# FEDERAL REGISTER

VOLUME 11 NUMBER 129

*Washington, Wednesday, July 3, 1946*


## *The President*

### EXECUTIVE ORDER 9744B

REGULATIONS GOVERNING THE FURNISHING OF CLOTHING IN KIND OR PAYMENT OF CASH ALLOWANCES IN LIEU THEREOF TO ENLISTED PERSONNEL OF THE NAVY, THE COAST GUARD, THE NAVAL RESERVE, AND THE COAST GUARD RESERVE

By virtue of and pursuant to the authority vested in me by section 10 of the Pay Readjustment Act of June 16, 1942 (56 Stat. 359, 363), I hereby prescribe the following regulations governing the furnishing of clothing in kind, or payment of cash allowances in lieu thereof, to enlisted personnel of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve.

*Section A. Clothing in Kind or Cash Allowances in Lieu Thereof.*

Enlisted men on active duty shall be entitled to clothing in kind or payment of cash allowances in lieu thereof as follows:

| | Clothing allowance | Quarterly maintenance allowance (See Sec. C) |
|---|---|---|
| 1. Enlisted men of the Navy and Coast Guard upon first enlistment or upon reenlistment subsequent to expiration of three months from date of last discharge; and enlisted men of the Naval and Coast Guard Reserves (including Fleet Reserve), and retired enlisted men, upon first reporting for active duty or upon recall to active duty subsequent to expiration of three months from date of last release therefrom: | | |
| (a) Chief petty officers, cooks, stewards, members of Navy, Naval Academy, or Coast Guard Academy Bands (band members) | $300.00 | $20.00 |
| (b) Enlisted men in other ratings | 119.95 | 12.00 |
| 2. Enlisted men (except band members) upon advancement in rating to chief petty officer, cook, or steward: | | |
| (a) Subsequent to 30 days from date of enlistment or reporting for active duty | 250.00 | 20.00 |
| (b) Within 30 days from date of enlistment or reporting for active duty | 180.05 | 20.00 |
| 3. Enlisted men assigned to duty as band members (except those holding chief petty officer rating upon first assignment): | | |
| (a) Subsequent to 30 days from date of enlistment or reporting for active duty | 250.00 | 20.00 |
| (b) Within 30 days from date of enlistment or reporting for active duty | 180.05 | 20.00 |
| 4. Members of the Insular Force: | | |
| (a) Required to wear blue clothing | Same as subsections A1 and A2. | |
| (b) Not required to wear blue clothing | ½ rates in subsections A1 and A2. | |
| 5. Members of the Samoan Native Guard and Band | 20.00 | 4.00 |
| 6. Enlisted men undergoing training leading to a commission only as follows: | | |
| (a) Aviation cadets: An issue of clothing in kind not to exceed in value | 180.00 | ---- |
| (b) Those undergoing other training: An issue of clothing in kind not to exceed in value | 30.00 | ---- |
| In addition, a temporary issue of Government-owned clothing not to exceed in net value | 180.00 | ---- |
| 7. Temporary members of the Coast Guard Reserve on part time or intermittent active duty. | Entitled only to an issue of clothing in kind not exceeding the amount of the applicable allowance prescribed in subsection A1. | |
| 8. Enlisted men held as prisoners-at-large at shore stations, a temporary issue of Government-owned clothing procured from authorization of the Chief of Naval Personnel, not to exceed in value | 10.00 | ---- |
| 9. Enlisted men of the Naval Reserve (inactive) when attached to or associated with organizations of the Organized or Volunteer Reserve, during any one four (4) year period of enlistment: | | |
| (a) Chief petty officers, cooks and stewards; and other enlisted men upon advancement to these ratings, except cooks or stewards on advancement to chief cook or steward, a cash allowance not to exceed | 160.00 | ---- |
| (Upon reporting for active duty, other than training duty, a further cash allowance equal to the difference between the cash allowance payable under subsection A1 (a) hereof, and the amount payable herein, will accrue.) | | |

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THE PRESIDENT



REGULATIONS AND NOTICES

FEDERAL REGISTER

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## CODIFICATION GUIDE

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[1] E.O. 9744B.
[2] E.O. 9744C.

CODIFICATION GUIDE—Continued



[1] E.O. 9744B.
[2] Military Order, June 29, 1946.

| | Clothing allowance | Quarterly maintenance allowance (See Sec. C) |
|---|---|---|
| 9. Enlisted men of the Naval Reserve (inactive) when attached to or associated with organizations of the Organized or Volunteer Reserve, during any one four (4) year period of enlistment—Continued. | | |
| (b) Enlisted men in other ratings, a temporary issue of clothing, not to exceed in value (Upon first reporting for active duty in time of war or national emergency, clothing issued to enlisted men under this authority shall remain in their possession, and they shall be entitled to a clothing allowance equal to the difference in value between the clothing allowance prescribed in subsection A1 (b) hereof, and the value of this issue of clothing.) | $80.00 | |
| 10. (a) Enlisted men serving as commissioned or warrant officers under temporary appointments, upon reverting therefrom to serve on extended active duty as chief petty officers, cooks, stewards, or members of the Navy, Naval Academy, or Coast Guard Academy Bands (band members); and enlisted men who are discharged while serving as commissioned or warrant officers under temporary appointments, upon reenlisting within three months following such discharge to serve on active duty as chief petty officers, cooks, stewards, or members of Navy, Naval Academy or Coast Guard Academy Bands (band members); a cash allowance of | 105.00 | $20.00 |
| (b) Enlisted men serving as commissioned or warrant officers under temporary appointments, upon reverting therefrom to serve on extended active duty in any rating below that of chief petty officer, except cook, steward, or member of Navy, Naval Academy or Coast Guard Academy Bands (band members); and enlisted men who are discharged while serving as commissioned or warrant officers under temporary appointments, upon reenlisting within three months following such discharge to serve on active duty in any rating below that of chief petty officer, except cook, steward, or member of Navy, Naval Academy or Coast Guard Academy Bands (band members); a cash allowance of | 100.00 | 12.00 |

*Section B. Clothing Allowance.*

1. The amount of the cash clothing allowances prescribed in subsection A1 (b) hereof shall be payable on date of first enlistment or first reporting for active duty, and on date of reenlistment or recall to active duty subsequent to expiration of three months from date of last discharge or release from active duty, but shall not actually be paid prior to the expiration of ninety days from and including such date, or date of completion of recruit training, or date of advancement to chief petty officer or assignment to band, whichever is earlier. In closing the accounts of a man discharged or released from active duty within the ninety-day period, credit shall be made only of an amount equal to the value of the clothing actually drawn, but in no case to exceed the total allowance payable.

2. For the purposes of this order, an enlistment in any of the services mentioned in section A subsequent to discharge from any other of such services shall be considered a reenlistment. An allowance under subsection A1 shall not be payable upon reenlistment within three months from date of last discharge, or upon recall to active duty within three months of last release therefrom, except as specified in subsections 5, 6 and 7 of this section. A man reenlisted or recalled to active duty within three months of last discharge or release from active duty, who on date of such discharge or release was checked undrawn clothing allowance in accordance with subsection 1 of this section, shall be entitled to credit for such undrawn clothing allowance.

3. The allowance under subsection A2 shall not be payable to—

(a) Enlisted men advanced in rating to chief petty officer while holding a temporary appointment to warrant or commissioned rank.

(b) Cooks or stewards on advancement to chief cook or steward.

(c) Members of Navy, Naval Academy, or Coast Guard Academy Bands (band members) upon advancement in rating to chief petty officer.

4. An enlisted man reduced in rating from chief petty officer, cook, or steward, shall not be required to refund payment previously made in accordance with subsection A2; and shall not be entitled to a second payment on subsequent advancement, or to a payment of quarterly maintenance allowance prior to the date specified in subsection C1 (a) hereof.

5. An enlisted man first reporting for active duty in a status entitling him only to an issue of clothing in kind in accordance with subsection A6 and A9 (b) hereof, upon subsequent transfer to, or reenlistment within three months of last discharge in, another status which, in the case of first enlistment or reporting for active duty, would entitle him to a cash clothing allowance as prescribed in subsection A1 hereof, shall be entitled to a credit of such cash clothing allowance without regard to issues in kind in the prior status, except that an enlisted man entitled to a clothing allowance under subsection A9 (b) on first reporting for active duty in time of war or national emergency shall not be so entitled.

6. An enlisted man first reporting for active duty in a status entitling him only to an issue of clothing in kind in accordance with subsection A7 hereof, upon subsequent transfer to, or reenlistment within three months of last discharge in, another status which, in the case of a first enlistment or reporting for active duty, would entitle him to a cash clothing allowance as prescribed in subsection A1 hereof, shall be entitled to a credit of such cash clothing allowance without regard to issues in kind in the prior status.

7. Enlisted personnel described in subsection A9 (a), upon discharge from the Naval Reserve (inactive) for the purpose of enlisting in the Regular Navy or Coast Guard within three months from date of such discharge, shall, if reenlisted in any of the applicable ratings, be entitled to a further cash allowance equal to the difference between the cash allowance payable under subsection A1 (a) hereof, and the amount payable under subsection A9 (a), and such enlisted personnel shall, if enlisted in other ratings in the Regular Navy or Coast Guard, within three months from date of such dis-

charge, be entitled to the cash allowances prescribed in subsection A1 (b) hereof.

*Section C. Quarterly Maintenance Allowance.*

1. The quarterly maintenance allowance prescribed in section A hereof shall be payable on the first day of each quarter to:

(a) Enlisted men entitled to a clothing allowance under subsections 1, 2, 3, 4, 5, or 10 of section A, or subsections B5 and B7 hereof, or who were entitled to a clothing allowance under Executive Order 9356 of June 24, 1943, as amended, commencing with the first day of the quarter following the first anniversary of the date on which they were last entitled to such clothing allowance.

(b) Enlisted men of the Navy and Coast Guard reenlisting within three months from date of last discharge, enlisted men of the Reserve components transferred to the regular Service, and enlisted men of the Regular and Reserve components on active duty transferred to the Reserve or to the Retired List and retained on active duty or recalled to active duty within three months of release therefrom, at the rate applicable prior to such discharge, transfer, retirement, or release, until entitled to a further clothing allowance.

2. Enlisted men of the Naval Reserve undergoing training leading to a commission, enlisted men of the Naval Reserve (inactive) and enlisted men holding temporary appointments to warrant or commissioned rank shall not be entitled to quarterly maintenance allowances. Enlisted men entitled to a clothing allowance on the first day of the quarter shall not be entitled to any quarterly maintenance allowance otherwise due them on that date.

3. The foregoing provisions of this order shall not be applicable to enlisted members of the Women's Reserve of the Naval Reserve and the Women's Reserve of the Coast Guard Reserve. Such members shall, however, be entitled to a special quarterly maintenance allowance for clothing in the amount of $12.50, payable on the first day of each quarter commencing with the first day of the quarter following the first anniversary of the date on which they first report for active duty.

This order shall supersede Executive Orders Nos. 9356 of June 24, 1943, 9447 of June 8, 1944, 9465 of August 12, 1944, 9525 of February 28, 1945, 9583 of July 2, 1945, and 9642 of October 18, 1945, and shall be in effect for the fiscal year 1947, except that subsection A10 hereof shall be effective also from August 15, 1945, to June 30, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
*June 29, 1946.*

[F. R. Doc. 46-11619; Filed, July 1, 1946; 4:43 p. m.]

## EXECUTIVE ORDER 9744C

AMENDING EXECUTIVE ORDER NO. 9561 OF JUNE 1, 1945, PRESCRIBING REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN

By virtue of and pursuant to the authority vested in me by section 10 of the act of June 16, 1942, as amended, 56 Stat. 363 (37 U. S. C. Sup. 110), it is ordered as follows:

Paragraph 2 of Executive Order No. 9561, dated June 1, 1945, amending certain provisions of Executive Order No. 9386 of October 15, 1943, prescribing allowances for quarters and subsistence to enlisted men not furnished quarters or rations in kind, is hereby amended to provide that said Executive Order No. 9561 shall continue in effect until June 30, 1947, unless sooner modified or revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
*June 29, 1946.*

[F. R. Doc. 46-11617; Filed, July 1, 1946; 4:43 p. m.]

## MILITARY ORDER

ORGANIZED MILITARY FORCES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE PHILIPPINES RELEASED FROM THE SERVICE OF THE ARMED FORCES OF THE UNITED STATES

Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2 (a) (12) of the Philippine Independence Act of March 24, 1934 (48 Stat. 457), and by the corresponding provision of the Ordnance appended to the Constitution of the Commonwealth of the Philippines, and as Commander in Chief of the Army and Navy of the United States, I hereby release from the service of the armed forces of the United States all of the organized military forces of the Government of the Commonwealth of the Philippines called and ordered into the service of the armed forces of the United States pursuant to the Military Order of July 26, 1941.

The said Military Order of July 26, 1941, is hereby revoked.

This order shall take effect at 12:00 midnight June 30, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
*June 29, 1946.*

[F. R. Doc. 46-11618; Filed, July 1, 1946; 4:43 p. m.]

# *Regulations*

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 26—REGULATIONS UNDER THE FEDERAL EMPLOYEES PAY ACT OF 1945 AS AMENDED BY THE FEDERAL EMPLOYEES PAY ACT OF 1946

By virtue of the authority vested in the Commission by section 605 of the Federal Employees Pay Act of 1945, there are hereby promulgated amended regulations for the administration of the provisions of that act, as amended by the Federal Employees Pay Act of 1946, effective on and after July 1, 1946. These regulations were approved by the President, June 29, 1946.

Subpart C, *Regulations for granting within-grade salary advancements as rewards for superior accomplishment*, is redesignated Subpart E and §§ 26.101 to 26.108 inclusive are redesignated §§ 26.501 to 26.508 inclusive. Subpart D, *Night pay differential regulations*, is redesignated Subpart C.

Subparts A, B and C, as redesignated, are amended and subpart D, *Regulations governing pay for holiday duty*, is added as follows:

SUBPART A—OVERTIME PAY REGULATIONS

*Extent of Regulations*

Sec.

26.101 Employees to whom this subpart applies.
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26.122 Administrative workweeks.
26.123 Basic rate of compensation.
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*Regulations To Be Prescribed by Heads of Departments and Agencies*

26.131 Establishment of basic workweek and regularly scheduled administrative workweek.
26.132 Compensatory time off for irregular or occasional overtime duty.

