.)

(h) *Preferences for veterans of World War II and members of the Armed Forces*—(1) *General.* This paragraph tells how preferences must be given under this regulation to veterans of World War II and members of the Armed Forces as long as this regulation remains in effect. As used in this regulation, "veterans of World War II and members of the Armed Forces" (sometimes referred to in this regulation as "veterans" or as "veterans of World War II") include the following: (i) A person who has been on active service in the U. S. Army, Navy, Coast Guard or Marine Corps or in the U. S. Merchant Marine during World War II (i. e., on or after September 16, 1940) and who was discharged or released under conditions other than dishonorable; (ii) a person who is serving in the U. S. Army, Navy, Coast Guard, Marine Corps or in the U. S. Merchant Marine; (iii) the spouse of a member of the Armed Forces who died in service during World War II or the spouse of a deceased veteran of World Wor II, if the spouse is living with a child or children of the deceased; or (iv) a citizen of the United States who served in the Armed Forces of an allied nation during World War II. The preference for veterans and members of the Armed Forces provided by this paragraph (h) do not apply to judicial or statutory foreclosure sales. Sales subsequent to a foreclosure sale, however, are subject to the provisions of this paragraph. The requirements of this paragraph apply to the original sales or leases and to later sales and leases, as long as this regulation remains in effect. The provisions of paragraph (h) do not apply to dwellings for which neither a maximum sales price nor a maximum rent is established under this regulation and do not apply to dwellings approved on applications under paragraph (b) (6) or to the initial occupancy of a dwelling or an apartment in it approved under this regulation for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwellings.* (i) A builder who has built or converted a one-family dwelling under this regulation must, during construction and for 30 days after completion (or 60 days after completion if the application was approved after August 6, 1946, and the dwelling is being offered for sale), publicly offer it for sale or for rent at or below the approved maximum sales price or the approved maximum rent to veterans of World War II and members of the Armed Forces for their own occupancy, and he must not sell or rent it to any other person unless he has made such an offer.

(ii) If a one-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization approved after August 6, 1946) at or below the approved maximum sales price.

(iii) No person shall rent a one-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the dwelling for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approved maximum rent.

(3) *Two-family dwellings.* (i) A builder who has built or converted a two-family dwelling under this regulation must publicly offer it for sale or the apartments in it for rent at or below the maximum sales price or the maximum rent specified in the application, as approved, to veterans of World War II and members of the Armed Forces for their own occupancy. This public offering must continue during construction and for 30 days afterwards in the case of rentals, and in the case of sales if the application was approved before August 7, 1946. It must last during construction and for 60 days after completion in the case of sales of dwellings built or converted under an application approved after August 6, 1946.

(ii) If a two-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization approved after August 6, 1946) at or below the approved maximum sales price.

(iii) No person shall rent an apartment in a two-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approved maximum rent.

(4) *Multiple-family dwellings.* (i) A builder who has built or converted a multiple-family dwelling under this regulation must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans of World War II and members of the Armed Forces for their own occupancy at or below the maximum rent given in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days after completion in the case of the initial offering of the builder) at or below the approved maximum rent.

(5) *Dormitories and group housing facilities.* A builder who has built or converted a dormitory or other group housing facility under this regulation must make the accommodations available exclusively for veterans of World War II and members of the Armed Forces otherwise eligible to occupy the accommodations, except that if an educational institution builds a dormitory under this program it may make available to non-veterans 40% of the accommodations in the dormitory if it makes available to veterans of World War II an equivalent number of similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

(i) *Notices in advertisements and deeds.* (1) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect a builder who has used the HH rating to get materials for a dwelling, or who could not, under Veterans' Housing Program Order 1, have built or converted the dwelling without approval under this regulation and every other person who has acquired title to such a dwelling (whether completed or not) must include a statement in substantially the following form in any deed, conveyance or other instrument by which the dwelling is sold, transferred or mortgaged to any other person:

> The building on the premises hereby conveyed was built (converted) under Priorities Regulation 33 (Builder's Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises or both and preferences are given to veterans of World War II or members of the Armed Forces in selling or renting. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent purchaser will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Priorities Regulation 33 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby conveyed.

(2) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect the builder and every subsequent owner, and their agents and brokers, must include in any advertisement printed or

published in which accommodations built under Priorities Regulation 33 are offered for sale or for rent, the following statements:

Built under Veterans' Emergency Housing Program.
Held for sale (rent) to veterans of World War II for 60 (30) days.
Sales price (rent per month) $-------.

(j) *Transfer of ratings forbidden.* No person to whom an HH rating has been assigned shall transfer the rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason a builder wishes to abandon a project and another builder wishes to continue with the project, the new builder should apply to the appropriate FHA office, attaching to his application a letter from the former builder or the representatives of the former builder joining in the request for the assignment of ratings to the new builder.

(k) *Appeals.* Any person affected by this regulation or a direction to it who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from any provision of this regulation should be filed with the appropriate local office of the Federal Housing Administration or other agency with which applications may be filed under this regulation, and the appeal will be forwarded to the Washington office of that agency for consideration, together with any recommendations made by the local office. An appeal from a schedule or direction to this regulation, unless expressly stated otherwise, should be filed by letter in duplicate addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Direction—or Schedule—to PR-33.

(l) *Amendments and supplemental applications.* A builder may apply to the agency which approved his application for an amendment to it. If the amendment covers changes in the specifications of the proposed dwelling or dwellings or changes in the proposed sales price or rent (see paragraph (g) (6)), or a change in the construction schedule of a project involving several buildings, the request for an amendment may be made by letter in triplicate. If the request for an amendment is granted, the provisions of this regulation apply to the application as amended. If the request for an amendment requires additional buildings or dwelling units not included in the original application, a new application on Form NHA 14-56 covering the new units should be filed.

(m) *Communications.* All communications about this regulation should be addressed to the appropriate State or District Office of the Federal Housing Administration or other appropriate agency. Communications about Schedules A and B or directions to the regulation should, unless specifically directed otherwise, be addressed to the Civilian Production Administration, Washington 25, D. C., or to the appropriate Civilian Production Administration Construction Field Office.

(n) *Violations.* Any person who wilfully violates any provision of this regulation or who, in connection with this regulation, wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

PUBLIC OFFERING

Paragraph (h) of Priorities Regulation 33 provides generally that the owner of dwelling accommodations constructed under the Regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated the regulation. (Issued October 31, 1946.)

INTERPRETATION 2

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (h) of Priorities Regulation 33 sets forth the preferences which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (g) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be offered for sale or for rent to veterans of World War II (as defined in PR 33) during construction and for 30 days after completion or for 30 days in case the house or apartment is later sold or rented again. When a one or two family house which was authorized after August 6, 1946 is to be sold, it must be offered to veterans during construction and for 60 days after completion or for 60 days in case of a later sale. The requirement that a house or apartment be offered for 60 or 30 days does not prevent the offeror from accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules. (In the illustrations it is assumed that the authorization was issued after August 6, 1946. If approval had been given on or before August 6, 1946, the 60 day figures below would be 30 days.)

(1) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move. The veteran must publicly offer the house to other veterans of World War II for 60 days. The veteran must not charge more than $7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by the Federal Housing Administration. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(2) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder publicly offered the dwelling to veterans during construction and for 30 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for $7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of $7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(3) A one-family dwelling was built under the regulation. A maximum sales price of $7,500 was approved, but no rent was stated in the application. The builder, instead of selling the dwelling at once, decides to rent it. He must apply to the Federal Housing Administration for approval of a maximum rent before he rents the dwelling.

(4) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than $63, whether he rents to a veteran or a non-veteran unless the Federal Housing Administration authorizes an increase.

(5) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder rented it to a non-veteran for $63 a month, no veterans having applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than $63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(6) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than $63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than $63 a month.

(7) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than $63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans.

(8) A multiple-family dwelling was built under the regulation, each apartment having

a maximum rent of $63. The builder wishes to sell the building to be operated as a cooperative apartment house. The builder cannot do this unless the Federal Housing Administration grants him an appeal from the requirement that he must publicly offer the apartments for rent to veterans during construction and for 30 days after completion.

See also Interpretation 1 to Priorities Regulation 33 which defines and explains the requirements of the regulation which concern public offering to veterans. (Issued November 15, 1946.)

[F. R. Doc. 46-21651; Filed, Dec. 13, 1946; 11:48 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1049]

HUNTINGTON BUILDING, INC.

Huntington Building, Inc. (formerly known as Midtown Realty Company, a corporation, of Boston, Massachusetts) is the owner of a commercial building at 251-261 Huntington Avenue, Boston, Massachusetts. Henry G. Cohen is Treasurer and Manager of the corporation. Prior to March 26, 1946, the corporation and its manager conceived a plan of reducing the area of part of the first floor of the building used as a dance hall and to convert a portion of the space formerly so occupied into six stores. Before March 26, 1946, reconversion construction work was begun on a small part of this area into a store which was essentially completed the early part of March 1946. After June 1946, the remainder of the construction work was commenced which was intended to be a single modernization program, but such construction work then started was not closely enough related in space, purpose and performance so as to be inseparable from the part already essentially completed in March 1946, and accordingly cannot be considered exempt from Veterans' Housing Program Order No. 1 (11 F. R. 11564). The construction work began after March 1946 constituted a violation of Veterans' Housing Program Order No. 1, and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1049 *Suspension Order No. S-1049.* (a) Neither the Huntington Building, Inc., or Henry G. Cohen, Treasurer and Manager, or any other person shall do any further construction, repair, make additions, alterations or improvements to, convert or install or relocate fixtures or mechanical equipment in the premises at 251-261 Huntington Avenue, Boston, Massachusetts.