*Overtime Work and Overtime Compensation*

26.141 Overtime compensation authorized.
26.142 Computation of overtime employment.
26.143 Computation of overtime compensation.

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26.251 Effect of efficiency-rating changes.

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26.323 Night work.
26.324 Night pay differential.

*Night Work and Payment of Night Differential*



SUBPART D—REGULATIONS GOVERNING PAY FOR HOLIDAY DUTY

*Extent of Regulations*



*Definitions*



*Identification of Holidays*



*Extra Pay for Holiday Duty*



AUTHORITY: §§ 26.101 to 26.443, inclusive, issued under sec. 605, 59 Stat. 304.

SUBPART A—OVERTIME PAY REGULATIONS

*Extent of Regulations*

§ 26.101 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 26.102.

§ 26.102 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, except that § 26.144 (d) shall be applicable to such employees whose basic rate of compensation is fixed on an annual or monthly basis;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U.S.C. App. 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police, and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

*Definitions*

§ 26.121 *Basic workweek for full-time officers and employees.* "Basic workweek" for full-time officers and employees means the forty-hour workweek established pursuant to § 26.131.

§ 26.122 *Administrative workweeks.* (a) "Administrative workweek" means a period of seven consecutive calendar days.

(b) "Regularly scheduled administrative workweek" for full-time officers and employees means the period within an administrative workweek, established pursuant to § 26.131, when such officers and employees are required to be on duty regularly.

§ 26.123 *Basic rate of compensation.* (a) "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work, but inclusive of (1) any salary differential for duty outside the continental United States, or in Alaska, and (2) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928, 45 Stat. 193, 5 U.S.C. 75a.

(b) Hereafter for all pay computation purposes basic per annum rates of compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic workweeks of forty hours.

§ 26.124 *Irregular or occasional overtime duty.* "Irregular or occasional overtime duty" means hours of employment not scheduled in the regularly scheduled administrative workweek.

*Regulations To Be Prescribed by Heads of Departments and Agencies*

§ 26.131 *Establishment of basic workweek and regularly scheduled administrative workweek.* (a) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, shall, with respect to each group of full-time employees to whom this part applies, establish by regulation:

(1) A basic workweek of forty hours in length which shall not extend over more than six of any seven consecutive days. Except as provided in paragraph (b) of this section, such regulation shall specify the calendar days constituting the basic workweek and, for each of such calendar days, the number of hours of employment included within the basic workweek.

(2) A regularly scheduled administrative workweek which shall consist of the forty-hour basic workweek established in accordance with § 26.131 (a) (1), plus such period of overtime work as will be regularly required of each group of employees. Except as provided in paragraph (b) of this section, the periods of time included in such regularly scheduled administrative workweek which do not constitute a part of the basic workweek shall be identified by calendar days and by number of hours per day for purposes of leave and overtime pay administration.

(b) Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek may be established as the basic workweek; and all additional hours of officially ordered or approved duty within the administrative workweek shall be treated as overtime.

(c) In the case of employees whose work includes periods during which they are required to remain on duty and render "stand-by service" at or within the confines of their stations, the length of the regularly scheduled administrative workweek, for the purpose of this subpart, shall be the total number of regularly scheduled hours of duty per week, including all such "stand-by" time except that allowed for sleep and meals by regulation of the department or independent establishment, agency, or corporation.

§ 26.132 *Compensatory time off for irregular or occasional overtime duty.* Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may, with respect to officers and employees to whom this subpart applies, prescribe regulations for the granting of compensatory time off from duty, in lieu of overtime compensation, for irregular or occasional duty in excess of forty hours in any administrative workweek, to those per annum employees requesting such compensatory time off from duty.

*Overtime Work and Overtime Compensation*

§ 26.141 *Overtime compensation authorized.* (a) Officers or employees to whom this subpart applies shall be paid overtime compensation, computed as provided in § 26.144, for all hours of employment officially ordered or approved in excess of forty hours in any administrative workweek, including irregular or occasional overtime duty.

(b) In accordance with administrative regulations which may be issued pursuant to § 26.132, any per annum employee may request compensatory time off, in lieu of overtime pay, for irregular or occasional duty in excess of forty hours in any administrative workweek. In case no such regulations are issued, or if under such regulations compensatory time off for such irregular or occasional overtime duty is not specifically requested by the employee it shall be paid for in money when due.

(c) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may delegate to any officer or employee authority to order or approve overtime in excess of any that may be included in the regularly scheduled administrative workweek. No such ex-

cess overtime shall be ordered or approved except in writing by an officer or employee to whom such authority has been specifically delegated by the head of the department or independent establishment or agency, or Government-owned or controlled corporation.

§ 26.142 *Computation of overtime employment.* The computation of the amount of overtime employment of an officer or employee shall be subject to the following conditions:

(a) *Leave with pay.* Absence from duty on authorized leave with pay under the annual and sick leave acts of March 14, 1936, as amended, during the time when an employee would otherwise have been required to be on duty during the basic workweek (including authorized absence on legal holidays, non-work days established by Executive or administrative order, and days of compensatory time off provided for in §§ 26.132 and 26.141 (b)) shall be considered to be employment and shall not have the effect of reducing the amount of overtime compensation to which the employee may be entitled during an administrative workweek. Leave of absence with pay under the acts cited shall not be charged for any absence which does not occur during the forty hours prescribed as the basic workweek.

(b) *Leave without pay.* For any period of leave-without-pay within an employee's basic 40-hour workweek, an equal period of service performed outside the basic workweek, but during the same administrative workweek, must be substituted and paid for at the rate applicable to his basic workweek, before any remaining periods of service can be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as expressly authorized by law, as in the case of jury duty under the act of June 29, 1940, 54 Stat. 689, and except to the extent authorized while the employee is in official travel status, no overtime period shall be counted in computing overtime compensation unless the employee performs actual duty during such period or is taking the compensatory time off provided for in §§ 26.131 and 26.141 (b). For employees in official travel status but not performing actual duty, no overtime period shall be paid for at overtime rates unless it falls within the regularly scheduled administrative workweek.

(d) *Night or holiday duty.* Extra holiday compensation paid under Subpart D of this part shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs. Hours of night or holiday duty shall be included in determining for overtime pay purposes the total number of hours of employment within the same administrative workweek. Any extra compensation for night or holiday duty shall not, however, be included in any basic rate in computing overtime compensation under this part.

(e) *Service subject to other overtime statutes.* Overtime services for which overtime compensation is paid under any of the following statutes shall not form a basis for overtime employment under this part: Act of February 13, 1911, as amended (19 U.S.C., 261, 267) involving inspectors, storekeepers, weighers, and other customs officers and employees; act of July 24, 1919 (41 Stat. 241; 7 U.S.C., 394) involving employees engaged in enforcement of Meat Inspection Act; act of June 17, 1930, as amended (19 U.S.C. 1450, 1451, 1452) involving customs officers and employees; act of March 2, 1931 (46 Stat. 1467; 8 U.S.C. 109a and 109b) involving inspectors and employees, Immigration and Naturalization Service; act of May 27, 1936, as amended (52 Stat. 345; 46 U.S.C. 382b) involving local inspectors of steam vessels and assistants, U. S. shipping commissioners, deputies and assistants, and customs officers and employees; act of March 23, 1941 (55 Stat. 46; 47 U.S.C., Supp. 154 (b) (2)) involving certain inspectors of the Federal Communications Commission; act of June 3, 1944 (58 Stat. 269) involving customs officers and employees.

§ 26.143 *Computation of overtime compensation.* (a) For employees whose basic compensation is at a rate less than $2,980 per annum, the overtime hourly rate shall be one and one-half times the basic hourly rate of compensation: *Provided*, That in computing such overtime compensation for per annum employees, the basic hourly rate of compensation shall be determined by dividing the basic per annum rate by two thousand and eighty (2080).

(b) For employees whose basic compensation is at a rate of $2,980 per annum or more, the overtime hourly rate shall be in accordance with and in proportion to the following schedule, subject to the limitation contained in paragraph (c) of this section:

*Overtime Rate of Compensation Per 416 Overtime Hours*

| Basic rate of compensation per annum: | | Basic rate of compensation per annum—Con. | |
|---|---|---|---|
| $2,980.00 | $894.000 | $4,651.20 | $765.682 |
| $3,021.00 | 880.852 | $4,776.60 | 756.053 |
| $3,146.40 | 881.223 | $4,902.00 | 746.425 |
| $3,271.80 | 871.595 | $5,027.40 | 736.797 |
| $3,397.20 | 861.967 | $5,152.80 | 727.163 |
| $3,522.60 | 852.338 | $5,278.20 | 717.540 |
| $3,648.00 | 842.710 | $5,403.60 | 707.911 |
| $3,773.40 | 853.081 | $5,654.40 | 688.654 |
| $3,898.80 | 823.453 | $5,905.20 | 669.397 |
| $4,024.20 | 813.624 | $6,144.60 | 651.016 |
| $4,149.60 | 804.196 | $6,384.00 | 632.634 |
| $4,275.00 | 794.567 | $6,440.00 and over | 628.334 |
| $4,400.40 | 784.939 | | |
| $4,525.80 | 775.310 | | |

NOTE: In the foregoing schedule the overtime rate for 416 overtime hours for any basic rate of compensation in excess of $2,980 per annum is computed by subtracting from $894, 7.6782 per centum of the amount by which such basic rate is in excess of $2,980 per annum with the condition that the rate for 416 overtime hours for all salaries of $6,440 or more shall be $628.334.

(c) Notwithstanding the provisions of paragraph (b) of this section, the overtime compensation payable to any officer or employee to whom this subpart applies shall, with respect to any pay period, be limited to such rate as will not cause his aggregate compensation for such pay period to exceed a rate of $10,000 per annum: *Provided, however*, That any such officer or employee who was receiving overtime compensation on June 30, 1945, and whose aggregate rate of compensation on such date was in excess of $10,000 per annum may receive overtime compensation at such rate as will not cause his aggregate rate of compensation for any pay period to exceed the aggregate rate of compensation he was receiving on June 30, 1945, until he ceases to occupy the office or position he occupied on such date or until the overtime hours of work in his administrative workweek are reduced by action of the head of his department or independent establishment or agency, or Government-owned or controlled corporation, and when such overtime hours are reduced such rate of overtime compensation shall be reduced proportionately.

(d) Employees whose basic rate of compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 23 of the act of March 28, 1934 (48 Stat. 522, 5 U.S.C. 673c). The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(1) If the basic rate of compensation of the employee is fixed on an annual basis, divide such basic rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half; and

(2) If the basic rate of compensation of the employee is fixed on a monthly basis, multiply such basic rate of compensation by twelve to derive a basic annual rate of compensation, divide such basic annual rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half.

(e) Whenever, for the purpose of computing overtime pay under this sub-part it is necessary to convert a basic monthly or annual rate to a basic weekly, daily or hourly rate the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate;

(2) An annual rate shall be divided by 52 to derive a weekly rate;

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

## SUBPART B—PERIODIC WITHIN-GRADE SALARY ADVANCEMENET REGULATIONS

### *Extent of Regulations*

§ 26.201 *Officers and employees to whom this subpart applies.* This subpart applies to all officers and employees, except those who are appointed by the President, by and with the advice and consent of the Senate, who (a) are compensated on a per annum basis, (b) occupy permanent positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, and (c) have not reached the maximum rate of compensation for

the grade in which their positions are respectively allocated.

*Definitions*

§ 26.221 *Permanent positions.* "Permanent positions" means positions other than those designated as temporary by law and other than those established for definite periods of one year or less. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under Civil Service rules, or under regulations issued by the Commission, shall, not, for that reason alone, be regarded as being other than permanent positions. Positions filled by temporary appointment under section 27.8 (b) are temporary for the purpose of this subpart.

§ 26.222 *Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended.* "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended", means positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

§ 26.223 *Equivalent increase in compensation.* (a) "Equivalent increase in compensation" means any increase or increases in basic compensation which in total, at the time such increase or increases are made, are equal to or greater than the smallest compensation increment in the lowest grade in which the employee has served during the time period of twelve or eighteen months, as the case may be.

(b) The following, among others, are not "equivalent increases in compensation":

(1) Increases in basic rates of compensation provided by section 405 of the Federal Employees Pay Act of 1945, or section 2 of the Federal Employees Pay Act of 1946;

(2) Rewards for superior accomplishment as provided in sections 403 and 404 of the Federal Employees Pay Act of 1945;

(3) Increases as the result of the establishment of a new minimum rate for any class of positions in accordance with section 401 of the Federal Employees Pay Act of 1945; or

(4) An increase upon restoration of an employee to the grade and salary from which he was previously reduced or demoted, when the restoration is the result of a decision of a statutory efficiency rating board of review, a reduction-in-force appeal, the reallocation of his position to its former grade on appeal, or an appeal under section 14 of the Veterans' Preference Act of 1944.

§ 26.224 *Current efficiency.* "Current efficiency" means the official efficiency rating on record appropriate for within-grade salary advancement purposes, in accordance with the uniform efficiency-rating system.

§ 26.225 *War transfer.* "War transfer" means any transfer authorized by the Commission under Executive Order Nos. 8973 of December 12, 1941, or 9067 of February 20, 1942, War Manpower Commission Directive No. X, or War Service Regulation IX, (§ 27.9 of this chapter) under conditions entitling the employee to reemployment in his former position or a position of like seniority, status, and pay; civilian employment in occupied countries subject to the provisions of Executive Order No. 9711 of April 11, 1946; or employment with public international organizations subject to the provisions of Executive Order No. 9721 of May 10, 1946.

§ 26.226 *Satisfactory record on war transfer.* "A satisfactory record on war transfer" means a record or finding that the transferred employee has been furloughed or terminated without cause such as would reflect on his suitability for reemployment in the Federal service, from the position to which transferred; or that his services have been satisfactory and his termination was not the result of delinquency or misconduct.

§ 26.227 *Service in the merchant marine.* "Service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, War Shipping Administration, service as an enrollee in the United States Maritime Service on active duty, and, to such extent as said Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator.

§ 26.228 *Certificate of satisfactory service in the merchant marine.* "Certificate of satisfactory service in the merchant marine" means the certificate issued by the War Shipping Administrator pursuant to the act of June 23, 1943, 57 Stat. 162, 50 U.S.C., Supp. 1471-1475, providing reemployment rights for persons who leave their positions to serve in the merchant marine.

*Computation of Periods of Service*

§ 26.231 *Service to be credited.* In computing the periods of service required for within-grade salary advancements there shall be credited to such service:

(a) Continuous civilian employment in any branch (legislative, executive, or judicial), executive department, independent establishment or agency, or corporation of the Federal Government or in the municipal government of the District of Columbia.

(b) Time elapsing on annual, sick, or other leave with pay.

(c) Leave without pay and furlough, not to exceed in total the equivalent of twenty-two eight-hour days in the basic forty-hour workweeks, within the period of service required for one periodic within-grade advancement.

(d) Service rendered prior to absence due to involuntary separation, or due to furlough or leave without pay, where no single period of such absence is in excess of twelve months.

(e) Service rendered prior to absence due to resignation, where no single period of such absence is in excess of thirty calendar days.

(f) Service in the armed forces, in the merchant marine, or on war transfer subject to the following conditions: The employee must have (1) left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (2) been separated under honorable conditions from active duty in the armed forces, or have received a certificate of satisfactory service in the merchant marine, or have a satisfactory record on war transfer, and (3) been restored, reemployed, or reinstated in any permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, under regulations of the Commission which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or any other administrative procedure having a similar purpose with respect to employees not subject to civil service rules and regulations. Any employee entitled to be credited with service under this subsection shall also be entitled to credit not more than twelve or eighteen months, as the case may be, for civilian employment prior to leaving his position to enter the armed forces or the merchant marine, or to comply with a war transfer.

*Conditions of Eligibility for Periodic Within-Grade Salary Advancements*

§ 26.241 *Eligibility requirements and effective date.* Officers and employees to whom this subpart applies shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period (including July 1, 1945) following the completion of (1) each twelve months of service if such officers or employees are in grades in which the compensation increments are less than $200 per annum or (2) each eighteen months of service if such officers or employees are in grades in which the compensation increments are $200 or more, subject to the following conditions:

(a) That no equivalent increase in compensation from any cause was received during such period;

(b) That an officer or employee shall not be advanced unless his current efficiency rating is "Good" or better than "Good";

(c) That the service and conduct of such officer or employee are certified by the head of the department or independent establishment or agency, or Government-owned or controlled corporation,

or such official as he may designate, as being otherwise satisfactory.

If at the end of the time period of twelve or eighteen months, an employee's total leave without pay and furlough is in excess of that creditable under § 26.231 (c), he must serve in a pay status an additional number of basic-workweek days and hours equal to such excess, to complete the service required for advancement.

§ 26.242 *Exceptions.* Conditions of § 26.241 (b) and (c) shall not apply upon the return to duty of any officer or employee (a) who, while serving under permanent, war service, temporary, or any other type of appointment, left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (b) who has been separated under honorable conditions from active duty in the armed forces, or has received a certificate of satisfactory service in the merchant marine, or has a satisfactory record on war transfer, and (c) who, under regulations of the Commission, which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or under any other administrative procedure having a similar purpose with respect to officers and employees not subject to civil service rules and regulations, is restored, reemployed, or reinstated in a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, in which he would otherwise be eligible for within-grade salary advancement under this part.

*Effect of Efficiency-Rating Changes*

§ 26.251 *Effect of efficiency-rating changes.* In the event a change or adjustment is made in an officer's or employee's current efficiency rating, either by administrative action or as the result of a review and determination by a board of review in accordance with the provisions of section 9 of the Classification Act of 1923, as amended, the employee's eligibility for salary advancement shall be determined according to the efficiency rating as changed or adjusted and other conditions of the salary advancement plan, and any periodic within-grade salary advancement to which he may be entitled shall be made effective as of the date he would have received the advancement had no error been made in the original rating.

SUBPART C—NIGHT PAY DIFFERENTIAL REGULATIONS

*Extent of Regulations*

§ 26.301 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 26.302.

§ 26.302 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U.S.C. App. 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police;

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company;

(k) Employees of the Bureau of Engraving and Printing who are entitled to a night pay differential under the act of July 1, 1944 (58 Stat. 648, 31 U.S.C. 180); and

(l) Employees who are entitled to additional compensation for night work under any provision of law other than section 301 of the Federal Employees Pay Act of 1945.

*Definitions*

§ 26.321 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of quarters, subsistance, and other maintenance allowances under sec. 3 of the act of March 5, 1928, 45 Stat. 193, 5 U.S.C. 75a.

§ 26.322 *Regularly scheduled tour of duty.* "Regularly scheduled tour of duty" means the regularly scheduled administrative workweek for full-time employees prescribed in accordance with § 26.131. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which such employees are required to be on duty regularly.

§ 26.323 *Night work.* "Night work" means that part of a regularly scheduled tour of duty which falls between 6 o'clock p. m. and 6 o'clock a. m.

§ 26.324 *Night pay differential.* "Night pay differential" means the ten percent increase over the officer's or employee's basic rate of compensation, authorized by section 301 of the Federal Employees Pay Act of 1945, as amended.

*Night Work and Payment of Night Differential*

§ 26.331 *Night pay differential authorized.* Any officer or employee to whom this subpart applies shall be entitled to a night pay differential amounting to 10 percent of his basic rate of compensation as additional compensation for all hours of night work, computed in accordance with § 26.332.

§ 26.332 *Computation of night pay differential—*(a) *Absence on leave or holidays, or in travel status.* Payment of a night pay differential is not authorized during any period when the officer or employee is in a leave status or is excused from duty on a holiday or other non-workday; but it is authorized when compensatory time off "earned" by night work is taken during the night hours of the employee's regularly scheduled tour of duty, and for all night hours of the employee's regularly scheduled tour of duty while he is in official travel status, whether performing actual duty or not.

(b) *Relation to overtime and holiday pay.* Payment of a night pay differential shall be in addition to any extra overtime or holiday compensation paid in accordance with Subpart A or Subpart D. The night pay differential shall not be included in the basic rate or compensation in computing any overtime or holiday compensation to which the officer or employee may be entitled.

(c) *Temporary assignment to different tour of duty.* The payment of the night pay differential is authorized for night work performed when an employee is assigned temporarily to a regularly scheduled tour of duty other than his own regular tour of duty.

(d) *Computation of rate of night pay differential.* Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of the night pay differential, the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate;

(2) An annual rate shall be divided by 52 to derive a weekly rate;

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

SUBPART D—REGULATIONS GOVERNING PAY FOR HOLIDAY DUTY

*Extent of Regulations*

§ 26.401 *Employees to whom this subpart applies.* This subpart shall apply to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 26.402.

§ 26.402 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," approved March 24, 1943 (57 Stat. 45, 50 U.S.C. App. 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police; and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

*Definitions*

§ 26.421 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928, 45 Stat. 193, 5 U.S.C. 75a.

*Identification of Holidays*

§ 26.431 *Holidays.* The following days shall be holidays:

(a) Subject to the provisions of paragraph (b) of this section, the 1st day of January; the 22d day of February; the 30th day of May; the 4th day of July; the first Monday in September; the 11th day of November; the fourth Thursday in November; and Christmas Day.

(b) When any such day falls on a Sunday, Executive Order No. 9636 of October 3, 1945 requires that the following Monday shall be observed as a holiday in lieu thereof subject to the following exceptions:

(1) In the case of employees whose regularly scheduled basic work-week includes both the Sunday and the Monday involved, either day, as determined by the head of the department, agency, or corporation concerned, but not both days, shall be treated as a holiday.

(2) In the case of employees whose regularly scheduled basic work-week includes the Sunday but not the Monday involved, only the Sunday shall be treated as a holiday.

(c) Any day designated as a holiday by Executive order.

*Extra Pay for Holiday Duty*

§ 26.441 *Rate of holiday pay.*—(a) Any officer or employe who is assigned to duty on a holiday shall be compensated for such duty at the rate of twice his regular rate of basic compensation, *Provided,*

(1) That such hours of holiday duty fall within his basic workweek of forty hours.

(2) That such doubled rate of compensation shall be paid for not to exceed eight hours of duty on a holiday.

(3) That such doubled rate of compensation shall be in lieu of his regular rate of basic compensation.

(4) That such doubled rate of compensation shall be in addition to any extra compensation for night duty payable under Subpart C; but the night pay differential shall not be included in the basic rate of compensation in computing pay for holiday duty.

(b) An officer or employee who is excused from duty because of a holiday falling within his basic 40-hour workweek shall be entitled to only his basic rate of compensation for that day.

(c) An officer or employee who is assigned to duty on a holiday falling outside of his 40-hour basic workweek (an overtime day) shall be entitled only to the overtime compensation payable in accordance with Subpart A for such duty, plus any extra compensation for night duty payable under Subpart C or other authority.

(d) An officer or employee who is excused from duty because of a holiday falling outside of his 40-hour basic workweek shall not be entitled to any compensation for that day.

§ 26.442 *Computation of holiday pay.* Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of extra pay for holidays, the following rules shall govern:

(a) A monthly rate shall be multiplied by twelve to derive an annual rate;

(b) An annual rate shall be divided by fifty-two to derive a weekly rate;

(c) A weekly rate shall be divided by forty to derive an hourly rate; and

(d) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

§ 26.443 *Overtime.* (a) The extra pay for holidays authorized by § 26.441 shall not be included in the basic rate of compensation in computing any overtime compensation to which the officer or employee may be entitled.

(b) Such extra pay shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs, and notwithstanding such extra pay, the number of hours of duty on a holiday shall be included in determining for overtime pay purposes the total number of hours of employment performed in the same administrative workweek.

(c) The number of regularly scheduled hours of duty on a holiday falling within the employee's 40-hour basic workweek on which the employee is excused from duty shall be included as a part of the 40-hour basic workweek for overtime pay computation purposes.

By the United States Civil Service Commission.

[SEAL] W. B. MITCHELL,
*President.*

[F. R. Doc. 46-11641; Filed, July 2, 1946; 9:57 a. m.]

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PART 27—TEMPORARY CIVIL SERVICE REGULATIONS

EXEMPTIONS FROM CLASSIFICATION

The list of exempted positions in the final paragraph of § 27.2 (c) (2) is amended as follows:

The exemption of deckhands, barge watchmen, water tenders, oilers, firemen, wipers, daylight men, chefs, cooks, laundresses and mess boys on vessels operated by the Inland Waterways Corporation (11 F.R. 5895) is hereby revoked.

The following positions are added to the list of exempted positions:

*Position and Effective Date*

All unlicensed personnel on vessels operated by the Inland Waterways Corporation. June 1, 1946.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
*President.*

[F. R. Doc. 46-11640; Filed, July 2, 1946; 9:57 a. m.]

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## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 725—BURLEY AND FLUE-CURED TOBACCO

NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO

§ 725.301 *Findings and determinations with respect to the national marketing quota for the marketing year beginning July 1, 1947* [1]—(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 2,454,000,000 pounds.

(b) *National marketing quota.* The amount of the national marketing quota for flue-cured tobacco which will make available during the marketing year beginning July 1, 1947, a supply of tobacco

[1] Rounded to the nearest million pounds.

equal to the reserve supply level of such tobacco is 1,148,000,000 pounds.

(52 Stat. 40, 41, 42, 43, 46; 53 Stat. 1261; 54 Stat. 392; 56 Stat. 121; 57 Stat. 387; 58 Stat. 136; 7 U.S.C. 1301 (b), 1301 (c), 1312 (a); 60 Stat. 21)

Issued at Washington, D. C., this 1st day of July 1946.

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

[SEAL] CLINTON P. ANDERSON,
*Secretary of Agriculture.*

[F. R. Doc. 46-11615; Filed, July 1, 1946; 4:31 p. m.]

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**Chapter XI—Production and Marketing Administration (War Food Distribution Orders)**

[WFO 15-20]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

Pursuant to the authority vested in me by War Food Order No. 15, as amended (11 F.R. 4778, 5105, 6271), and in order to effectuate the purposes of such order, as amended, it is hereby ordered as follows:

§ 1401.213 *Percentage of Cheddar cheese to be set aside in July and August 1946*—(a) *Definitions.* Each term defined in War Food Order No. 15, as amended, shall, when used herein, have the same meaning as set forth for such term in said War Food Order No. 15, as amended.

(b) *Percentage.* Each person who is required by War Food Order No. 15, as amended, to set aside Cheddar cheese during July or August 1946 shall set aside in each of such months, in which he is required to set aside Cheddar cheese, a quantity of Cheddar cheese equal to 40 percent of all Cheddar cheese produced by him in the respective month.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. s. t., July 1, 1946.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 15, as amended, 11 F.R. 4778, 5105, 6271)

Issued this 28th day of June 1946.

[SEAL] WILLIAM C. CROW,
*Acting Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 46-11519; Filed, June 28, 1946; 3:41 p. m.]

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[WFO 54-5]

PART 1401—DAIRY PRODUCTS

DRIED SKIM MILK

Pursuant to the provisions of War Food Order No. 54, as amended (11 F.R. 4781, 5105, 5438, 6271), and in order to effectuate the purposes of such order, as amended, it is hereby ordered as follows:

§ 1401.214 *Percentages of dried skim milk to be set aside in July and August 1946*—(a) *Definitions.* Each term defined in War Food Order No. 54, as amended, shall, when used herein, have the same meaning as set forth for such term in said War Food Order No. 54, as amended.

(b) *Percentages.* Each person who is required to set aside dried skim milk pursuant to the provisions of War Food Order No. 54, as amended, shall set aside (1) in the calendar month of July 1946 a quantity of spray dried skim milk equal to 50 percent of all spray dried skim milk produced by such person, during such month, and a quantity of roller dried skim milk equal to 50 percent of all roller dried skim milk produced by such person during such month, and (2) in the calendar month of August 1946 a quantity of spray dried skim milk equal to 40 percent of all spray dried skim milk produced by such person, during such month, and a quantity of roller dried skim milk equal to 40 percent of all roller dried skim milk produced by such person during such month.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. s. t., July 1, 1946.