(b) The provisions of paragraph (a) above shall not apply to the construction work authorized by the Civilian Production Administration application CPA 4423 for the following:

Applicant, Date, and CPA 4423

Charles Shribman, July 30, 1946, Serial No. 1-1-2090.
Huntington Building, Inc., December 3, 1946, Serial No. 1-1-3384.
Huntington Building, Inc., December 3, 1946, Serial No. 1-1-3385.

The authorizations to Huntington Building, Inc., above set forth apply to construction work on stores at 251 A and 257 A of the project address and to construction work on Emergency Exit at 255 Huntington Avenue, Boston, Mass.

(c) Huntington Building, Inc., and Henry G. Cohen shall refer to this order in any application or appeal which they or it may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction in connection with the construction project hereby prohibited.

(d) Nothing contained in this order shall be deemed to relieve Huntington Building, Inc., and Henry G. Cohen, their successors and assigns, from any restriction, prohibition or provisions contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21642; Filed, Dec. 13, 1946; 11:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

MISSOURI AND ARKANSAS RAILWAY COMPANY BRIDGE, NEAR GEORGETOWN, ARK.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.583 is hereby amended by revising the section headnote and paragraphs (a) to (e), inclusive, and revoking paragraph (i) as follows:

§ 203.583 *White River, Ark.; Missouri and Arkansas Railway Company bridge near Georgetown, Ark.* (a) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance or to maintain a sound signal device at the bridge.

(b) For the purpose of this section, the chief engineer of the Missouri and Arkansas Railway Company, located at Harrison, Arkansas, is the authorized representative of the owner. Notice to him may be given by telephone, telegraph, mail, or orally, as the vessel owner or representative may elect.

(c) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 48 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner. Upon receipt of such notice, the authorized representative shall arrange for the prompt opening of the bridge at the time specified in the notice for the passage of the vessel.

(d) Any vessel passing through the bridge and intending to return through it within 48 hours shall inform the representative of the probable time of its return, and the draw shall be opened promptly on signal from the vessel on the return trip without any further notice.

(e) The word "vessel" shall include rafts, houseboats, and all forms of watercraft.

* * * * *

(i) [Revoked]

[Regs. 18 Nov. 1946 (White River—Georgetown, Ark. — mile 172.2) — ENGWR] (28 Stat. 362; 33 U. S. C. 449)

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

[F. R. Doc. 46-21564; Filed, Dec. 13, 1946; 8:46 a. m.]

PART 203—BRIDGE REGULATIONS

NEW RIVER; HIGHWAY BRIDGE AT S. E. 6TH AVENUE, FORT LAUDERDALE, FLA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (a) of § 203.446, Part 203, Chapter II, Title 33, Code of Federal Regulations, is hereby amended to read as follows:

§ 203.446 *New River; Highway Bridge at S. E. 6th Avenue, Fort Lauderdale, Fla.* (a) During the period December 1 to April 30, both dates inclusive, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 11:00 a. m. and 6:30 p. m., except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass: *Provided,* That between the hours of 4:00 p. m. and 5:00 p. m. the drawspan shall be opened on the hour, half-hour, and quarter-hour to allow all accumulated vessels to pass.

[Regs. 12 Nov. 1946 (New River—Ft. Lauderdale, Fla.—6th Ave.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

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

[F. R. Doc. 46-21563; Filed, Dec. 13, 1946; 8:46 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 25—SEAMEN

HOURS OF DEPUTY SHIPPING COMMISSIONERS

Effective upon publication in the FEDERAL REGISTER, Part 25 of Title 35, Code of Federal Regulations, is amended by the addition of a new § 25.9 reading as follows:

§ 25.9 *Hours of deputy shipping commissioners.* Services of deputy shipping commissioners will be furnished outside of regular working hours only upon request of the master or authorized agent of a vessel or aircraft. Charges for such service are found in the Panama Canal Tariff. (Rule 9, E. O. 4314, Sept. 25, 1925, 35 CFR 4.11)

J. C. MEHAFFEY,
Governor.

DECEMBER 5, 1946.

[F. R. Doc. 46-21543; Filed, Dec. 13, 1946; 8:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 129, Amdt. 2]

PART 95—CAR SERVICE

BODY ICE IN REFRIGERATOR CARS; REMOVAL BY CONSIGNEE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of December A. D. 1946.

Upon further consideration of the provisions of Service Order No. 129 (8 F. R. 7778), as amended (11 F. R. 8451), and good cause appearing therefor: it is ordered, that:

Section 95.31 *Body ice in refrigerator cars; removal by consignee*, of Service Order No. 129, be, and it is hereby further amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) This order, as amended, shall expire at 11:59 p. m., March 5, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, this amendment shall become effective at 12:01 a. m., December 10, 1946; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-21551; Filed, Dec. 13, 1946; 8:49 a. m.]

Subchapter B—Carriers by Motor Vehicle

PART 191—HOURS OF SERVICE OF DRIVERS

PART 192—QUALIFICATIONS OF DRIVERS

PART 193—DRIVING OF MOTOR VEHICLES

PART 194—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

PART 195—REPORTING OF ACCIDENTS

PART 196—INSPECTION AND MAINTENANCE

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

CROSS REFERENCE: For notice of proposed rule making under these parts, see F. R. Doc. 46-21552, Interstate Commerce Commission, in Notices section, *infra*.

Notices

NAVY DEPARTMENT.

[No. 4 (a)]

LANDING SHIPS AND CRAFT, LST, LSM (R) AND LCI (L)

NAVIGATION LIGHTS

Certificate of the Secretary of the Navy under the act of December 3, 1945 (Pub. Law 239, 79th Cong.).

Whereas, the act of December 3, 1945 (Pub. Law 239, 79th Cong.) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of those types of vessels known as Landing Ships, Tank, LST; Landing Ships, Medium (Rocket), LSM (R); and Landing Craft, Infantry (Large), LCI (L), has been made by the Navy Department, and, as a result of such study, it has been determined that because of their special construction it is not possible for the types of naval vessels designated above to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study do find and certify that the types of naval vessels known as Landing Ships, Tank, LST; Landing Ships, Medium (Rocket), LSM (R); and Landing Craft, Infantry (Large), LCI(L), are naval vessels of special construction, and that, on such vessels with respect to the position of the masthead light and the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in the act of December 3, 1945. Further, I do find and certify as follows:

(a) That it is feasible to locate the aforesaid masthead light in the after part of said vessels as follows:

(1) On Landing Ships, Tank, LST, approximately two hundred seventy feet abaft the stem;

(2) On Landing Ships, Medium (Rocket), LSM(R), approximately one hundred eighty feet abaft the stem;

(3) On Landing Craft, Infantry (Large), LCI(L), approximately eighty-seven feet abaft the stem.

(b) That it is feasible to locate the additional white light (commonly termed the range light), if such light is installed in any of the aforesaid types of vessels, in the forward part of the vessel and in front of the light referred to in the preceding paragraph.

I direct that the aforesaid lights, that is the masthead light and the additional white light (commonly termed the range light), if such light is installed, shall be located in these types of vessels in the manner above described. I further direct that the two aforesaid lights, referred to in paragraphs (a) and (b), if both lights are installed, shall be placed in line with the keel and that the after light shall be at least fifteen feet higher than the forward light and that the vertical distance between the two lights shall be less than the horizontal distance.

I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 21st day of October A. D. 1946.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 46-21568; Filed, Dec. 13, 1946; 8:47 a. m.]

[No. 4 (b)]

LANDING SHIPS, MEDIUM (LSM)

NAVIGATION LIGHTS

Certificate of the Secretary of the Navy under the Act of December 3, 1945 (Pub. Law 239, 79th Cong.).

Whereas, the Act of December 3, 1945 (Pub. Law 239, 79th Cong.) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of naval vessels, known as Landing Ships, Medium (LSM), has been made in the Navy Department and, as a result of such study, it has been determined that because of their special construction it is not possible for Landing Ships, Medium (LSM), to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore, I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that the type of naval vessels, known as Landing Ship Medium (LSM), are naval vessels of special construction and that on such vessels, with respect to the position of the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in the act of December 3, 1945. Further, I do find and certify that it is feasible to locate the said additional white light (commonly termed the range light), if such light is

installed, forward of the masthead light in such position that the said additional white light and the masthead light shall be in line with the keel and the after light shall be at least fifteen feet higher than the forward light and the vertical distance between the two lights shall be less than the horizontal distance. I further direct that the aforesaid white light, if such light is installed, shall be located in the manner above described and I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 21st day of October, A. D. 1946.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 46-21569; Filed, Dec. 13, 1946; 8:47 a. m.]