(E.O. 9280, 7 F.R. 1079; E.O. 9577, 10 F.R. 8087; WFO 54, as amended, 11 F.R. 4781, 5105, 5438, 6271)

Issued this 28th day of June 1946.

[SEAL] WILLIAM C. CROW,
*Acting Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 46-11518; Filed, June 28, 1946; 3:41 p. m.]

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[WFO 29, Partial Suspension]

PART 1460—FATS AND OILS

DELIVERY OF CRUDE COTTONSEED, PEANUT, SOYBEAN, AND CORN OIL TO REFINERS

The provisions of paragraph (b) of War Food Order No. 29 as amended (11 F.R. 3996, 4081), are suspended with respect to the delivery of crude oil to and the receipt of crude oil by refiners. Unless otherwise ordered by the Administrator, this suspension shall remain in effect until September 30, 1946.

This order shall become effective at 12:01 a. m., e. s. t., July 1, 1946.

(E.O. 9280, 7 F.R. 10179; E.O. 9377, 10 F.R. 8087)

Issued this 30th day of June 1946.

[SEAL] CLINTON P. ANDERSON,
*Secretary.*

[F. R. Doc. 46-11613; Filed, July 1, 1946; 4:31 p. m.]

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[WFO 42, Amdt. 26]

PART 1460—FATS AND OILS

QUOTAS; PACKAGING

War Food Order No. 42, as amended (9 F.R. 12075; 10 F.R. 2679, 3315, 5060, 7961, 8685, 10419, 12250, 12548, 14686; 11 F.R. 226; 11 F.R. 4145) is further amended as follows:

1. By deleting the table at the end of paragraph (b) (1) and substituting in lieu thereof the following:

| Class of edible fat or oil product: | *Percentage permitted* |
|---|---|
| Margarine | 95 |
| Edible fat or oil products other than margarine | 82 |

2. By deleting paragraph (b) (4) and substituting in lieu thereof the following:

(4) In addition to the quota established under paragraph (b) (1) hereof any manufacturer may, during the calendar quarter July 1 to September 30, 1946, use fats and oils in the manufacture of edible fat or oil products other than margarine in an amount not exceeding 6 percent of the average amount of fats and oils used in such class of products during the corresponding calendar quarter of the base period. Such additional usage shall constitute an emergency quota and may be used only under the following conditions, and the use of such emergency quota in violation of any such conditions shall be charged against the regular quota established under paragraph (b) (1) hereof:

(i) Such emergency quota may be used only for the manufacture of shortening packed in containers of not over eight pounds, or for the manufacture of liquid oil packed in containers of not over one gallon.

(ii) Such emergency quota may be used only for the manufacture of products for distribution in the following States in accordance with specific instructions from the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.: Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Kentucky, Tennessee, Louisiana, Texas, Oklahoma, Arkansas, New Mexico, Colorado, Arizona, California, Oregon, Washington, Idaho, Montana, Nevada, Utah and Wyoming.

(iii) Normal or usual deliveries into any State designated under paragraph (b) (4) (ii) above, of shortening or liquid oil chargeable to regular quota usage under paragraph (b) (1) hereof shall not be reduced.

(iv) Such emergency quota shall not be considered as part of the regular quota established under paragraph (b) (1) hereof, and any unused portion of such emergency quota shall not be carried over to the fourth calendar quarter of 1946.

(v) Such emergency quota shall not be subject to the packaging restrictions of paragraph (t) hereof.

3. By deleting paragraphs (t) (3) and (t) (4) and substituting in lieu thereof the following:

(3) Every manufacturer shall, during each calendar quarter of 1946, pack not less than 95 percent of all edible fat or oil products produced by him during such calendar quarter in the same size package or container used by him during the corresponding calendar quarter of 1944. The percentage of edible fat or oil products packed during any calendar quarter of 1946 in a particular size package or container shall be equal to the percentage of edible fat or oil products packed in such size package or container during the corresponding calendar quarter of 1944.

(4) Every manufacturer shall, during each calendar quarter of 1946, pack not

less than 95 percent of all lard and rendered pork fat produced by him during such calendar quarter in the same size package or container used by him during the corresponding calendar quarter of 1945. The percentage of lard or rendered pork fat packed during any calendar quarter of 1946 in a particular size package or container shall be equal to the percentage of lard and rendered pork fat packed in such size package or container during the corresponding calendar quarter of 1945. This amendment shall become effective at 12:01 a. m., e. s. t., July 1, 1946. With respect to violations, rights accrued, liabilities, incurred, or appeals taken, prior to said date, under War Food Order No. 42, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 30th day of June 1946.

[SEAL] CLINTON P. ANDERSON,
*Secretary of Agriculture.*

[F. R. Doc. 46-11614; Filed, July 1, 1946; 4:32 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 5417]

### PART 3—DIGEST OF CEASE AND DESIST ORDERS

GOLDWYN CO.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with the offering for sale, sale and distribution of candy, novelties or any other merchandise in commerce, (1) selling and distributing any candy, novelties, or any other merchandise so packed and assembled that sales of such merchandise to the public are to be made, or due to the manner in which such merchandise is packed and assembled at the time it is sold by respondents may be made by means of a game of chance, gift enterprise or lottery scheme; (2) supplying to, or placing in the hands of, others push or pull cards, punch boards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the public; or, (3) selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Goldwyn Company, etc., Docket 5417, May 15, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1946.

*In the Matter of Ben Levy and Frances Levy, Individuals and Co-partners, Trading as Goldwyn Company and John Baker Company*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondents, Ben Levy and Frances Levy, individuals and co-partners, trading as Goldwyn Company and John Baker Company or any other trade name or names, and their representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of candy, novelties or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling and distributing any candy, novelties, or any other merchandise so packed and assembled that sales of such merchandise to the public are to be made, or due to the manner in which such merchandise is packed and assembled at the time it is sold by respondents may be made by means of a game of chance, gift enterprise or lottery scheme.

2. Supplying to, or placing in the hands of, others push or pull cards, punch boards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the public.

3. Selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise or lottery scheme.

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 46-11655; Filed, July 2, 1946; 11:09 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter VI—Federal Public Housing Authority

### PART 601—REQUIREMENTS FOR URBAN LOW-RENT HOUSING AND SLUM CLEARANCE

INSURANCE AND BONDS DURING DEVELOPMENT

JUNE 28, 1946.

FPHA requirements for urban low-rent housing and slum clearance developed under U. S. Housing Act of 1937, as amended (Public Law 412, 75th Congress).

Section 601.222 is amended to read as follows:

§ 601.222 *Insurance and bonds during development—*(a) *Coverages required of bidders and contractors.* Bidders on contracts for construction in connection with a development shall be required to furnish a bid bond or equivalent guarantee and contractors whose contracts call for construction work in connection with a development shall be required to furnish performance and payment bond or bonds before beginning work, and shall secure (and shall require their subcontractors to secure) workmen's compensation, public liability, and fire and extended coverage (builder's risk) insurance.

(b) *Coverages required of local authorities.* The coverages required of the local authority during development are workmen's compensation; manufacturers' and contractors' public liability (excluding property damage); owners', landlords' and tenants' public liability (excluding property damage); automobile public liability and property damage (owned and non-owned); fire on furniture and fixtures; and fidelity bonds. As portions of the development are accepted by the local authority, insurance will be required in accordance with the provisions of § 601.413.

(c) *Limitations.* The coverages shall be in amounts and at limits prescribed by the FPHA and shall be secured at costs reasonably within range of the lowest net costs known to be available to the local authority. Net cost is construed to mean the estimated cost after deducting from the gross deposit premium any anticipated dividend based on the dividend-paying record of the company for the previous ten years. Certified duplicate copies of all policies and bonds shall be submitted to the FPHA not less than 30 days prior to the effective date thereof for review to determine compliance with these requirements.

(d) *Public liability claims.* Insurance companies shall not be permitted to defend any public liability claim on the ground of immunity of the local authority.

(50 Stat. 888, as amended)

PHILIP M. KLUTZNICK,
*Commissioner.*

[F. R. Doc. 46-11646; Filed, July 2, 1946; 9:58 a. m.]

### PART 601—REQUIREMENTS FOR URBAN LOW-RENT HOUSING AND SLUM CLEARANCE

INSURANCE AND BONDS DURING MANAGEMENT

JUNE 28, 1946.

FPHA requirements for urban low-rent housing and slum clearance developed under U. S. Housing Act of 1937, as amended (Public Law 412, 75th Congress).

Section 601.413 is amended to read as follows:

§ 601.413 *Insurance and bonds during management—*(a) *Coverages.* The required coverages are: Fire and extended

coverage; workmen's compensation; owners', landlords' and tenants' public liability (excluding property damage); automobile, owned and non-owned; boiler (if boilers have been installed); burglary and inside robbery; outside robbery; and fidelity bonds.

(b) *Limitations.* The local authority shall obtain insurance for each development in the coverages, types, and amounts or limits prescribed by the FPHA. Insurance purchased by the local authority shall be obtained after inviting competitive bids. In inviting such bids, the Local Authority shall not discriminate against either stock or mutual companies. Insurance shall be awarded to the lowest bidder provided the lowest bid is reasonably within range of the lowest net costs known to be available to the local authority. With the prior approval of the FPHA, the local authority may award the insurance to other than the lowest bidder if the award is made on a bid which is also reasonably within range of the lowest net costs known to be available to the local authority, and if the local authority determines that such an award is in the best interest of the low-rent housing program in the community. Net cost is construed to mean the estimated cost after deducting from the gross deposit premium any anticipated dividend based on the dividend-paying record of the company for the previous ten years. Certified duplicate copies of all policies and bonds shall be submitted to the FPHA not less than 30 days prior to the effective date thereof for review to determine compliance with these requirements.

(c) *Public liability claims.* Insurance companies shall not be permitted to defend any public liability claim on the ground of immunity of the local authority.

(50 Stat. 888, as amended.)

PHILIP M. KLUTZNICK,
*Commissioner.*

[F. R. Doc. 46-11647; Filed, July 2, 1946; 9:58 a. m.]

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## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 32]

### PART 602—GENERAL ORDERS AND DIRECTIVES

#### SHIPMENTS OF COAL

The fulfillment of requirements for the defense and to meet emergency and reconversion needs of the United States will result in a shortage in the supply of solid fuel for defense, for private account and for export; and the following regulation is deemed necessary and appropriate in the public interest and to promote the national defense:

Sec.
602.875 Districts 1, 2, 3, 4, 6 and 7.
602.876 District No. 8.
602.877 Lake, tidewater or river dock or elevator operators.
602.878 Districts 9, 10, 11 and 13.
602.879 Districts 12, 14–23, inclusive.
602.880 Dealer's self-imposed limitation.
602.881 Prohibition against receiving illegal shipments.
602.882 Reporting requirements.
602.883 Former §§ 602.700 to 602.725, inclusive (Regulation 27).
602.884 Revocation.
602.885 Revocation of SFAW Order No. 32.
602.886 Effective date.

AUTHORITY: §§ 602.875 to 602.886, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176, 58 Stat. 827, and 59 Stat. 658.

§ 602.875 *Districts 1, 2, 3, 4, 6 and 7*—(a) *Shipments to lakes.* Each shipper of coal produced in these districts shall, until further notice, ship tonnage each week via lake at the rate of not less than five per cent of the total tonnage committed, directly or through a lake forwarder, to dock operators and consumers receiving coal via Great Lakes until such commitments are completed.

If a shipper finds it necessary to ship less than five per cent of the total tonnage committed during a particular week, he is required to make this up by additional shipment in a subsequent week; if a shipper finds it practicable to ship in excess of five per cent in a particular week, he may ship less than five per cent during a subsequent week to the extent of the excess shipments.

These shipments shall take precedence over all other shipments and no shipment shall be made to any person which impairs the ability of the shipper to comply with this section.

Lake forwarders, dock operators and consumers, who transship or receive coal via lake, shall report as promptly as possible to the Solid Fuels Administration for War, Washington 25, D. C., any developing serious inability on their part to meet reasonable minimum requirements of their customers or plants as the case may be.

(b) *Shipments to retail dealers.* (1) Each shipper of coal shipped in the above districts shall, after arranging to meet his obligations to lakes as provided in paragraph (a) of this section, ship during the period April 1, 1946 to March 31, 1947, to each retail dealer whom he served during the period April 1, 1945 to March 31, 1946, a tonnage which is not less than 100 percent of the tonnage supplied to such dealer during that period. Except for shipment via lake under paragraph (a) of this section, these shipments shall take precedence over all other shipments and no shipment shall be made to any person which impairs the ability of the shipper to comply with this section.

In complying with subparagraph (1) of this paragraph, each shipper shall so far as practicable make distribution to each dealer on an equal monthly basis: *Provided, however,* That the shipper may and should make such deviations therefrom as may be necessary and appropriate (i) to assure compliance with paragraph (a) of this section, and (ii) to assure that minimum current coal requirements are available to industrial consumers so that the national economy and the reconversion program are not unduly and adversely affected by the shut-down of an industrial plant for lack of coal.

(2) If a dealer to whom coal was shipped during the period April 1, 1945 to March 31, 1946, is no longer in business, the shipper has a continuing obligation to the community. Accordingly, the shipper shall apportion the tonnage to which such dealer would have been entitled under this section to one or more dealers in that community who will serve substantially the same customers served by the former dealer. When the shipper transfers the quota of the former dealer to one or more other dealers, he shall notify the appropriate SFAW Area Distribution Manager of the amount of tonnage so transferred.

(3) Any shipper may request that part or all of the tonnage which he is obligated to ship to a dealer at a particular destination be transferred to one or more other dealers at the same destination, *Provided, however,* (i) That a clear showing is made by the shipper that the transferee dealer has the trucks and facilities to take care of the needs of the consumers served by the dealer to whom the tonnage would otherwise be due under this section; (ii) that the transfer of base period tonnage can be accomplished without undue hardship to the dealer who would otherwise be entitled to receive the tonnage under this section; and (iii) that the transfer has the approval of the appropriate SFAW Area Distribution Manager. In approving the few transfers which may be appropriate under this section, special consideration will be given by Area Distribution Managers to requests designed to afford to World War II veterans having honorable discharges, or the equivalent thereof, a reasonable opportunity to go into the retail coal business.

(c) *Shipments to all others.* Shippers of coal produced in the above districts may dispose of the balance of their supply without limitation to any person (excluding persons receiving coal via lake or retail dealers who are entitled to receive tonnage under paragraphs (a) and (b) of this section, respectively), *Provided, however,* That until further notice (1) any industrial consumer who has more than 20 days' supply (30 days for receivers via tidewater or river), based upon his burn for the current calendar month, shall not be furnished, from all sources combined, with more than 100 per cent of his monthly consumption requirements, (2) any industrial consumer who currently burns strip-mined coal and low grade deep-mined coal, to the maximum extent practicable as determined by SFAW, may build up a stock pile of the higher grade non-exempt coals not to exceed 45 days' supply (55 days for receivers via tidewater or river) based upon his burn for the current calendar month, *Provided, however,* That any such increase in stockpiling shall not exceed the rate of 10 days per month, (3) any industrial consumer who has more than 45 days' supply (55 days for receivers via tidewater or river), based upon his burn for the current calendar month shall not be furnished, from all sources combined,

more than 50 per cent of his monthly consumption requirements, and (4) any industrial consumer who has 20 days' or less supply (30 days or less for receivers via tidewater or river), based upon his burn for the current calendar month shall not be furnished, from all sources combined, with more than 100 per cent of his monthly consumption requirements plus such additional amount of coal as may be necessary to bring his days' supply as of the end of the month to 21 days (31 days for receivers via tidewater or river).

(d) *Surplus coal.* Notwithstanding any provisions of this section, any shipper of coal, whether strip-mined coal or low grade deep-mined coal, who is unable to dispose fully of his entire output because of any limitation herein may freely make shipments of such coal to any person, and tonnage so shipped shall not be considered in applying any limitations herein provided.

For the purpose of the reports required by § 602.882 surplus coal shall be reported separately.

§ 602.876 *District No. 8*—(a) *Shipments to lakes.* Each shipper of coal produced in District No. 8 shall, until further notice, ship, in equal monthly amounts so far as practicable, during the 1946 season of lake navigation the total tonnage committed, directly or through a lake forwarder, to dock operators and consumers receiving coal via the Great Lakes until such commitments are completed. These shipments shall take precedence over all other shipments and no shipment shall be made to any person which impairs the ability of the shipper to comply with this section.

(1) *To commercial dock operators.* The aggregate of such shipments by each shipper to commercial lake dock operators (directly or through a lake forwarder), however, shall not without specific permission of SFAW exceed (i) 90 per cent of the tonnage of prepared sizes (lump and double-screened coal) for domestic use, loaded at a lower lake port and consigned to the commercial lake dock operator from the District No. 8 shipper during the 1945 season of lake navigation and (ii) 100 per cent of the total prepared sizes for industrial use and other sizes for any use loaded at a lower lake port and consigned to the commercial lake dock operator (directly or through a lake forwarder) from the District No. 8 shipper during the 1945 season of lake navigation. It is the present plan of SFAW, so far as consistent with the District No. 8 coal supply and requirements for that coal, to arrange so that each commercial lake dock operator will receive sufficient coal from District No. 8 during the 1946 season of lake navigation to enable the commercial lake dock operator (*a*) to ship to each retail dealer during the coal year (April 1, 1946 to March 31, 1947) 90 per cent of the total of prepared sizes furnished to such dealer by the commercial dock operator during the coal year from April 1, 1945 to March 31, 1946 and (*b*) to meet the obligations to industrial consumers to the extent necessary to supply their reasonable minimum consumption requirements to April 30, 1947.

(2) *To alongside industrial consumers.* The aggregate of such shipments to industrial consumers receiving coal by vessel or barge at a dock or other unloading facility located on the Great Lakes, directly or through a lake forwarder, during the 1946 season of lake navigation shall not exceed an amount of District No. 8 coal which, when added to the consumer's stock pile on May 1, 1946, and his estimated receipts of solid fuel to April 30, 1947, from all sources and by all other methods of transportation, is greater than his consumption requirements from May 1, 1946 to April 30, 1947.

(3) *Original commitment to be reduced under special circumstances.* Any shipper who is unable, without substantial prejudice to other normal outlets and customers, to meet the requirements of this paragraph on the basis of his original commitments, shall compute his commitments, to lakes on the basis of the original commitments, less such deductions for unforeseen production losses, resulting from stoppages or otherwise as to the shipper appears appropriate and fair. The shipper shall promptly advise the Area Distribution Manager and the commercial dock operators and consumers affected of the computation and deduction and such computation and deduction hereunder may be reviewed by SFAW and where necessary SFAW will take suitable corrective action.

(b) *Shipments to retail dealers.* Each shipper of coal produced in District No. 8 shall, after arranging to meet his obligations to lakes as provided in paragraph (a) of this section, ship by rail, truck or river to each dealer during the period April 1, 1946 to March 31, 1947, a tonnage of prepared sizes of District No. 8 coal for domestic use which is equal to but does not exceed 90 per cent of the amount of such sizes shipped to such dealer during the period April 1, 1945 to March 31, 1946. Except for shipments via lake under paragraph (a) of this section these shipments shall take precedence over all other shipments and no shipments shall be made to any person which impair the ability of the shipper to comply with this section.

Prepared sizes for domestic use as herein used shall be as set out below and be deemed interchangeable:

*Low volatile*—Size groups 1, 2, 3, 4, 5, and 6 (lump, egg, stove, nut, pea and domestic mine run)

*High volatile*—Size groups 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 (block, lump, egg, stove, nut and stoker)

In complying with this paragraph each shipper shall so far as practicable make distribution to each dealer so that during each two-month period June–July and August–September, there shall be shipped not less than 10 per cent or more than 15 per cent of the tonnage each shipped is obligated to ship to each dealer under this section. The minimum shipment for the two-month period October–November 1946 shall also be 10 per cent but the maximum shipment for that period shall be 20 per cent.

This section shall not apply to shipments of domestic sizes of District No. 8 coal to tidewater receivers.

The provisions of § 602.875 (b) (2) and (3) are hereby incorporated by reference and shall be applicable to the shipments of District No. 8 coal to retail dealers provided for in this section.

(c) *Shipments to all others.* Shippers of coal produced in District No. 8 may dispose of the balance of their supply without limitation to any person (excluding persons receiving coal via lake or retail dealers who are entitled to receive tonnage under paragraphs (a) and (b) of this section, respectively), *Provided, however,* That until further notice:

(1) Any public utility which has 20 days' supply of District No. 8 coal (30 days for receivers via tidewater or river) based upon its burn for the current calendar month shall not be furnished from all sources combined with District No. 8 coal in excess of 100 per cent of the consumer's monthly consumption requirements.

(2) Any public utility which has less than 20 days' supply of District No. 8 coal (less than 30 days for receivers via tidewater or river) based upon its burn for the current calendar month shall not be furnished from all sources combined with District No. 8 coal in excess of 100 per cent of the consumer's monthly consumption requirements and such additional tonnage as may be necessary to bring it up to 20 days' supply (30 days for receivers via tidewater or river).

(3) Any public utility which has more than 20 days' supply of District No. 8 coal (more than 30 days for receivers via tidewater or river) based upon its burn for the current calendar month shall not be furnished from all sources combined with District No. 8 coal in excess of the percentage of the consumer's monthly requirements necessary to leave the consumer with a 20 days' supply (30 days for receivers via tidewater or river), but the maximum rate of draw down shall not exceed 15 days' reduction in days supply in any one month.

(4) Any industrial consumer who has a 10 days' supply of District No. 8 coal (20 days for receivers via tidewater or river) based upon his burn for the current calendar month shall not be furnished from all sources combined with District No. 8 coal in excess of 100 per cent of the consumer's monthly consumption requirements.

(5) Any industrial consumer who has less than 10 days' supply of District No. 8 coal (less than 20 days for receivers via tidewater or river) based upon his burn for the current calendar month shall not be furnished from all sources combined with District No. 8 coal in excess of 100 per cent of the consumer's monthly consumption requirements and such additional tonnage as may be necessary to bring it up to 10 days' supply (20 days for receivers via tidewater or river).

(6) Any industrial consumer who has more than 10 days' supply of District No. 8 coal (more than 20 days for receivers via tidewater or river) based upon his burn for the current calendar month shall not be furnished from all sources combined with District No. 8 coal in excess of the percentage of the consumer's monthly requirements necessary to leave

the consumer with a 10 days' supply (20 days for receivers via tidewater or river), but the maximum rate of draw down shall not exceed 15 days' reduction in days supply in any one month.

§ 602.877 *Lake, tidewater or river dock or elevator operators.* Lake, tidewater or river dock or elevator operators shall observe the limitations and requirements provided in §§ 602.875 and 602.876 to the extent that they are applicable to their respective distribution situations: *Provided, however,* That commercial lake dock operators may, consistent with the normal and reasonable practice of the area, during a period of relatively short supply of high grade coal, depart from the specific stock pile limitations provided above and service their industrial consumers properly to meet their requirements until April 30, 1947.

§ 602.878 *Districts 9, 10, 11 and 13—* (a) *Shipments to retail dealers.* Each shipper of coal produced in these districts shall ship during the period April 1, 1946 to March 31, 1947, to each retail dealer 100 percent of the tonnage shipped to such dealer during the period April 1, 1945 to March 31, 1946. These shipments shall take precedence over all other shipments and no shipment shall be made to any person which impairs the ability of the shipper to comply with this section.

The provisions of §§ 602.875 (b) (2) and (3) are hereby incorporated by reference and shall be applicable to shipments of coal to retail dealers provided for in this section.

If any shipper has domestic coal in an amount sufficient to supply any dealer in excess of the amount required to be shipped under this section, he shall report forthwith to the Area Distribution Manager, the name and address of the dealer to whom any such excess is being shipped, and the amount of such excess being shipped.

(b) *Shipments after fulfillment of obligations to dealers.* Shippers of coal produced in the above districts may dispose of the balance of their supply to any person without limitation (excluding retail dealers who are entitled to receive tonnage under paragraph (a) of this section, *Provided, however,* That until further notice any industrial consumer who has more than 45 days' supply, based upon his burn for the current calendar month shall not be furnished from all sources combined more than 100 percent of his monthly consumption requirements.

(c) *Surplus coal.* Notwithstanding any provisions of this section, any shipper of coal, who is unable to dispose fully of his entire output because of any limitation herein may freely make shipments of such coal to any person, and tonnage so shipped shall not be considered in applying any limitations herein provided. In the event of any future program involving a draw-down of stockpiles, the receiver of such surplus coal shall not be required to draw down to a greater extent than any other consumer with respect to days supply.

For the purpose of the reports required by § 602.882 surplus coal shall be reported separately.

§ 602.879 *Districts 12, 14–23, inclusive.* No distribution limitations or reporting requirements are imposed herein in respect to shipments of coal produced in the above districts.

§ 602.880 *Dealer's self-imposed limitation.* While no specific limitation is imposed upon deliveries by retail dealers to domestic consumers, in view of the limitation placed upon the deliveries to and receipts by such dealers, they will necessarily be guided by this limitation in the deliveries which they make to their customers to the end that all persons in the community will receive a fair share of coal in accordance with the best prevailing practice in the retail coal trade.

§ 602.881 *Prohibition against receiving illegal shipments.* All persons who purchase or receive coal for use or resale are prohibited from ordering or purchasing or receiving any coal which may not lawfully be furnished by a shipper under §§ 602.875 to 602.886, inclusive.

§ 602.882 *Reporting requirements—* (a) *Consumer reports.* Subject to exception stated below, no shipments or deliveries shall be made under §§ 602.875, 602.876, 602.877 and 602.878, to any consumer unless such consumer shall have filed with his shipper on or before the 24th day of the calendar month preceding the month of shipment an order containing the following information:

(1) Separately, by uses, the specific number of tons ordered;

(2) Separately, by uses, his estimated days' supply as of the last day of the calendar month during which the order is placed;

(3) Separately, by uses, his current monthly consumption requirements;

(4) Separately, by uses, and groups of districts the total tonnage of coal which he has ordered from all suppliers for delivery to him from each group of districts during the same calendar month;

Districts 9, 10, 11 and 13 are to be reported as Group A.

Districts 1–4, inclusive, and 6 are to be reported as Group B.

Districts 7 and 8 (high volatile) are to be reported as Group C.

Districts 7 and 8 (low volatile) are to be reported as Group D.

All other districts and Canadian produced coals are to be reported as Group E.

Surplus (exempt) coal under §§ 602.875 and 602.878 are to be reported as Group F (with a parenthetical designation of district of origin).

(5) A statement on the order or confirmation of the order, certifying that the consumer is entitled under SFAW regulations to receive the amount of coal ordered, and that he has not placed any other order for coal except as permitted by SFAW regulations.

This section does not apply to any of the following consumers:

(1) A consumer who does not receive, during the calendar month, by rail from all sources combined more than 200 tons or four carloads of bituminous coal.

(2) A consumer who does not receive during the calendar month, by truck from all sources combined more than 400 tons of bituminous coal.

(3) A consumer to the extent that he receives coal from a commercial dock operator located on Lake Superior or on the west bank of Lake Michigan, north of and including Waukegan, Illinois, or in the Upper Peninsula of the State of Michigan.

(b) *Wholesaler reports.* No sales, shipments or deliveries shall be made to any wholesaler except a commercial dock operator located on the Great Lakes or on the Atlantic Seaboard north of but not including New York Harbor, unless such wholesaler's order contains the following information:

(1) The names and addresses of the consumers to whom the coal is to be resold by the wholesaler; and

(2) Such information as is required by paragraph (a) of this section to be submitted to the wholesaler on the order of his consumer customer.

(c) *Reports by producers in Districts 1–13 (Except 5 and 12) and tidewater and river dock or elevator operators.* Each producer in the above districts and each commercial dock or elevator operator at tidewater or on river shall, on or before the last day of each calendar month, file with the Area Distribution Manager for his district (reports for District No. 7 to be filed with Mr. Clark Dobbie, Solid Fuels Administration for War, Washington 25, D. C.) an appropriate report as provided in Form SFA No. 79 for producers or Form 79 (a) for dock or elevator operators for the next succeeding month.

(For other reporting requirements see SFAW Order No. 3, as amended.)