[No. 4 (c)]

LANDING CRAFT, TANK, LCT (6)

NAVIGATION LIGHTS

Certificate of the Secretary of the Navy under the Act of December 3, 1945 (Pub. Law 239, 79th Cong.).

Whereas, the act of December 3, 1945 (Pub. Law 239, 79th Cong.) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of vessels known as Landing Craft, Tank, LCT (6), has been made by the Navy Department, and, as a result of such study, it has been determined that because of their special construction it is not possible for the type of naval vessels designated above to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study do find and certify that the type of naval vessels known as Landing Craft, Tank, LCT(6), are naval vessels of special construction, and that, on such vessels with respect to the position of the masthead light and the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in the act of December 3, 1945. Further, I do find and certify as follows:

(a) That it is feasible to locate the aforesaid masthead light in the after part of said vessels approximately one hundred five feet abaft the stem.

(b) That it is feasible to locate the additional white light (commonly termed the range light), if such light is installed, in the forward part of the vessel and in front of the light referred to in the preceding paragraph at such a height that the after light shall be at least fifteen feet higher than the forward light and that the vertical distance between the two lights shall be less than the horizontal distance.

(c) That it is feasible to locate the masthead light and the additional white light (commonly termed the range light), if such light is installed, in a vertical plane parallel to the keel approximately twelve feet to starboard of the fore and aft center line of said vessel.

I direct that the aforesaid lights, that is the masthead light and the additional white light (commonly termed the range light), if such light is installed, shall be located in this type of vessels in the manner above described. I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C. this 17th day of October A. D. 1946.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 46-21567; Filed, Dec. 13, 1946; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

BLACKFEET INDIAN IRRIGATION PROJECT, MONT.

NOTICE OF INTENTION TO INCREASE ASSESSMENT RATES

DECEMBER 9, 1946.

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, Public Law 404, 79th Congress; the acts of Congress approved August 1, 1914 (38 Stat. 583, 25 U. S. C. 385), and May 18, 1916 (39 Stat. 142); and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10,297) notice is hereby given of intention to amend in the following particulars §§ 130.130 and 130.131 of Title 25, Code of Federal Regulations: (1) by increasing the operation and maintenance assessment rate from $1.00 per acre per annum to $1.25 per acre per annum; (2) by increasing the rate for water delivered in excess of one and one-half acre-feet per acre from 50 cents per acre foot to 75 cents per acre foot on all Blackfeet Indian irrigation project lands, Montana. The foregoing changes to be effective beginning with the irrigation season 1947 and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to Paul L. Fickinger, District Director, 514 Federal Building, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

[F. R. Doc. 46-21534; Filed, Dec. 13, 1946; 8:54 a. m.]

Office of the Secretary.

[Order 2282]

FIREWOOD ON PUBLIC LANDS

EMERGENCY USE BY PUBLIC

During the period of the present emergency as to coal and until further notice, any person may take dead and down timber only, for his own use as firewood, from the vacant, unappropriated and unreserved public lands within or outside of grazing districts, not exceeding $50 in value, without obtaining a special permit or making payment therefor. Before any such timber is taken, however, notice of the proposed action must be sent to the proper Regional Field Examiner of the Bureau of Land Management,[1] describing the lands from which the timber is to be taken and stating the amount and value of the timber.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

DECEMBER 6, 1946.

[F. R. Doc. 46-21535; Filed, Dec. 13, 1946; 8:54 a. m.]

ARIZONA

ORDER OPENING LANDS TO MINING LOCATION, ENTRY, AND PATENTING

Under authority and pursuant to the provisions of the Act of April 23, 1932 (47 Stat. 136, 43 U. S. C. sec. 154) and the regulations thereunder, and subject to (1) valid existing rights, (2) the provisions of the Act of August 1, 1946 (Public Law 585-79th Congress) and (3) the terms of the following quoted stipulations: *It is hereby ordered,* That what would ordinarily be, if surveyed, the SW¼NE¼, SE¼NW¼ NE¼SW¼, W½SE¼ sec. 21 and the NW¼NE¼ sec. 28, T. 8 N., R. 6 E., G. & S. R. M., Arizona, be, and the same are hereby, opened to location, entry and patenting under the general mining laws, the quoted stipulations to be executed and acknowledged in favor of the United States by the locators, for their heirs, successors and assigns, and recorded in the county records and in the United States District Land Office at Phoenix, Arizona, before locations are made:

> There is reserved to the United States, its successors and assigns, the prior right to use any of the lands hereinabove described, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, without any payment made by the United States or its successors for such right, with the agreement on the part of the Locaters that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structions across, over or upon said lands should be made more expensive by reason of the existence of improvements or workings of the Locators thereon, such additional expense is to be estimated by the Sec-

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[1] The offices of the Regional Field Examiners are located at San Francisco, California; Billings, Montana; Salt Lake City, Utah; Albuquerque, New Mexico; and Anchorage, Alaska.

retary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the Locators for payment of any such sums, the Locators will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands. The Locators further agree that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the Locators resulting from the construction, operation, and maintenance of any of the works hereinabove enumerated.

In carrying on any operations related to the exploitation of the mineral deposits contained in the above-described lands, the Locators shall not pile, dump, or in any manner use or dispose of any rock, tailings, sludge, acids or chemicals, waste materials, rubbish or debris of any kind whatsoever, in such manner that any of such things will be, or in any manner could be, carried or introduced into the Verde River, or any tributary thereof, or the reservoir formed by the Horseshoe Dam, as presently constructed or as hereafter completed or enlarged. The Locators shall not engage in any operations on the above-described lands other than those which, in the judgment of the Secretary of the Interior, whose decision shall be final and binding on the parties hereto, are reasonably appropriate for or incidental to the exploitation of the mineral deposits contained in said lands.

The provisions and agreements hereinabove set out shall be binding on the Locators, their successors and assigns.

Any location or entry made and any patent issued for the above-described land will be subject to a reservation to the United States, pursuant to the Act of August 1, 1946, of all uranium, thorium or other materials therein which are or may be determined by the Atomic Energy Commission to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same, and every such location, entry, or patent shall contain a reference to the above quoted stipulations and to the volume and page where they are recorded in the county records.

This order shall not become effective to change the status of the lands until 10:00 a. m. on January 17, 1947, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to disposition under the United States mining laws only, as above provided.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

NOVEMBER 15, 1946.

[F. R. Doc. 46-21536; Filed, Dec. 13, 1946; 8:54 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 1706 and 1499]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Pan American Airways, Inc., in its transatlantic operations, Docket No. 1706; and in its operations between the United States and Alaska and within Alaska, Docket No. 1499.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406, 1000, and 1004 of said act, that hearing in the above-styled proceedings has been postponed from December 16, 1946, and is now assigned for December 18, 1946 at 10:00 a. m. (eastern standard time) in Conference Room C, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets, NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., December 10, 1946.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-21562; Filed, Dec. 13, 1946; 8:50 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-818]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

DECEMBER 10, 1946.

Notice is hereby given that on November 20, 1946, an application was filed with the Federal Power Commission by New York State Natural Gas Corporation (hereinafter referred to as "Applicant"), a New York Corporation having its principal office in the City of New York, New York, and authorized to do business in the States of New York and Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to sell at wholesale and deliver natural gas to Penn-York Natural Gas Corporation (hereinafter referred to as "Penn-York") and to install and operate certain facilities in connection therewith all in the manner hereinafter more fully described.

Applicant seeks authorization to:

(a) Sell at wholesale and to deliver to Penn-York for resale to Dominion Natural Gas Company, Ltd., such quantities of natural-gas as Penn-York may require for sale to Dominion Natural Gas Company, Ltd., to enable the latter company to supply its customers, both retail and wholesale, in the territory covered by its franchises in the Province of Ontario, Canada, to the extent that Dominion Natural Gas Company, Ltd.'s own supplies from its production and purchase from others of natural-gas produced in the Province of Ontario are insufficient to meet the demands of its customers;

(b) Install a regulator and measuring station at the point of proposed delivery in the Town of York, Livingston County, New York.

The application recites that the proposed service is provided for by the terms of a contract dated November 12, 1946, entered into by Applicant and Penn-York whereby Applicant is to sell at wholesale and deliver to Penn-York for resale to Dominion Natural Gas Company, Ltd., such quantities of natural-gas as Dominion Natural Gas Company, Ltd. may require to supply its customers to the extent that its own supplies are insufficient to meet its customers' demands. The quantity of natural gas to be thus supplied by applicant is limited to a total annual maximum of 3,000,000 Mcf. The application further recites that Penn-York estimates its probable requirements will be 474,500 Mcf in 1947, 1,500,000 Mcf in 1948 and 1,550,000 Mcf in 1949. It is stated that deliveries are proposed to be commenced by November 1, 1947. The proposed sales and deliveries will be made from volumes of natural-gas to be obtained from Hope Natural Gas Company by applicant and from gas or reserves which applicant may hereafter discover, develop or purchase.

It is stated in the application that deliveries are proposed to be made from applicant's 14-inch pipeline at a point in the town of York, Livingston County, New York, at which a connection is to be made between said 14-inch line and a new pipeline which Penn-York proposes to construct. At that point of delivery, it is proposed to construct the regulator and measuring station, the total overall cost of which is estimated at approximately $10,000. All construction work on the proposed station is to be done by applicant and its employees, and the cost thereof will be paid from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of New York State Natural Gas Corporation should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-21561; Filed, Dec. 13, 1946; 8:50 a. m.]

[Docket Nos. G-627, G-635]

PITTSBURGH & WEST VIRGINIA GAS CO., ET AL.

ORDER GRANTING MOTION FOR CONTINUANCE

City of Pittsburgh, Complainant, v. Pittsburgh & West Virginia Gas Company, Kentucky West Virginia Gas Company, defendants. Docket No. G-627. In the matter of Pittsburgh & West Virginia Gas Company, Kentucky West Virginia Gas Company. Docket No. G-635.

Upon consideration of the motion, filed December 9, 1946, by counsel for Pitts-

burgh & West Virginia Gas Company and Kentucky West Virginia Gas Company, for continuance of the hearings in the above-entitled matters from December 17, 1946, to January 7, 1947; and

It appearing to the Commission that: Good cause has been shown for such continuance;

The Commission orders that:

The motion be and the same is hereby granted and the hearing is continued from December 17, 1946, to January 7, 1947, at 10:00 o'clock a. m., in the Commission's Hearing Room at 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: December 10, 1946.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 46-21539; Filed, Dec. 13, 1946; 8:54 a. m.]

[Docket No. G-817]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

DECEMBER 10, 1946.

Notice is hereby given that on November 20, 1946, an application was filed with the Federal Power Commission by New York State Natural Gas Corporation (hereinafter referred to as "Applicant"), a New York corporation having its principal office in the City of New York, New York and authorized to do business in the States of New York and Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain natural-gas pipeline facilities, subject to the jurisdiction of the Federal Power Commission, all of which said facilities are hereinafter more fully described.

Applicant seeks authorization to construct and operate the following facilities:

(a) 70 miles of 12¾-inch pipeline in several loops paralleling parts of the existing 127 miles of 12¾-inch pipeline (No. 9) between the West Virginia-Pennsylvania State Line and a point in Limestone Township, Clarion County, Pennsylvania;

(b) 50 miles of 14-inch pipeline in one continuous loop paralleling the existing 12¾-inch pipeline (No. 10) from a point in Limestone Township, Clarion County, Pennsylvania, to a point near Rasselas in Jones Township, Elk County, Pennsylvania;

(c) 14½ miles of 16-inch pipeline from the end of an existing 12-inch line about 1½ miles south of Hemphill Station in Hebron Township, Potter County, Pennsylvania, to a point in Genesee Township in said County, to connect with the 14-inch pipeline (No. 14) leading from said point toward Rochester, New York and the 12-inch pipeline (No. 12) leading from said point to Applicant's Sabinsville Compressor Station in Clymer Township, Tioga County, Pennsylvania;

(d) Installation of three 300 horsepower gas engine driven compressors together with certain auxiliary equipment, buildings, coolers, additions and changes to fittings, valves and piping at Boom Compressor Station in Tioga County, Pennsylvania;

(e) 21 miles of 12¾-inch pipeline in several loops paralleling parts of the existing 127 miles of 12¾-inch pipeline (No. 9) between the West Virginia-Pennsylvania State Line and a point in Limestone Township, Clarion County, Pennsylvania;

(f) 10 miles of 14-inch pipeline in one continuous loop paralleling the existing 12¾-inch pipeline (No. 10) from a point near Rasselas in Jones Township, Elk County, Pennsylvania, to a point near Colgrove in Norwich Township, McKean County, Pennsylvania.

The facilities described in (a), (b), (c), and (d) above are proposed for completion during the year 1947 and are expected to be in operation not later than December 1, 1947. The facilities described in (e) and (f) above are proposed for completion during the year 1948 and are expecting to be in operation not later than December 1, 1948.

Applicant proposes to construct and operate the facilities herein described as additions to its existing natural-gas pipeline system in the States of Pennsylvania and New York and by means thereof to increase the capacity of its pipeline system to enable it to receive additional supplies of natural-gas which it has contracted to purchase from the Hope Natural Gas Company and to satisfy the requirements of its customer companies during the winter of 1947-1948 and thereafter in the volumes contracted for and estimated for the future by those distributing companies.

The application recites that the pipeline facilities proposed for completion by December 1, 1947 must be completed by that date so that Applicant can take 90,000 Mcf of natural-gas per day from Hope Natural Gas Company thereafter, and that the other additional pipeline facilities must be completed by December 1, 1948 so that Applicant can take 100,000 Mcf of natural-gas per day from Hope Natural Gas Company thereafter. The application further recites that the Boom Compressor Station must be enlarged so that natural-gas can be stored in Applicant's Boom Storage Pool in larger quantities and withdrawn therefrom at greater rates than is now possible. By using the proposed three 300 horsepower gas engine driven compressors for high-stage compression and the 500 horsepower and three 125 horsepower units now in operation as low-stage compressors, Applicant states it will be able to store as much as 20,000 Mcf of natural-gas per day at station discharge pressures up to 675 pounds and permit storage of sufficient quantities of natural-gas to meet the estimated winter requirements of all customer companies.

The estimated total over-all cost of installing the proposed facilities is $5,250,000, and Applicant proposes to have all work done by independent contractors with the exception of the work at Boom Compressor Station which will be done by Applicant and its employees.

The application states that the additional quantities of natural-gas will be obtained from the Hope Natural Gas Company and from gas or reserves which Applicant may hereafter discover, develop or purchase.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of New York State Natural Gas Corporation should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 46-21560; Filed, Dec. 13, 1946; 8:50 a. m.]

[Docket No. G-687]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on December 17, 1945, as amended on October 24, 1946, by Consolidated Gas Utilities Corporation (Applicant), a Delaware Corporation, having its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to transport natural gas for Cities Service Gas Company (Cities Service) from a point near Blackwell, Oklahoma, to the City of Wichita, Kansas, and to authorize the operation of a meter and regulator station located at the intersection of Second and Sherman Streets, in the City of Wichita, Kansas.

It appearing to the Commission that:

(a) Applicant proposes to utilize unused capacity in its Blackwell-Wichita pipeline and that Cities Service has a supply of natural gas in the Blackwell area in excess of its pipeline capacity between these two points; and that no new construction is contemplated in the matters involved herein; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 14, 1946, (11 FR 13470);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 30th day of December, 1946, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceedings: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: December 10, 1946.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-21538; Filed, Dec. 13, 1946; 8:55 a. m.]

[Docket No. G-805]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF APPLICATION

DECEMBER 9, 1946.

Notice is hereby given that on November 1, 1946, Tennessee Gas and Transmission Company (Applicant), a Tennessee corporation having its principal place of business in Houston, Texas, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize applicant to construct and operate certain facilities and to sell natural gas to the Lobelville Gas Company for resale for ultimate public consumption in the town of Lobelville, Tennessee, and its environs all as more particularly described hereinafter.

The facilities which applicant proposes to construct and operate are described as follows:

300 feet of 2-inch pipeline extending from a point of connection on applicant's main transmission pipeline system to the town of Lobelville, Tennessee.

Applicant states in its application that on September 19, 1946 it entered into an agreement with the Lobelville Gas Company, a Tennessee corporation, wherein it agreed to supply the Lobelville Gas Company with natural gas for resale for consumption in the Town of Lobelville and environs, all in the State of Tennessee; that the said town is a small community of approximately 400 persons served by the Lobelville Gas Company which has approximately 15 customers with an estimated daily requirement of 1,000 to 1,500 cubic feet of gas and an estimated maximum daily requirement of approximately 6,000 cubic feet of gas.

Applicant further states that the rates provided for in its agreement with the Lobelville Gas Company are on a demand and commodity basis in conformity with the zone rate structure proposed by the Applicant in Docket No. G-701.

Applicant further states that the cost of the facilities will be paid from Applicant's cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Tennessee Gas and Transmission Company should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-21540; Filed, Dec. 13, 1946; 8:54 a. m.]

[Docket No. G-810]

SUMMIT GAS AND WATER CO., INC.

NOTICE OF APPLICATION

DECEMBER 9, 1946.

Notice is hereby given that on November 12, 1946 an application was filed with the Federal Power Commission by Summit Gas and Water Company, Inc. (hereinafter referred to as "Applicant"), an Indiana corporation having its principal office at Mount Summit, in Henry County, Indiana, requesting the Commission pursuant to the provisions of section 7 of the Natural Gas Act, as amended, to issue orders as follows:

(a) Directing Panhandle Eastern Pipe Line Company (hereinafter referred to as "Panhandle") to sell to Applicant its requirements of natural gas;

(b) Directing Indiana Gas and Water Company, Inc. (hereinafter referred to as "Indiana") to establish physical connection of its transportation facilities with those of Applicant's system and to permit Panhandle to deliver natural gas through the said transportation facilities to Applicant's system;

(c) As an alternative to (b), directing Eastern Indiana Gas Company (hereinafter referred to as "Eastern") to establish physical connection of its proposed transportation facilities with those of Applicant's system and to permit Panhandle to deliver natural gas through said transportation facilities to Applicant's system.