§ 602.883 *Former §§ 602.700 to 602.725, inclusive (Regulation No. 27).* The following provisions or excerpts from former §§ 602.700 to 602.725, inclusive, SFAW Regulation No. 27 (10 F.R. 2909), as stated or revised below are herewith adopted and made a part of §§ 602.875 to 602.886, inclusive.

(a) *New and newly acquired mines.* (1) In event any producer is producing coal at a mine which was not in operation during the period April 1, 1945 to March 31, 1946, he shall report to the Area Distribution Manager for his producing district (i) his approximate daily production and (ii) the tonnage, by sizes, he will have available for distribution to retail dealers. If any mine or section of a strip operation is worked out and abandoned and the operator has acquired and is working a new mine or strip operation, he shall apply the coal from such new workings in the same manner as he would have applied the coal from the former operation, unless SFAW directs otherwise.

(2) Any producer who has acquired, after April 1, 1946, a mine which was in operation during the period April 1, 1945 to March 31, 1946, shall supply the same retail dealers served by that mine during the period April 1, 1945 to March 31, 1946, in the same way and to the same extent as if such producer had

shipped coal to such dealer during that period, unless SFAW directs otherwise.

(b) *Special reports to area distribution manager and related matters.* Each Area Distribution Manager is authorized to require any shipper of coal to furnish to him a detailed report of his shipments whenever, in the judgment of the Area Distribution Manager, such information is necessary to effectuate the purposes of §§ 602.875 to 602.856, inclusive.

All statements required by §§ 602.875 to 602.886, inclusive, to be contained in written orders and confirmations of orders, as well as those to be contained in reports required to be filed, shall be deemed made to SFAW. Any person disposing of coal may rely upon any statement or representation made by a purchaser pursuant to §§ 602.875 to 602.886, inclusive.

(c) *Data to be preserved.* All persons shall, on behalf of SFAW, keep and preserve for a period of not less than two years all written orders, and confirmations of orders given to them pursuant to the provisions of §§ 602.875 to 602.886, inclusive, and all records of shipments made pursuant thereto. These orders, confirmations and records of shipments shall, upon request, be submitted for inspection, copy and audit by authorized representatives of SFAW.

(d) *No damage clause.* No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of §§ 602.875 to 602.886, inclusive.

(e) *Violations.* Any person who violates any provision of §§ 602.875 to 602.886, inclusive, or who, by any statement or omission, falsifies any records which he is required to keep, or who certifies false or misleading information to the Solid Fuels Administration for War or any person who obtains bituminous coal by means of a false or misleading statement, may be prohibited from delivering or receiving any material under priority control. SFAW may also take any other action deemed appropriate including the making of a recommendation for prosecution under sec. 35 (A) of the Criminal Code, 18 U.S.C. sec. 80 (any person found guilty of violating that statute may be fined not more than $10,000 or imprisoned for not more than ten years, or both) or under the Second War Powers Act, 15 U.S.C. sec. 633, as amended (any person found guilty of violating that statute may be fined not more than $10,000 or imprisoned for not more than one year, or both).

(f) *Interpretation.* No interpretation of §§ 602.875 to 602.886, inclusive, is authorized or official unless it is in writing and signed by the Administrator, the Deputy Administrator or the General Counsel of SFAW. Inquiries and communications with reference to the meaning and application of §§ 602.875 to 602.886, inclusive, may be addressed to the Solid Fuels Administration for War, Washington, 25, D. C., or to the appropriate SFAW Area Distribution Manager.

(g) *Applications for modification or exception.* Applications for modification of or exception from any provision of §§ 602.875 to 602.886, inclusive, shall be filed in triplicate, with the SFAW Area Distribution Manager or with the Solid Fuels Administration for War, Washington 25, D. C. Applications shall set forth in detail the grounds for requesting relief and information supporting the request.

Words used in §§ 602.875 to 602.886, inclusive, shall have the same meaning as they had in §§ 602.700 to 602.725, inclusive, (Regulation No. 27), unless otherwise indicated in the context.

§ 602.884 *Revocation.* The Interim Direction, issued May 31, 1946, as amended, is revoked as of the effective date of §§ 602.875 to 602.886, inclusive.

§ 602.885 *Revocation of SFAW Order No. 32.* SFAW Order No. 32, as amended, is revoked forthwith. (Information filed in June 1946 by consumers under SFAW Order No. 32 shall be the basis for shipments to be made in accordance with §§ 602.875 to 602.886, inclusive, during the month of July, it not being necessary to amend orders already filed in June for July shipment.)

§ 602.886 *Effective date.* Sections 602.875 to 602.886, inclusive, take effect forthwith and shall remain in effect until further notice.

Issued this 28th day of June 1946.

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

[F. R. Doc. 46-11609; Filed, July 1, 1946; 11:06 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—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 Pub. Law 270, 79th Cong.; 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; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

### PART 1010—SUSPENSION ORDERS

[Suspension Order S-945]

ETTA WAMSHER

Etta Wamsher of 4121 Liberty Street, South Gate, California, on March 29, 1946, without authorization from the Civilian Production Administration began the construction of a combination residence and 14-unit motel structure located at 9720 Long Beach Boulevard, South Gate, California, at an estimated cost of $14,000, which amount exceeded the $1,000 limit permitted by Veterans Housing Program Order No. 1. Etta Wamsher was familiar with the restrictions on construction and her beginning and carrying on of such construction without authorization constituted a wilful 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:

§1010.945 *Suspension Order S-945.* (a) Neither Etta Wamsher, her successors or assigns, nor any other person, shall do any construction on the premises located at 9720 Long Beach Boulevard, South Gate, California, including putting up, completing or altering structures thereon, unless otherwise specifically authorized in writing by the Civilian Production Administration.

(b) Etta Wamsher shall refer to this order in any application or appeal which she may file with the Civilian Production Administration or the National Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Etta Wamsher, her 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 1st day of July 1946.

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

[F. R. Doc. 46-11620; Filed, July 1, 1946; 4:47 p. m.]

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

[Priorities Reg. 13, Direction 16, as Amended July 2, 1946]

URGENCY CERTIFICATES FOR SURPLUS MATERIALS AND EQUIPMENT

Direction 16 to Priorities Regulation 13 is hereby amended to read as follows:

(a) *What this direction does.* There is an urgent need for materials and equipment required in essential reconversion programs and many of these are not readily obtainable in sufficient quantities from new production. This direction describes how a person meeting the criteria described below may apply for a Civilian Production Administration Urgency Certificate which may help him to acquire surplus materials or equipment from the War Assets Administration if the material or equipment is available in surplus. Preference ratings have no effect on sales by WAA either by way of obliging it to sell or by way of determining as among several buyers who shall get the material or product. The urgency certificates issued under this direction are not preference ratings and may not be used to obtain materials or equipment from new production.

(b) *How to apply for an urgency certificate.* Application for a Civilian Production Administration urgency certificate to acquire government owned surplus material or equipment should be made on Form CPA-4425, addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR-13, Direction 16. Form CPA-4425 can be obtained from the Civilian Production Administration, Washington 25, D. C., or Civilian Production Administration District Construction Offices. In those cases where a certification from another Government agency is required as described in paragraph (c) (1) (ii), such certification should accompany the application when filed with the Civilian Production Administration.

(c) *When the Civilian Production Administration may issue urgency certificates.* (1)

It is the general policy of the Civilian Production Administration not to grant urgency certificates for Government-owned surplus property. However, if an applicant has been unable to obtain the material or equipment from new production as soon as required, the Civilian Production Administration may in limited cases grant such certificates good for 60 days for items of materials or equipment needed to support essential production under the following conditions:

(i) The material or equipment is required to sustain or increase his production of products listed on Schedule 1 of Priorities Regulation 28, and a CC rating would be assigned under the provisions of that schedule to obtain the particular item or items from new production. (In the case of steel in the forms and shapes listed in Schedule 1 of Order M-21, urgency certificates will be issued only if the applicant would be authorized to place a certified order to obtain the material from new production under Direction 12 to Order M-21); or

(ii) The material or equipment is needed by a war contractor for production which cannot be deferred without serious results to the defense program or to the health and welfare of the enlisted personnel. In this case a certification from the War or Navy Department or the Maritime Commission recommending the issuance of a Civilian Production Administration urgency certificate is required.

(2) If a CC rating has already been assigned or an application has already been submitted for a rating and the desired material or equipment is not obtainable from new production as soon as required, an urgency certificate may be issued in place of the rating if the applicant meets the criteria stated in paragraph (c) (1). A request to substitute an urgency certificate under this direction for a rating may be made by letter addressed to Civilian Production Administration, Washington 25, D. C., Ref: PR-13, Direction 16, instead of using CPA-4425.

(3) The Civilian Production Administration will carefully screen all requests and issue urgency certificates only when in its judgment such action is deemed necessary in the interests of the overall reconversion. Urgency certificates will not be issued to any applicant for more materials than the quantity which he will require to meet his current or scheduled operations during the 60 days immediately following the date of the application, less the amount he has on hand and expects to receive from other sources during that period.

(d) *How to use an urgency certificate.* If a CPA urgency certificate is issued, it will be given to the applicant in duplicate. These certificates are good only for government property which has been declared surplus to WAA and will cover material or equipment of the type requested or equivalent material or equipment. The certificate holder should present both copies of the certificate to a local sales office of WAA together with his written order or bid as required by it. It is important that these certificates be filed with WAA promptly since every urgency certificate expires 60 days after its issuance by CPA.

(e) *Effect of urgency certificates on WAA.* (1) Unless CPA specifically directs otherwise, the local sales office of WAA must give precedence to holders of CPA urgency certificates over any other class of buyers in selling any surplus materials or equipment of the type covered by urgency certificates which have been filed with it and which have not expired. The price and terms of sale of specific material or equipment to a holder of an urgency certificate and the relative precedence among holders of urgency certificates will be determined by WAA. However, in view of the conditions under which the urgency certificates are issued WAA is required to effect the transaction as quickly as possible. If the sale is made through a dealer, WAA will designate the certificate holder who is to receive the material or equipment, and the dealer must give WAA a certification in substantially the following form:

> The undersigned certifies to the seller and to the Civilian Production Administration, subject to the criminal penalties of Section 35 (A) of the U. S. Criminal Code that he will resell promptly the material or equipment obtained with this certificate to ---------- (insert name of urgency certificate holder designated by WAA).

The standard certification described in Priorities Regulation 7 may not be used instead of this certification. Any person giving the certification described above must dispose of the material or equipment he gets with it in accordance with its terms.

(2) If a holder of an urgency certificate is unwilling or unable to meet the price and terms of sale determined by WAA, it is not reuired to make the sale.

(f) *Expiration of urgency certificates.* Every urgency certificate expires 60 days after its issuance by CPA. If any person to whom an urgency certificate has been issued is unable to obtain the material or equipment covered by the certificate before it expires, he may file an application on Form CPA-4425 for renewal, after the original certificate has expired. CPA may issue a new certificate if the applicant still meets the criteria described in paragraph (c).

(g) *Effect of this direction on other directions to Priorities Regulation 13.* Certain other directions issued pursuant to Priorities Regulation 13 limit sales of specific materials to buyers who certify that they will use the material for a particular purpose. Notwithstanding the provisions of any such directions, holders of urgency certificates for materials of the type covered by these directions may acquire such materials and their purchase orders take precedence over buyers eligible to purchase under the terms of the directions.

Issued this 2d day of July 1946.

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

[F. R. Doc. 46-11659; Filed, July 2, 1946; 11:37 a. m.]

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## PART 984—LEAD

[General Preference Order M-38, as Amended July 2, 1946]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lead for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 984.1 *General Preference Order M-38*—(a) *Scope of the order.* This order controls generally the use of lead. Lead may be used only for the items and purposes set forth in the order. Other restrictions may also be found in other orders of the Civilian Production Administration relating to particular articles or parts. In such case the more restrictive provision governs. In no case shall any person use, purchase, sell, deliver or accept delivery of any lead in violation of this order.

(b) *Definitions.* For the purpose of this order:

(1) "Lead" means 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 (Pb). It includes battery lead oxide, but does not include other lead chemicals.

(2) "Battery lead oxide" means litharge, black oxide, red lead, basic lead sulphate or any other lead chemical produced from primary or secondary lead, for use in the manufacture of storage batteries.

(3) "Refiner" means any person who produces lead in refinery shapes, and includes any person who has such lead produced for him under toll agreement.

(4) "Dealer" means any person who procures lead either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(5) "Military order" means a specific contract or sub-contract necessitating the use of lead in the manufacture of any product, or any component to be physically incorporated into such products, produced for or for the account of the Army or Navy of the United States, Maritime Commission, War Shipping Administration, Veterans' Administration or Office of Scientific Research and Development.

(6) "Implement of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) [Deleted Apr. 2, 1946.]

(8) "Item" means any article or component thereof.

(c) *Restrictions on use.* (1) No person may melt, form, alloy, assemble, or process any lead for use in any item or product, or in any process, not set forth in List I of this order. Lead may be used for the items and processes and subject to the restrictions set forth in List I only to the extent necessary to meet applicable specifications, or for the proper service performance of the end product, or where the use of any less critical material is impracticable or when satisfactory substitutes are prohibited in other Civilian Production Administration orders.

(2) No person shall use primary lead for any items or purpose set forth in List I if secondary lead is obtainable and usable for the item or purpose. "Primary lead" means metallic lead obtained mainly from mine ores and concentrates. "Secondary lead" means metallic lead obtained mainly from remelting or smelting of scrap materials.

(3) Manufacturing quotas are set in List I for certain of the items and processes in which lead may be used. If an item or process in List I has a manufacturing quota, a manufacturer or proces-

sor must not use, in the manufacture of the item or in the process during the current calendar period listed, more lead than the specific percentage of the amount legally used for that purpose during the base period indicated, or than the amount specifically authorized in writing by the Civilian Production Administration. These quotas may not be transferred except in accordance with Priorities Regulation 7A. Manufacturers or processors who did not use lead during the period indicated as the base period in the manufacture of an item or in a process which is subject to a quota restriction (including persons who were not in business at that time) may nevertheless apply for a quota, and their applications, as well as all applications for quotas which are individually assigned by the Civilian Production Administration will be considered on an equitable basis. Applications for quotas for the third quarter 1946 should be filed promptly with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C. Ref: M–38, or in any event not later than July 20, 1946.