In support of its application Applicant represents, among other things, it is engaged in distributing natural gas to approximately 200 consumers in the towns of Mount Summit and Springport, in Henry County, and in the town of Oakville, Delaware County, Indiana, the natural gas distributed and sold by Applicant being obtained from gas wells owned by it and located in the vicinities adjacent to the towns of Oakville and Springport.

Applicant states that the supply of gas from its wells for the past several years has been inadequate to supply the requirements of its customers. After making findings to such effect, the Public Service Commission of Indiana on August 28, 1945 (Cause No. 17163) Applicant recites, ordered it either to secure from an outside source a sufficient and satisfactory amount of gas to supply the needs of Applicant's gas customers, or to acquire or construct and place in service a gas holder of sufficient capacity to store gas during off-peak hours, making the same available to the users of gas in the towns of Mount Summit and Springport when the demand is heaviest. Selling its gas at the $1.00-per-Mcf rate established by the Public Service Commission of Indiana on April 30, 1926 (in Cause No. 8421), Applicant asserts that it has operated at a loss for a number of years and has accumulated a deficit in excess of $37,000, and that consequently, it is not in a financial position to acquire or to construct and place in service a gas holder as ordered by the Indiana Commission, that the acquisition or construction of such a holder would not be practical or economically feasible, that the depletion of Applicant's supply of gas is becoming progressively worse, and that there is no possible remedy for it in the future except to secure gas from some outside source. Applicant further asserts that the only possible outside source available is Panhandle's interstate natural gas transmission line, in particular, its 18-inch transmission pipeline extending northeasterly across Indiana through the counties of Hamilton, Madison and Delaware to a point near Muncie, Indiana.

In the communities of Mount Summit, Springport, and Oakville, with a population of about 700, Applicant states its annual sales have approximated 3,000 Mcf during the years 1944 and 1945, and estimates that its requirements in the next five years will increase from approximately 3,500 Mcf to 5,000 Mcf. The furnishing by Panhandle of Applicant's estimated requirements of 5,000 Mcf per annum, Applicant asserts, would not place an undue burden upon Panhandle or impair its ability to render adequate service to existing customers. For several years Applicant says that it has been negotiating with Panhandle, through Eastern, for the purchase of additional supplies of natural gas, but without success.

Applicant refers to an 8-inch natural gas transmission pipeline connecting with Panhandle's 18-inch pipeline near Muncie and extending southwardly to the city of New Castle, Indiana, which 8-inch line Applicant says is owned and operated by Indiana to transport natural gas purchased from Panhandle, which gas was and is transported by Panhandle for sale in interstate commerce from production areas in Texas, Kansas, and Oklahoma to the point of connection with Indiana's said 8-inch line. The gas so delivered at the Muncie interconnection by Panhandle, Applicant says, is at sufficient pressure to enable the natural gas to be delivered through Indiana's 8-inch line without additional compression to New Castle, where Indiana resells said gas for public consumption for domestic, commercial and industrial uses. In the operations indicated, Applicant asserts that natural gas flows continuously and uninterruptedly from the points of production in Texas, Kansas and Oklahoma to the points of distribution in Indiana, that such operations constitute and have constituted an established course of business, that Panhandle's 18-inch and Indiana's 8-inch transmission pipelines are facilities used for the transportation of natural gas in interstate commerce and that Indiana is a "natural-gas company" within the meaning of the Natural Gas Act and as such is subject to the jurisdiction of the Federal Power Commission.

Applicant states that it is informed and believes that Indiana's said 8-inch pipeline is of such size and capacity that, in addition to the gas which Indiana presently transports in the line for its customers in New Castle, Applicant's requirements of gas could be transported through the said transmission pipeline and received by Applicant at Mount Summit, and Applicant says that such use of Indiana's line would not place an undue burden upon Indiana or impair its ability to render adequate service to its existing customers. Applicant states that it is willing to pay Indiana a reasonable charge for the use by Applicant of Indiana's said 8-inch transmission pipeline, but that Indiana objects to such use.

Applicant refers to the 3-inch Mount Summit transmission pipeline proposed to be constructed by Eastern in Docket No. G-776 (Notice of Application, published in FEDERAL REGISTER on September 20, 1946, 11 F. R. 10617-10618), and states that it is informed and believes the proposed line will be of such size and capacity that, in addition to the gas which Eastern proposes to transport therein, Applicant's requirements of gas could be transported through this line and received by Applicant at Mount Summit. Applicant states that if Eastern should build the said 3-inch Mount Summit line that Eastern is willing for Applicant to receive gas through the line, and that Applicant is willing to pay a reasonable charge for such use of the line.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Summit Gas and Water Company, Inc., should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of this publication in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 46-21537; Filed, Dec. 13, 1946; 8:55 a. m.]

[Docket No. G-820]

KNIGHTSTOWN NATURAL GAS CO., INC.

NOTICE OF APPLICATION

DECEMBER 9, 1946.

Notice is hereby given that on November 25, 1946 an application was filed with the Federal Power Commission by Knightstown Natural Gas Company, Inc. (hereinafter referred to as "Applicant"), an Indiana corporation having its principal office at Knightstown, in Henry County, Indiana, for certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to construct and operate a certain natural gas pipeline, and for certain orders pursuant to said section 7 of the Natural Gas Act, directing the establishment of physical connections of certain natural gas transportation facilities with those of Applicant and the sale and delivery of natural gas to Applicant, as hereinafter more fully set forth.

Applicant requests the Commission to issue a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

A 3-inch natural gas transmission pipeline having its eastern terminus at a point of connection with the existing 4-inch natural gas transmission pipeline of Eastern Indiana Gas Company (hereinafter referred to as "Eastern"), at the western edge of the town of Dunreith in Henry County, Indiana, in Section Thirty-two (32), Township Sixteen (16) North, Range Ten (10) East, Henry County, Indiana and extending in a westerly direction approximately five (5) miles through the towns of Ogden and Raysville, in Henry County, Indiana, to a point near the corporate limits of the town of Knightstown, in Section Thirty-three (33), Township Sixteen (16) North, Range Nine (9) East, Henry County, Indiana.

Applicant estimates the proposed line will cost $18,720, to be financed from its own resources.

Applicant further requests the Commission, pursuant to section 7 (a) of the Natural Gas Act, to issue orders as follows:

(a) To require Panhandle Eastern Pipe Line Company (hereinafter referred to as "Panhandle") to sell and furnish Applicant its requirements of natural gas;

(b) To require Eastern to permit Panhandle to deliver natural gas to Applicant at Dunreith, Indiana, through Eastern's Mount Summit and Spiceland transmission pipelines, proposed to be constructed by Eastern in its application at Docket No. G-776, and Eastern's existing transportation facilities;

(c) To require Eastern to establish physical connection at Dunreith, Indiana, of its said proposed transmission pipelines, through its existing transportation facilities, with the facilities which Applicant in this docket requests authority to construct and operate; or, in the alternative;

(d) If Indiana Gas and Water Company, Inc. (hereinafter referred to as "Indiana"), is required in Docket No. G-776 to permit Panhandle to deliver natural gas to Eastern at New Castle, Indiana, through Indiana's 8-inch transmission pipeline, to require Indiana in this proceeding to permit Panhandle to deliver additional quantities of gas to this Applicant through Indiana's said 8-inch pipeline to Eastern's proposed Spiceland transmission pipeline at New Castle, and to require Eastern to permit Panhandle to deliver said gas to Applicant through Eastern's proposed Spiceland line, and Eastern's existing transportation facilities, and to require Eastern to establish physical connection of its said proposed Spiceland pipeline through its existing transportation facilities, with the facilities which Applicant in this Docket requests authority to construct and operate.

In support of its application, Applicant represents, among other things, it is engaged in distributing natural gas to approximately 850 consumers in the town of Knightstown, and adjacent rural communities in Henry County, Indiana, the natural gas distributed and sold by Applicant being obtained from gas wells owned by Applicant and located in rural areas adjacent to the town of Knightstown in Henry and Hancock Counties, Indiana.

Applicant states that the supply of gas from its wells for the past several years has been inadequate to supply the requirements of its customers. The Public Service Commission of Indiana, Applicant recites, on April 7, 1944 (Cause No. 16326) ordered Applicant to "take action immediately to obtain a supply of natural gas from an interstate pipeline company, in order that wholly adequate and satisfactory service can be rendered to the public", and later that Commission, Applicant states, on August 22, 1945, ordered Applicant either to secure from an outside source a sufficient and satisfactory amount of gas to supply the needs of its customers, or to acquire or construct and place in service a gas holder of sufficient capacity to store gas during offpeak hours, making the same available to users when the demand is heaviest. Applicant asserts that the depletion of its supply of gas is becoming progressively worse, that there is no possible remedy for it in the future except to secure gas from some outside

source and that the only possible outside source available is Panhandle's interstate natural gas transmission pipeline, in particular, its 18-inch transmission pipeline extending northeasterly across Indiana through the Counties of Hamilton, Madison, and Delaware to a point near Muncie, Indiana.

In the communities of Knightstown, Ogden and Raysville with a population of around 3,000, Applicant states its sales in 1944 amounted to 18,478 Mcf and in 1945 they totalled 19,848 Mcf, and estimates that in the first five years after construction of the facilities proposed by Applicant its sales will increase from 30,000 to 40,000 Mcf. If the proposed line is authorized and constructed, Applicant estimates that the quantities of gas required to be transported daily will range from 70 to 80 Mcf, and asserts that the furnishing by Panhandle of Applicant's estimated requirements of 30,000 Mcf per annum would not place an undue burden upon Panhandle or impair its ability to render adequate service to its existing customers.

Applicant states that for the past four years it has been negotiating with Panhandle for the purchase by Applicant from Panhandle of additional supplies of natural gas, that such negotiations continued throughout 1946 and until the time of the filing of this application, but that Panhandle has consistently refused to enter into any contract to supply Applicant with its requirements of natural gas.

Applicant refers to the facilities proposed to be constructed by Eastern at Docket No. G-776 (Notice of Application published in FEDERAL REGISTER on September 20, 1946, 11 F. R. 10617-10618) and states that it is informed and believes that proposed and existing facilities of Eastern, or in the alternative, the existing and proposed facilities of Eastern and the existing 8-inch natural gas pipe line of Indiana's extending from its connection at Muncie, Indiana with Panhandle's 18-inch pipe line, to New Castle, Indiana, are of such size and capacity that in addition to the requirements of Eastern, or in the alternative, of Eastern and Indiana, that Applicant's requirements of gas could also be transported through the facilities indicated and be delivered to Applicant at Dunreith. Applicant asserts that such use of Eastern's and Indiana's facilities would not place undue burden upon either of them and would not impair their ability to render adequate service to their existing customers and states that Applicant is willing to pay a reasonable charge for such use of the facilities.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Knightstown Natural Gas Company, Inc., should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of this publication in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-21541; Filed, Dec. 13, 1946; 8:54 a. m.]

NATIONAL HOUSING AGENCY.

Federal Savings and Loan Insurance Corporation.

[Bulletin 35]

SALES COMMISSIONS

PROPOSED AMENDMENT OF REGULATION RELATING TO COLLECTION AND PAYMENT

DECEMBER 11, 1946.

Pursuant to paragraph (c) of § 301.22 of this chapter, notice is hereby given of a proposed amendment of paragraph (d) of § 301.7 of said chapter by adding a new sentence thereto as follows: "No sales commission shall be paid by any insured institution to any of its officers or directors for the sale of its securities."

(Sec. 402 (a), 48 Stat. 1246; sec. 403 (b), 48 Stat. 1257, sec. 23, 49 Stat. 298; 12 U. S. C. and Sup. 1725 (a), 1726 (b); E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

[SEAL] W. H. HUSBAND,
General Manager.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 46-21565; Filed, Dec. 13, 1946; 8:46 a. m.]

Federal Savings and Loan System.

[Bulletin 80]

SALES COMMISSIONS ON SHARES

PROPOSED REGULATION RELATING TO COLLECTION AND PAYMENT

DECEMBER 11, 1946.

Pursuant to paragraph (c) of § 201.2 of this chapter, notice is hereby given of a proposed amendment of Part 203 by the addition of a new § 203.22 thereto as follows:

§ 203.22 *Sales commissions on shares.* No sales commission shall be paid by any Federal association to any of its officers or directors for the sale of its shares. (Sec. 5 (a), 48 Stat. 132; 12 U. S. C. 1464 (a))

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 46-21566; Filed, Dec. 13, 1946; 8:47 a. m.]

OFFICE OF TEMPORARY CONTROL.

Civilian Production Administration.

[C-464]

HERBERT C. HUBER

CONSENT ORDER

Herbert C. Huber, 69 Thurston Boulevard, Dayton, Ohio, is charged by the Civilian Production Administration with furnishing false information in a letter of June 4, 1946, to the Federal Housing Administration requesting a change of location for 29 units in Herbert C. Huber Plat No. 13; namely, from units to be built on lots number 9, 10, 11, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 90, 91, 92, 93, and 94, to lots number 15, 16, 17, 18, 19, 20, 21, 22, 23, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 69, 70, 71, 72, 73, and 74, in the same plat, and stating that the preference rating given to him, Project Serial No. 604300067, for 54 single family dwelling houses in the project, as a result of the approval, on February 12, 1946, of his application Form CPA 4386, filed on January 26, 1946 with the Federal Housing Administration, was of no assistance in securing materials to complete these 29 units. Herbert C. Huber admits that the preference rating thus secured had in fact been used in procuring 19 bathtubs which had been installed respectively in houses located on lots Nos. 62 to 68 inclusive, 75 to 81 inclusive, and 90 to 94 inclusive. Herbert C. Huber admits that he was chargeable with the duty of knowing the facts, and had the means of knowing the facts, but made no inquiry concerning the facts; and by reason of these premises, admits that he is chargeable with constructive knowledge that the representation made in his request to Federal Housing Administration, for a change of location for these 29 units, was false. Herbert C. Huber does not desire to contest the charge and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Herbert C. Huber, the Regional Compliance Director, and the Regional Attorney and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) The approval of Federal Housing Administration of Herbert C. Huber's request of June 4, 1946, for a change of location of 29 units listed in his application and covered by the authorization bearing Federal Housing Administration Project Serial No. 604300067, is hereby revoked and withdrawn so far as concerns 19 units located on lots numbers 62 to 68 inclusive, 75 to 81 inclusive, and 90 to 94 inclusive, and remains in force and effect so far as units located on lots numbers 9 to 11 inclusive, 59 to 61 inclusive and 82 to 85 inclusive, are concerned.

(b) The provisions of authorization bearing Federal Housing Administration Project Serial No. 604300067 remain in force and effect so far as concerns the residential dwelling units on lots numbers 62 to 68 inclusive, 75 to 81 inclusive, and 90 to 94 inclusive, and said units are subject to the provisions of Civilian Production Administration Priorities Regulation 33 (11 F. R. 6598, 8583, 9515).

(c) The residential dwelling units on lots number 12 to 58 inclusive, and 69 to 74 inclusive are subject to the provisions of authorization bearing Federal Housing Administration Project Serial No. 604300067 and Civilian Production Administration Priorities Regulation 33.

(d) The provisions of this order shall in no way prejudice any other application which Herbert C. Huber may make for priorities assistance.

(e) Nothing contained in this order shall be deemed to relieve Herbert C. Huber from any restriction, prohibition, or provision contained in any order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21643; Filed, Dec. 13, 1946; 11:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-149, 70-815, 59-12]

ELECTRIC BOND AND SHARE CO., ET AL.

ORDER AMENDING ORDER OF OCT. 23, 1946

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of December A. D. 1946.

In the matter of Electric Bond and Share Company, American Power & Light Company, File No. 54-149; American Power & Light Company, File No. 70-815; Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Pow · & Light Company, Ebasco Services Incorporated, Respondents, File No. 59-12.

The Commission having entered an order in these consolidated proceedings on October 23, 1946 approving the transfer and delivery to American Power & Light Company ("American") of 2,500,000 shares of the common stock of Florida Power & Light Company and 100,000 shares of the common stock of Northwestern Electric Company, beneficially owned by American but held in the name of Frank L. Smiley as nominee of American, and approving the issuance of new certificates in the name of American for such securities, and having included in said order the recitals required by section 1808 (f) of the Internal Revenue Code, as amended, and

American having discovered that in the original supplemental application, it had erroneously stated the number of shares of Northwestern Electric Company held by Frank L. Smiley as nominee, and American having filed an amendment to said supplemental application requesting that the aforementioned order of October 23, 1946 be amended to correctly state the number of shares of Northwestern Electric Company as 99,992 rather than 100,000, and it appearing to the Commission that it is appropriate to grant such request:

It is ordered, That the transfer and delivery by Frank L. Smiley to American of 2,500,000 shares of common stock of Florida Power & Light Company and 99,992 shares of common stock of Northwestern Electric Company and the issuance of new certificates in the name of American for such common stocks are authorized as steps which are necessary or appropriate to the simplification of the holding company system of American and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-21544; Filed, Dec. 13, 1946; 8:52 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING OF NEW SECTION AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of December 1946.

Notice is hereby given that New England Public Service Company, ("NEPSCO"), a registered holding company and a subsidiary of Northern New England Company, also a registered holding company, has filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan providing for the retirement of all of its Prior Lien Preferred Stock. This program requires the expenditure of approximately $30,000,000 in cash, and proposes, inter alia, that NEPSCO apply the cash proceeds of $16,500,000 received by it from the sale of its industrial assets towards the retirement of its Prior Lien Preferred Stock and raise the balance required for such retirement by a sale of stocks of its public-utility subsidiaries or by a bank loan, as hereinafter described. Applicant states that the plan is further designed to effect partial compliance with the order of the Commission dated May 2, 1941 requiring the recapitalization or liquidation of NEPSCO. The plan is filed in complete substitution for its original plan dated December 5, 1941 and its amended plan dated October 24, 1944 as amended under date of July 14, 1945.