(4) In some cases List I permits the use of lead in making a product only if the product is to be used for a particular purpose. No person may use any of these products for any purpose other than the purpose permitted by List I.

(d) *Special directions.* The Civilian Production Administration may at any time issue special directions to any person respecting the production, distribution, delivery, or acceptance of delivery of lead.

(e) *Allocation of lead.* (1) Any person who is unable to use secondary lead and who is unable to obtain primary soft lead from regular sources of supply may apply to the Civilian Production Administration for an allocation of lead. Applications should be made on Form CPA–95 and should be filed with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C. not later than the 20th of the month preceding the month in which shipment is requested. For the month of July, 1946, the allocation, if granted, will be in the form of an authorization to buy lead from the Office of Metals Reserve, Reconstruction Finance Corporation. Thereafter the allocation, if granted, may be either an authorization to buy lead from the Office of Metals Reserve or an authorization to obtain lead from the refiners' reserve described in paragraph (e) (2).

(2) Beginning with the month of August, 1946, each refiner shall set aside 25 percent of his monthly production of primary soft lead (including lead produced for him by others under toll agreement, but not lead which he produces for others under toll agreement). This reserve supply of primary soft lead may be delivered only upon the specific authorization of the Civilian Production Administration. The Civilian Production Administration will allocate deliveries of primary soft lead by refiners from this reserve in the manner described in paragraph (e) (1).

(f) *Inventory restrictions.* Lead appears on Table 1 of Priorities Regulation 32. Inventories of lead are subject to all provisions of that regulation. Inventories of scrap dealers are controlled by Direction 5 to Priorities Regulation 32. All inventory appeals from the provisions of paragraph (f) of M–38 granted before April 2, 1946 are hereby revoked.

(g) *Special restriction on deliveries of battery lead oxide.* (1) Beginning July 1, 1946, no person shall deliver or accept delivery of battery lead oxide for use in the manufacture of storage batteries without a specific authorization in writing by the Civilian Production Administration. This restriction applies not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(2) Requests for authorization to accept delivery of battery lead oxide should be made to the Civilian Production Administration on Form CPA–95–A not later than the 10th day of the month before the month in which delivery is requested. Failure by any person to file an application in accordance with this paragraph may be construed as notice to the Civilian Production Administration that such person does not wish to accept delivery of battery lead oxide in the succeeding month.

(h) *Restrictions on sales and deliveries of lead.* No person shall sell or deliver any lead to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(i) *Appeals.* Any appeal from the restrictions of this order must be by letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal and should be addressed to the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., reference M–38. The appeal should contain the following information:

(1) Product in which the lead will be used.

(2) Period of time, not exceeding one calendar quarter for which relief is requested.

(3) Monthly schedule of amount of lead to be used.

(4) Prime contract numbers on military orders.

(5) If the appeal is filed because the restrictions on use of lead will prevent the filling of non-military orders of extreme urgency, give exact information as to the use of the product in which the lead is used.

(6) Why other less critical materials cannot be used.

(7) Present inventory of lead and any other information pertinent to the appeal (including a statement of equipment or facilities available to the appellant).

(j) [Deleted Oct. 3, 1945.]

(k) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation No. 1, 944.15. Such records must include complete statements of the amounts of lead consumed for the items specified in this order, and the amount of inventory on hand.

(l) *Required reports.* (1) On or before the 20th day of each calendar month each person who purchased or consumed 10 tons or more of metallic lead during the preceding calendar month, or had in his possession or under his control 20 tons or more of lead, shall report such purchases, consumption and stocks on hand at the end of the preceding month to the Civilian Production Administration on Form CPA–95. Manufacturers of battery lead oxide and storage batteries must also file monthly production reports with the Civilian Production Administration on Form CPA–95–A.

(2) The Civilian Production Administration may from time to time issue special directions requiring any refiner or dealer to file a report showing a schedule of his proposed deliveries of lead.

(3) All persons affected by this order shall execute and file with the Civilian Production Administration such other reports as may be required subject to the approval of the Bureau of the Budget.

(4) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Violations.* Any person, who wilfully violates any provision of this order or who, in connection with this order, 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.

(n) *Communications.* All communications and reports dealing with this order shall be addressed to: Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., Ref: M–38.

(o) [Deleted Apr. 2, 1946.]

Issued this 2d day of July 1946.

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

LIST I

*Permitted Uses*

1. Ammunition for military orders or essential civilian requirements. (Manufacturing quota for ammunition for essential civilian requirements: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).
2. Anchorages for equipment, including expansion bolts, shields and grommets.

3. Anodes for electrolytic refining chromium plating and for lead plating as permitted in Item 40 of this list.
4. Anti-vibration mats.
5. Babbitt for abrasives and grinding wheels and for securing hardware to radio insulators and for securing end connections of windings and/or for securing enclosures of wire wound restrictors.
6. Ballast for implements of war where available space does not permit the use of material of lower density, for submarines and for surface craft of sizes up to and including destroyers.

6a. Battery lead oxide (See paragraph (g) for special restrictions on delivery).

7. Bearing Metal.
8. Bolster metal for surgical, table and industrial cutlery.
9. Brake lining and clutch facings.
10. Brass and bronze.
11. Cable covering (Manufacturing quota: for the third quarter 1946, 20% of the amount of lead legally used for the same purpose during the calendar year 1940). If lead covered cable is replaced, the user of the cable must promptly deliver all salvable lead to his supplier, a lead smelter, or a scrap dealer.
12. Cable sleeving and other accessories necessary for the maintenance, repair and installation of lead covered cable.
13. Cable terminals and bushings for storage batteries.
14. Cames.
15. Caulking for use in caulking cast iron pipe lines, plumbing waste lines and vents, or automotive carburetors where other material such as sulphur compounds or cement does not provide a leak proof joint. (Manufacturing quota for caulking bars and wool: for the third quarter 1946, the amount of lead legally used for the same purpose during the first quarter 1946).
16. Chemicals (except battery lead oxide tetra ethyl) subject to the restrictions of Order L–354.
17. Closure spouts for drugs and chemicals (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).
18. Coating of wire and zinc plated sheet, including sheathing.
19. Collapsible tubes. (Manufacturing quota: for the third quarter 1946, the amount of lead (including that contained in blanks and converted into tubes) legally used for the same purpose during the second quarter 1946). Use of tin in collapsible tubes is subject to the restrictions of Order M–43.
20. Counterweights, weights and sliding poises for Military, industrial and laboratory equipment, and implements of war where available space does not permit the use of material of lower density.
21. Foil:
    (a) Military orders to the extent that Method IA (not dehydrated) and/or Method II (dehydrated) packaging, as presently defined in the U. S. Army Specification 100–14, U. S. Navy Specification 39–P–16 and British Standard Packaging Code BS–1133, or any new specifications covering the above are expressly specified in the prime contract.
    (b) For component ammunition.
    (c) Electrotypers subject to the restrictions of Order M–43.
    (d) Condensers.
    (e) Cap Liners for packaging drugs.
    (f) Electrostatic shielding of transformer coils and cores.
    (g) For use in chrome plating.
22. Fire extinguisher and decontaminator components.

22a. Free machining steel when the percentage of lead does not exceed one-half of 1%.

23. Gaskets, locknuts and shims.
24. Heat equalization in galvanizing pots and for molten zinc operations.
25. Heat treating and annealing.
26. Implements of War, as defined in Section (b) (6) of the Order.
27. Impression lead.
28. Inserts for treads on non-sparking ladders and stairs.
29. Lead hammers.
30. Lead-headed nails only to the extent that the use of springhead or flathead nails is impracticable.
31. Fusible alloys.
32. Lead lined bowls for centrifugal oil purifiers.
33. Lead wire for determining gear bearing clearances.
34. Lining for acid lockers.
35. Lubricant for cold drawing of steel products.
36. Manufacture and moulding of plastics.
37. Medical, dental and veterinarian equipment and instruments.
38. Metallic and semi-metallic packing.
39. Patterns and dies.
40. Plating or coating where lead is used in place of either cadmium or tin, or where corrosion makes the use of any other material impractical.
41. Powder for military uses, powder metallurgy, gear lubricants and rubber valves.
42. Production of rayon.
43. Refining of metals.
44. Repair of existing lead construction.
45. Seals for pilfering and tampering protections.
46. Sheath for curing process of rubber.
47. Sheet, pipe (including lead lined pipe), valves, fittings, burning bars and castings to be used for the following purposes:
    (a) In new chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable.
    (b) In repairs and replacement parts for chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable. The user of the equipment must promptly deliver all replaced salvable lead to his supplier, a lead smelter or a scrap dealer.

47a. Pipe (including lead lined pipe), bends, traps, plugs and flanges for water supply and waste lines or vents to the extent that municipal, state or Federal regulations permit no substitutes or, within water works proper, where sound water works practice requires the use of these products.

47b. Shot for use in Items 15, 20, 38, 45, 58 or 61.

48. Sinkers and other fishing tackle. (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).
49. Solder.
50. Sounding leads. (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).
51. Spectographs and spectrophotometers.
52. Storage batteries for the uses specified below. (The antimony content in any antimonial lead used for grids, connecting parts or components for storage batteries shall not exceed nine (9%) percent, except where an alloy with a higher antimony content is specified as mandatory in contracts of the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration. The lead content of battery lead oxide in any storage battery shall not exceed 50% of the total lead content of the battery).
    (a) Special batteries for military use in submarines, aircraft or communications equipment.
    (b) Original equipment for military or civilian purposes.
    (c) [1] Industrial type, for replacement purposes: (Manufacturing quota: for the third quarter 1946, 25% of the amount of lead (including lead content of battery lead oxide and component parts) legally used for civilian industrial type replacement batteries during the calendar year 1944, plus any additional amount specifically authorized to be used for industrial type replacement batteries during the second quarter 1946 by the granting of an appeal during that quarter).
    (d) Automotive SLI type, for replacement purposes. (Manufacturing quota: for the third quarter 1946, 19% of the amount of lead (including lead content of battery lead oxide and component parts) legally used for civilian automotive SLI type replacement batteries during the calendar year 1944, plus 86% of any additional amount specifically authorized to be used for automotive SLI type replacement batteries during the second quarter 1946 by the granting of an appeal during that quarter).
    (e) Component parts furnished as such to others. (Manufacturing quota: for the third quarter 1946, 19% of the amount of lead (including lead content of battery lead oxide and sub-component parts) legally used for component parts furnished as such to others for civilian industrial or automotive SLI type batteries during the calendar year 1944, plus 86% of any additional amount specifically authorized to be used for component parts furnished as such to others during the second quarter 1946 by the granting of an appeal during that quarter). A manufacturer of such parts, who also makes industrial or automotive SLI type replacement batteries, may not include lead used in component parts furnished as such to others in determining the amount of lead he is permitted to use for industrial or automotive SLI type replacement batteries under paragraphs (c) and (d) above.
53. Terne plate and Terne metal subject to restrictions of Conservation Order M–43.

[1] An Industrial Storage Battery means an electric storage battery of other than SLI type which has been completely assembled and sealed, whether charged or uncharged and which is designed and built for industrial applications such as, but not confined to, railway signaling and lighting mine locomotives, industrial trucks, farm lighting, public utilities stand-by equipment, commercial radio installations, airplane and commercial boat installations and components thereof.

54. Tetraethyl. (The manufacturing quota for tetraethyl will be assigned on individual applications by the producer.)
55. Turbine and gear bearing oil deflectors.
56. Turbine gland labyrinth and diaphragm packing.
57. Type metal for use in the printing trade. (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose for the second quarter 1946).
58. Vocational purposes where lead is reused and in laboratories for analytical purposes and research, and for use for experimental purposes where the total amount of lead used in any quarter does not exceed 500 pounds.
59. X-ray purposes and Radiography.
60. Zinc production.
61. For use to comply with safety regulations issued under Government authority which requires the use of lead to the extent employed, or in safety equipment.

[F. R. Doc. 46-11658; Filed, July 2, 1946; 11:37 a. m.]

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## PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, as Amended July 2, 1946]

### GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans' Emergency Housing Program, set forth February 7, 1946, by the Housing Expediter in his report to the President, calls for the construction of an unprecedented number of moderate and low-cost housing accommodations to meet the needs of returning veterans. The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities required for construction, for defense, for private account and for export. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4700.1 *Veterans' Housing Program Order 1*—(a) *What this order does.* In order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f). The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

(b) *Structures and work covered by this order*—(1) *Kind of structures.* The restrictions of this order apply to certain kinds of work on structures. As used in the order, "structure" means any building, arena, stadium, grandstand, pier, moving picture set or billboard, whether of a permanent or temporary nature (however, the erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order). The term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not it is inside a structure. Supplement 4 to VHP-1 contains examples of things which do not fall within the term "structure" as defined above.

(2) *Kinds of work.* The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechanical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to the land, or are attached to a structure and used as a functional part of the structure, or are attached so firmly to the land or structure that removal would injure the material, product, fixture or mechanical equipment or the structure. The laying of asphalt or other tile or linoleum cemented or otherwise attached to the structure is covered by the order. However, the following kinds of work are not covered by the order:

Greasing, overhauling or repairing existing mechanical equipment or installing repair or replacement parts in existing mechanical equipment

Sanding floors and sand blasting buildings

Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying, where no change in the structure is made in connection with the waterproofing, painting or papering (Pointing bricks, sparkling plaster or caulking windows are not considered making a change in a structure).

Installing loose fill, blanket, or batt insulation in existing buildings or installing mineral wool insulation on existing equipment or piping.

(3) *Fixtures and mechanical equipment.* In general the term "fixture" means any article attached to a building or structure and used as part of it and the term "mechanical equipment" means plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it. Supplement 1 to VHP-1 contains lists of articles which are considered fixtures or mechanical equipment when attached to a structure in the manner described in that supplement and a list of other articles which are never considered fixtures or mechanical equipment.

(c) *Prohibited construction.* (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in, any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h). No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order. The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before the order became effective and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun at that time. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related. Supplement 2 to this order contains further provisions concerning the effective date of the order and concerning the beginning of construction. It also contains examples of work which constitute beginning construction, and the examples of other work which do not constitute beginning construction.

(3) [Deleted July 2, 1946.]