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

1. NEPSCO proposes to retire the outstanding 118,747 shares of its Prior Lien Preferred Stock, $7 Dividend Series, and the outstanding 60,000 shares of its Prior Lien Preferred Stock, $6 Dividend Series, by paying to the holders thereof cash in an amount equal to $100 per share and accrued dividends thereon to the date of consummation of said plan and by issuing to them certificates of contingent interest evidencing their right to receive any additional payment (up to but not exceeding $20 per share for the $7 Series and $10 for the $6 Series, together with an additional amount, if any, to compensate for delay in payment) to which the Commission and appropriate courts may later determine, by final order, they are entitled in full satisfaction of their claims. It is provided that the certificates of contingent interest be registered and transferable. The certificates will become void in case a final order of the Commission or courts approves or directs that no additional payment be made to such prior lien preferred stockholders or they will become void if not presented for payment within five years from date of the order approving or directing such additional payment.

2. Within three months after the Prior Lien Preferred Stock has been retired, as proposed in the plan, NEPSCO will initiate proceedings looking toward the determination of the amount of additional payment, if any, to such stock by filing with the Commission a further plan which will propose the amount of additional payment, if any, which it believes such stock should receive.

3. NEPSCO proposes, in order to insure the payments, if any, called for by the certificates of contingent interest, to deposit in escrow with a bank or trust company ("Plan Trustee") either $4,000,000 in cash or common stock of its subsidiaries Central Maine Power Company ("Central Maine") and Public Service Company of New Hampshire ("New Hampshire") having at or about the time of deposit a quoted market value of at least $6,000,000. In case stocks are deposited, and if and when the quoted market value of the deposited stocks falls below 125% of $4,000,000, less any cash on deposit in lieu of stock, NEPSCO will in each case promptly deposit sufficient additional stock of one or more of its public-utility subsidiaries to raise said percentage to 150%. NEPSCO shall have the right (i) to obtain a release of deposited stock upon payment to the Plan Trustee of cash equal to the quoted market value of the released stock at or about the time of release, or the amount realized by NEPSCO from any sale thereof approved by the Commission, or upon substitution of stock of one or more of its public-utility subsidiaries having a quoted market value of at least that of the released stock; (ii) to obtain a release of all the deposited stock and any excess cash if the Plan Trustee shall at the time have available for the certificate holders cash in the amount of $4,000,000 or, if the amount of additional payment has been determined, cash in the amount so determined plus, in the latter case, the compensation and expenses of the Plan Trustee then unpaid; and (iii) to receive all dividends, other than in liquidation, on the deposited stock. NEPSCO will substitute cash for all deposited stock not later than the date on which any of its capital assets are made available for distribution among its plain preferred or common stockholders.

4. NEPSCO proposes to offer for sale so much of its holdings of utility common stocks as shall be necessary to produce $13,500,000, subject to the act and rules thereunder, if in its judgment, based on market conditions, such sale be advisable. The division of the stock so sold between the stocks of public-utility subsidiaries will be determined by NEPSCO on the basis of then market conditions and other considerations. NEPSCO may increase the said $13,500,000 to $17,500,000, provided in such event it shall make the aforesaid escrow deposit in cash.

5. NEPSCO proposes, in the event a sale of public-utility stocks is deemed inadvisable by it, to borrow $13,500,000 from one or more banks for a period of one year with the right to two successive renewals of one year each, at an interest rate to be negotiated, but not to exceed 2½%, but only if (i) NEPSCO shall have mailed to the Commission, not less than 10 days prior to the making of the loan, a notice of its intention to do so, and the Commission shall not have given NEPSCO written notice that it objects thereto or (ii) the Commission shall, with or without a hearing, have approved the making of such loan. Such loan will be secured by a pledge of stocks, of New Hampshire and Central Maine having a quoted market value from time to time equal to twice the amount of the loan. NEPSCO will reduce the principal of the loan at the rate of $1,000,000 per year, but will have the privilege of prepaying the loan in whole or in part without penalty out of earnings or the proceeds of sales of assets. No dividends will be paid on any class of stock of NEPSCO so long as any part of the loan remains unpaid. In order to insure that such loan will be available if needed, NEPSCO proposes to enter into a loan agreement with a bank or banks containing the commitment of said bank or banks to make such loan, and to pay not in excess of ¼ of 1% of the amount of the loan for such commitment.

6. If NEPSCO shall borrow as outlined above, it will sell within one year after the date of the loan sufficient of its holdings of public utility stocks, to repay the loan in full, the plan providing that NEPSCO may request, and the Commission may grant, one or more extensions of said period of one year.

7. NEPSCO will pay such fees and will reimburse others for such expenses in connection with the plan as are subject to the jurisdiction of the Commission and are approved by it.

NEPSCO requests that the order of the Commission include recitals to bring the transactions incident to carrying out this plan within the provisions of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended. NEPSCO further requests that the Commission, in the event the plan is approved, apply to an appropriate District Court for enforcement of such plan.

It is stated by NEPSCO that as soon as practicable after the retirement of the Prior Lien Preferred Stock (but in no event later than three months after a Federal District Court's determination of the amount of additional payment, if any, due to prior lien stockholders), it will file with the Commission a further plan proposing action to complete compliance with section 11 of the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that notice be given and a hearing be held with respect to the matters set forth in said application and plan and that said application should not be granted and said plan should not be approved except pursuant to further order of this Commission, and that the hearings heretofore held in this proceeding should be reconvened;

It is ordered, Pursuant to sections 11 and 18 of the act, that the hearings in this proceeding be reconvened on January 7, 1947, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318 for the purpose of adducing evidence with respect to the matters set forth in said application and plan, as submitted, or as hereafter amended, and for the purpose of affording opportunity to all interested persons to be heard.

It is further ordered, That William W. Swift, the hearing officer previously designated, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing.

The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and plan and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed plan as submitted, or as hereafter amended, is necessary to effectuate the provisions of section 11 (b) of the act and is a proper step toward compliance with the order of the Commission dated May 2, 1941.

2. Whether the proposed plan, as submitted, or as hereafter amended, is fair and equitable to the persons affected thereby.

3. Whether the proposal by NEPSCO to retire its Prior Lien Preferred Stock meets the provisions of section 12 (c) of the act and Rule U-42 thereunder.

4. Whether the fees and expenses proposed to be paid in connection with consummation of the plan and all transactions incident thereto are for necessary services and are reasonable in amount.

5. Whether the accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for Public Utility Holding Companies.

6. Whether the proposed bank loan is necessary, and, if so, whether it should be in the amount proposed, and whether the proposed bank loan or any of its terms are detrimental to the carrying out of section 11.

7. Whether in the event the bank loan is made, the plan requires the filing of subsequent declarations with respect to the two successive renewals of one year each, and if not, whether the plan should be amended to so provide.

8. Whether the proposed security issues by NEPSCO meet the standards of section 7 of the act.

9. Whether any of the transactions proposed by NEPSCO require the approval of any State Commission, and if so, whether such approvals have been obtained.

10. Whether, if the plan, as proposed or as hereafter amended, is approved by the Commission, it is appropriate in the public interest or in the interests of investors or consumers, or to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules or regulations promulgated thereunder, that any terms or conditions be imposed in connection with such approval, and if so, what such terms and conditions should be.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding, or proposing to intervene herein, who has not already done so, shall file with the Secretary of the Commission on or before January 6, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to the parties above-named herein, to all persons heretofore granted participation in these proceedings, to the Public Service Commissions of the States of New Hampshire and Vermont, and to the Public Utilities Commission of the State of Maine, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That New England Public Service Company shall give further notice of this hearing, as soon as practicable, to all of its prior lien, preferred and common stockholders of record by mailing to each of said per-

sons at his last known address a copy of this notice and order reconvening hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-21545; Filed, Dec. 13, 1946; 8:52 a. m.]

[File Nos. 54-98, 59-87]

WASHINGTON RAILWAY AND ELECTRIC CO. ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of December 1946.

In the matter of Washington Railway and Electric Company, File No. 54-98; Washington Railway and Electric Company, the Washington and Rockville Railway Company of Montgomery County and their subsidiary companies, and The North American Company, File No. 59-87.

The Commission having on November 6, 1946, pursuant to sections 11 (e) and 11 (b) (2) of the Public Utility Holding Company Act of 1935, in the above-entitled matter with respect to the Amended Plan (File No. 54-98) filed by Washington Railway and Electric Company pursuant to section 11 (e) of the act and the proceedings (File No. 59-87) instituted by the Commission pursuant to section 11 (b) (2) of the act against Washington Railway and Electric Company, et al., and

Potomac Electric Power Company, one of the subsidiary companies of Washington Railway and Electric Company and a party to said consolidated proceedings, having requested that the hearing in such consolidated proceedings be postponed until January 15, 1947, and the Commission deeming it appropriate that said request for postponement be granted;

It is ordered, That the consolidated hearing in this matter previously scheduled for December 11, 1946, be and hereby is postponed to January 15, 1947, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

It is further ordered, That notice of the postponement of the consolidated hearing shall be given to Washington Railway and Electric Company, The North American Company, Potomac Electric Power Company, The Washington and Rockville Railway Company of Montgomery County, Capital Transit Company, Braddock Light & Power Company, Incorporated, Great Falls Power Company, Montgomery Bus Lines, Incorporated, and The Glen Echo Park Company, all of which companies are named respondents herein; to the Public Utilities Commission of the District of Columbia, The Public Service Commission of Maryland, and The State Corporation Commission of Virginia; to all parties who have previously participated in any phase of these proceedings, including specifically the Attorney General, Department of Justice, Washington, D. C.; the Administrator, Federal Works Agency, Washington, D. C.; the Commissioner of Public Buildings, Washington, D. C.; The Director of Procurement, United States Treasury Department, Washington, D. C.; the People's Counsel for the District of Columbia, Washington, D. C.; National Savings and Trust Company, Washington, D. C.; American Security & Trust Company, Washington, D. C.; Union Trust Company, Washington, D. C.; and Alexander Brown & Sons, Baltimore, Maryland; and to all persons granted leave to be heard therein and to persons who have entered their appearances in the proceedings; such notice to each of the foregoing to be given by registered mail; and that notice shall also be given to the foregoing and to all other persons by publication of this order in the FEDERAL REGISTER and in a general release of this Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-21546; Filed, Dec. 13, 1946; 8:52 a. m.]

[File No. 70-1322]

THE COMMONWEALTH & SOUTHERN CORP. (DEL.) AND CONSUMERS POWER CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of December A. D. 1946.

The Commission having by orders dated August 28, 1946 and November 6, 1946 granted and permitted to become effective, subject to certain terms and conditions, an application-declaration and amendments thereto filed jointly by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and Consumers Power Company ("Consumers"), a public utility subsidiary of Commonwealth, pursuant to the Public Utility Holding Company Act of 1935, with respect to, among other things, the issue and public sale pursuant to the competitive bidding provisions of Rule U-50 promulgated under the act of 500,000 additional shares of the no par common stock of Consumers; and

The Commission in said orders having reserved jurisdiction over the payment of all fees and expenses of all counsel incurred or to be incurred in connection with the proposed transactions; and

Counsel concerned having filed statements with respect to services performed in connection with such transactions, and it appearing to the Commission that the fee of Winthrop, Stimson, Putnam and Roberts, counsel for Commonwealth and Consumers, in the amount of $15,000, and the fee of Dunnington, Bartholow & Miller, counsel for the underwriters, in the amount of $7,500, are not unreasonable:

It is ordered, That jurisdiction heretofore reserved over the payment of legal fees and expenses of counsel in connection with said transactions be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-21547; Filed, Dec. 13, 1946; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 354-A]

REROUTING OF TRAFFIC; EMPLOYEES STRIKE ON T. P. & W. R. R.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of December A. D. 1946.

Upon further consideration of Service Order No. 354 (10 F. R. 12534), as amended (10 F. R. 13598, 15432; 11 F. R. 7291, 13117), and good cause appearing therefor; *It is ordered*, That:

Service Order No. 354, as amended, be, and it is hereby vacated and set aside. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485, sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 6:00 p. m., December 9, 1946; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 46-21550; Filed, Dec. 13, 1946; 8:50 a. m.]

[Ex Parte No. MC-40]

SAFETY REGULATIONS AND TRANSPORTATION OF EXPLOSIVES

PROPOSED REVISION OF REGULATIONS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of December A. D. 1946.

In the matter of qualifications and maximum hours of service of employees of motor carriers and safety of operations and equipment.

It appearing, that by various orders since December 23, 1936 (1 M. C. C. 1), in the proceedings designated Ex Parte Nos. MC-2, MC-3, MC-4, MC-13, and No. 3666, Parts 1 to 7, 49 CFR, Parts 71-85, 190-197 inclusive, of the Motor Carrier Safety Regulations, Revised, were adopted and made applicable to common,

contract, and private carriers by motor vehicles in interstate or foreign commerce, as part of a long-term, connected program of minimum requirements designed to promote safety of operation of motor vehicles, the stated intention being "to set forth these initial regulations in somewhat general terms, yet in terms which can be supplemented and strengthened by more definite specifications and requirements in the light of further study and experience"; and

It further appearing, That while the said regulations have been effective in reducing highway hazards, our continuing study since 1936 of highway safety and experience in administering the regulations have disclosed difficulty of enforcement of some rules, lack of specific requirements of others, and the outmoding of some by reason of rapid development in particular phases of motor transportation, indicating a need for general examination and revision of such regulations:

It is ordered, That upon our own motion pursuant to the authority of section 304 (a) of the Interstate Commerce Act, 49 U. S. C. 304 (a), respecting transportation in interstate or foreign commerce by common and contract carriers of passengers or property and private carriers of property by motor vehicle, and section 233 of the Criminal Code, 18 U. S. C. 383, so far as transportation of explosives and other dangerous articles by common carriers by motor vehicle is concerned, this proceeding designated as Ex Parte No. MC-40 be, and hereby is, instituted for the purpose (a) of determining whether the safety of operation of motor vehicles in interstate or foreign commerce and the public interest would be enhanced by a revision of the rules now embraced in Parts 1 to 7, inclusive, of the Motor Carrier Safety Regulations, Revised, 49 CFR, 190–197, as outlined in the following list, or in other respects, which proceeding shall be sufficiently broad in scope to embrace additional safety rules not mentioned therein; and (b) of making such revision of and such additions to such regulations as appear desirable and proper:

Part 192—Qualifications of Drivers (Part 1, M. C. S. R., Rev.). To include provision expressly imposing upon drivers responsibility for compliance with rules pertaining to them; responsibility of drivers to meet qualifications; physical requirements, including higher standards of visual acuity and hearing; annual physical examinations of drivers; requiring drivers to possess State driving licenses; driving experience and skill; licensing of drivers, either in collaboration with State agencies or by the Commission itself, with provision for suspension or revocation of licenses for cause.

Part 193—Driving of Motor Vehicles (Part 2, M. C. S. R., Rev.). Road driving rules; loading of passengers and property; condition of driver prior to dispatching; precautions at grade crossings and draw-bridges; precautions for stopped or disabled vehicles; use of lights; duties of driver in case of accidents; prohibition of smoking on busses; towing of busses with passengers aboard; precautions while fueling; transportation of unauthorized persons.

Part 194—Parts and Accessories Necessary for Safe Operation (Part 3, M. C. S. R., Rev.). Required lighting devices and reflectors, mounting, visibility and colors thereof; braking requirements; safety glass; various safety accessories; fuel containers; coupling devices; tires; specifications for various parts and accessories; special rules for drive-away operations.

Part 195—Reporting of Accidents (Part 4, M. C. S. R., Rev.). Reportable accidents; manner of reporting accidents; investigation of accidents; accident reporting forms.

Part 191—Hours of Service of Drivers (Part 5, M. C. S. R., Rev.). On duty hours; driving hours; drivers' logs.

Part 196—Inspection and Maintenance (Part 6, M. C. S. R., Rev.). Vehicle inspections; maintenance practices; authorization of safety inspectors or others to direct withdrawal from operation of unsafe vehicles; reporting of defects.

Part 197—Transportation of Explosives and Other Dangerous Articles (Part 7, M. C. S. R., Rev.). Motor vehicles not to be left unattended; avoidance of congested places; precautions against fires; design and construction; loading and unloading, including permissible loading of mixed articles; marking of motor vehicles; specifications for cargo tanks.

It is further ordered, That the Director of the Bureau of Motor Carriers of this Commission be, and he hereby is, authorized and directed to prepare or cause to be prepared a proposed revision of Parts 1 to 7, inclusive, Parts 190–197, of the said regulations; to conduct informal conferences with representatives of parties in interest for the purpose of discussing proposed rules; to solicit and obtain the aid of Federal and State agencies, technical societies or associations, or other experts, as may be desirable in the proper performance of those duties; to do such other things as may be essential to such performance; and to file with the Commission a report of such action with recommendations as to the time, place, and extent of a formal public hearing or hearings to be thereafter scheduled; and

It is further ordered, That persons desiring to recommend changes in the present safety regulations by means of modification of particular rules or the incorporation of new rules, shall submit such recommendations in writing to the Director of the Bureau of Motor Carriers, Interstate Commerce Commission, Washington 25, D. C., on or before February 1, 1947; and

It is further ordered, That notice of this order be given to motor carriers and other parties in interest and to the general public by depositing a copy of it in the Office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of Federal Register.

(35 Stat. 1135, 41 Stat. 1445, 49 Stat. 546, 54 Stat. 921; 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-21552; Filed, Dec. 13, 1946; 8:49 a. m.]