(d) *Allowances for small jobs.* This order does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given in Supplement 3 to VHP-1 for the particular kind of structure or job involved. Supplement 3 lists various kinds of structures and states what the small job allowance is for each kind of structure or job. Supplement 3 also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and also provides when a job is a separate job.

(e) *Exemption for repair and maintenance work in industrial utility and transportation buildings and structures.* The prohibitions of this order do not apply to maintenance and repair work in structures covered by paragraph (b) (3) of Supplement 3 to this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a structure in sound working condition

and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any structure by replacing material which is still usable with material of a better kind, quality or design. Alterations to a building or other structure covered by paragraph (b) (3) of Supplement 3, including alterations incidental to installation of equipment, are not exempted by this paragraph, even though they are not capitalized, and may only be done when and to the extent permitted under Supplement 3 or when specifically authorized.

(f) *Other exemptions*—(1) *Disasters.* (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed $6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The prohibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodelling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order.

(h) *Authorizations.* Persons who wish to begin work which is prohibited by this order may apply for authorization. If the application covers housing accommodations under Priorities Regulation 33 (including farm dwellings), it should be made on Form CPA-4386. Applications for non-farm housing accommodations should be filed with the local office of the Federal Housing Administration. Applications covering housing accommodations on a farm should be filed with the appropriate County Agricultural Conservation Committee. The assignment of ratings for or approval of housing accommodations under Priorities Regulation 33, whether before or after the issuance of this order, constitutes an authorization under this order to do the work for which priority assistance or approval was given under that regulation. If the application covers work on a farm (other than farm dwellings), the application should be made on Form CPA-4423 and should be filed with the appropriate County Agricultural Conservation Committee. If work on any other kind of structure is involved, the application should be filed on Form CPA-4423 with the appropriate Construction Field Office of the Civilian Production Administration. Applications will be reviewed to see whether and how much the proposed construction would interfere with the Veterans' Emergency Housing Program. In addition, the essentiality of the proposed work in relation to the Veterans' Emergency Housing Program, to the elimination of a bottleneck to the reconversion of the national economy from a wartime to a peacetime basis, to the public health and safety of the community, or to eliminate an unusual and extreme hardship will be taken into consideration in determining whether the application should be approved. In case of emergency, a request for authorization may be made by telegram to the appropriate Civilian Production Administration Construction Field Office. The telegram should state the nature of the emergency (fire, flood, etc.), the use to which the building will be put, the type of construction, the estimated cost of construction and the reasons why immediate reconstruction is necessary.

(i) *Construction under authorizations.* When a person is specifically authorized, either by approval of Form CPA-4423 or Form CPA-4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the exemption given by Supplement 3 to VHP-1. When an application on Form CPA-4423 has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and must set up the placard in front of the project site in a conspicuous location within five days after construction has been started and he must keep the placard there until completion of the work.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, 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 priorities control, and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: VHP-1.

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

Issued this 2d day of July 1946.

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

INTERPRETATION 2

PROHIBITED DELIVERIES

Paragraph (g) of Order VHP-1 provides that "No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order"

The purpose of this provision is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP-1. This provision does not impose upon a fabricator or supplier any duty to investigate whether a proposed construction job for which he is asked to supply materials will be begun or carried on in violation of Veterans' Housing Program Order 1, or whether it has been specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization for the job if authorization is required.

Paragraph (g) of VHP-1 does not require a supplier to get from a customer a certificate to the effect that the customer is not violating and will not violate VHP-1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order.

Section 944.14a of Priorities Regulation 1 contains a provision, similar to that in paragraph (g) of VHP-1, with respect to all Civilian Production Administration orders and regulations. In addition, Priorities Regulation 32, which controls inventories, contains a similar provision affecting suppliers, in paragraph (b), which is explained in detail in Interpretation 3 to that regulation. (Issued Apr. 29, 1946.)

[F. R. Doc. 46-11660; Filed, July 2, 1946; 11:39 a. m.]

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## PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Revocation of Interpretation 1]

WATERPROOFING

Interpretation 1 to Veterans' Housing Program Order 1 is hereby revoked. The substance of that interpretation is incorporated in paragraph (b) (2) of VHP-1 as amended.

Issued this 2d day of July 1946.

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

[F. R. Doc. 46-11661; Filed, July 2, 1946; 11:39 a. m.]

## PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Interpretation 3, as Amended July 2, 1946]

### PORTABLE AND PREFABRICATED STRUCTURES

The following interpretation is issued with respect to VHP–1:

(a) The erection of a "portable" or prefabricated building or other structure is construction and is restricted by Veterans' Housing Program Order 1, if the structure is placed on a foundation constructed on the site, or if the structure is connected to the ground by plumbing, wiring or other utility connection, or if the structure is placed on the ground on a spot where it is intended to remain for an undetermined time.

(b) Erection of a "portable" or prefabricated structure is not construction and is not covered by VHP–1 only if the structure is placed on a temporary site for the purpose of moving it from time to time, without any foundation or other connection with the ground. For example, the erection of a shelter to be moved around frequently for use on different parts of a farm from time to time is not construction, while the erection of a prefabricated or "portable" structure for use as a garage on a house lot is construction, and is restricted by VHP–1.

(c) If the erection of a "portable" or prefabricated building constitutes construction, as indicated above, the cost of the job must be computed in accordance with Supplement 3 to VHP–1. If the cost of the job exceeds the applicable allowance under that supplement, authorization for the job must be obtained.

Issued this 2d day of July 1946.

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

[F. R. Doc. 46-11662; Filed, July 2, 1946; 11:38 a. m.]

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## PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 1, as Amended July 2, 1946]

### FIXTURES AND EQUIPMENT

§ 4700.2 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts construction and alterations of buildings and certain other structures, including alterations incidental to the installation of equipment. It also restricts the installation of fixtures and mechanical equipment, whether or not alterations to the structure are involved. The installation of other machinery and equipment is not restricted by the order. Paragraph (b) (3) of VHP–1 defines a fixture as "any article attached to a building or structure and used as part of it", and defines mechanical equipment as "plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it." This supplement lists various specific items indicating whether or not they are fixtures or mechanical equipment under VHP–1. It also explains other provisions of VHP–1 applying to these installations.

(b) *Fixtures and mechanical equipment.* (1) The following articles are considered fixtures and mechanical equipment if they are attached to a building or structure by nails or screws, or bolts, if they are connected with the plumbing or other piping system of the structure, if they are connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet), if a base or foundation is built for the item, or if the item is cemented to the building or structure:

Air conditioning equipment (except when used for humidity or temperature control in industrial processing or as refrigeration equipment in a cold storage warehouse or a frozen food locker plant and except self-contained individual units with no duct systems).
Furnaces and furnace burner or boiler burner units.
Heating equipment.
Kitchen cabinets.
Lighting equipment.
Marquees.
Panelling.
Partitions, wood or metal.
Plumbing equipment.
Signs, electric and other.
Ventilating equipment.
Any other article falling within the definitions of fixture and mechanical equipment stated in paragraph (a) of this supplement.
(None of the above items include any item specifically listed in paragraph (b) (2) of this supplement.)

(2) The following articles are never considered fixtures or mechanical equipment:

NOTE: "Refrigerators . . ." deleted from list July 2, 1946.

Air conditioning equipment where required to provide humidity or temperature control for industrial processing and self-contained individual units with no duct systems.
Airport equipment such as cargo and passenger handling equipment, signalling equipment, obstruction marking equipment and equipment used for lighting runways or for signalling.
Altars, choir stalls and church pews.
Automatic fire protection sprinkler systems.
Barn equipment such as milking machines, hay or litter conveyors, stanchions and stalls.
Blast furnaces.
Control or testing equipment used for industrial or utility purposes or in a laboratory or hospital.
Conversion oil or gas burners installed in or attached to a furnace or boiler already in use in the building.
Conveyors.
Desks, chairs and cafeteria and gymnasium equipment in a school or college.
Electrical precipitators.
Escalators, elevators and dumb waiters.
Food warming, dishwashing and food preparation equipment in a restaurant or institution.
Furnaces for heat treating or similar industrial purposes.
Hospital equipment such as X-ray machines and operating tables.
Lighting equipment for flood lighting airports, railroads or other outdoor operations.
Machine tools.
Post-office equipment such as letter boxes and letter drops.
Power generating or transmitting equipment such as boilers, generators, and transformers (except where the primary purpose of the equipment is to provide electricity or steam for lighting or heating the building in which they are installed).
Projection and sound equipment.
Radio towers and other transmitting and receiving equipment.
Refrigeration equipment, such as compressors, in a cold storage warehouse or a frozen food locker plant.
Scales.
Service station equipment such as gasoline pumps, hydraulic lifts, battery chargers.
Stokers installed in connection with heating equipment already installed in a building.
Storm windows, storm doors, screens, awnings and venetian blinds.
Stoves.
Theatre seats.
Washing machines or dryers in a commercial laundry.
Other processing machinery and equipment.
Other machinery and equipment installed to provide a special service in a structure and not installed merely to operate the structure.

(3) The following articles are considered fixtures only if they are constructed as an integral part of the building or structure and cannot be removed without demolition of the article or substantial injury to the building or structure:

Bars
Bins
Bookcases
Booths
Cooling towers
Counters
Refrigerators
Show cases, including refrigerated show cases
Soda fountains
Storage racks
Water coolers

(c) *Cost of an installation of fixtures or mechanical equipment.* If any item covered by paragraph (b) (1) of this supplement is being installed in or on a building or other structure covered by the order, the cost of the job for the purpose of determining whether it is under the applicable allowance given in Supplement 3 to VHP–1 must include the cost or value of the item (unless it has been previously used), in addition to the cost of new materials, the cost of paid labor engaged in the work and the amount paid for contractor's fees. The cost or value of previously used mechanical equipment and previously used fixtures need not be included in the cost of the job for this purpose. Paragraph (f) of Supplement 3 to VHP–1 contains additional provisions prohibiting the splitting of a job for the purpose of coming within the applicable small job allowance under that supplement.

(d) *Repairs to mechanical equipment.* Paragraph (b) (2) of VHP–1 provides that greasing, overhauling, repairing, or installing replacement parts in existing mechanical equipment in all types of

structures, where no change in the structure is made, is not covered by the order, regardless of whether the cost of the job is within the applicable allowance, under Supplement 3 to VHP–1, and the cost of such work need not be included in the cost of a job for the purpose of determining whether the job is within the applicable allowance under that supplement. This provision applies to plumbing, heating, ventilating and lighting equipment. This provision covers the replacement of parts in a piece of mechanical equipment when the present parts are no longer serviceable but does not cover the replacement of an entire piece of equipment. For example, it is permissible, under this provision, to replace the grates in a furnace but not to replace the entire furnace; to replace the tubes in a boiler but not to replace the entire boiler, unless the total cost of the replacement is within the applicable job allowance under Supplement 3 to VHP–1.

(e) *Installation of exempt machinery and equipment.* VHP–1 does not restrict the installation of machinery and equipment other than mechanical equipment. Paragraph (b) (2) of this supplement explains what equipment may be installed without regard to the provisions of the order. VHP–1 does, however, restrict the making of alterations to a building or other structure covered by the order in connection with the installation of such exempt machinery and equipment. For example, if a foundation is built inside a building to receive the equipment, or if partitions or new walls are installed to separate a machine from the rest of the plant, the cost of these building alterations must be computed in accordance with Supplement 3 to VHP–1 and if the cost exceeds the applicable allowance for the building involved under that supplement, authorization must be obtained for the work. In computing the cost of the building alterations, the cost of new materials and paid labor and the amount paid for contractor's fees for the building alteration must be counted (together with the cost of any new fixtures or new mechanical equipment covered by paragraph (b) (1) of this supplement which may be installed at the same time), but the cost of the exempt machinery or equipment, whether new or used, need not be included nor need the cost of labor engaged in assembling the exempt machinery or equipment or in setting it in place and connecting it up. For example, in installing elevators which are listed in paragraph (b) (2) of this supplement, it would be necessary to count toward the cost of the job, the cost of new materials and paid labor and contractor's fees involved in preparing the shaft, in strengthening the building to support the elevator and in constructing a penthouse or bulkhead on the roof of the building or a room in the basement to enclose the motors. It would not, however, be necessary to include in the cost of the job the cost of the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables or the doors or frames to the elevator shaft or the cost of labor engaged in assembling and installing this equipment.

NOTE: The provisions formerly in paragraph (f) are now set forth in Supplement 4.

Issued this 2d day of July 1946.

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

[F. R. Doc. 46–11663; Filed, July 2, 1946; 11:38 a. m.]

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## PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 2, as Amended July 2, 1946]

### BEGINNING CONSTRUCTION

§ 4700.3 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts the "beginning" of certain kinds of work on structures. "To begin work on a structure" is defined in paragraph (c) (2) as "to incorporate into a structure on the site materials which are to be an integral part of the structure." The restrictions of VHP–1 on the beginning of construction do not apply to work which takes place before construction has begun. VHP–1 also does not apply to work which was begun before it became effective and which was being carried on at the time it became effective and is carried on normally after that time. This rule applies to work which was exempt under the order or a supplement to it when the work was begun, even though a later and more restrictive amendment would prevent the beginning of the job after the issuance of the amendment. This supplement explains these provisions of the order and gives examples of their application.

(b) *Beginning construction.* Materials which are to be an integral part of a structure are considered to have been incorporated in the structure on the site only when they are placed in the position in which they are to remain permanently as a part of the structure. Furthermore, materials are considered to be an integral part of a proposed structure only if they will be physically attached to the building or structure and will be permanently located within the boundary lines of its walls. Construction is not "begun" under VHP–1 unless both these conditions are met. Paragraphs (c) and (d) below list examples of cases where construction has not begun and has begun.

(c) *Cases where construction has not begun.* (1) The following kinds of work do not constitute beginning construction on a proposed structure and the cost of such work need not be included in computing the cost of a job under paragraph (g) of Supplement 3 to VHP–1 to determine whether the job comes within the applicable allowance under paragraph (g) of Supplement 3.

Demolition of buildings.
Tearing out partitions or walls in a building which is being altered.
Site preparation such as excavating, grading, filling with dirt, gravel or crushed stone.
Laying down driveways, walks, railroad sidings, etc.
Erecting fences, work sheds and construction shanties.
Laying pipes, conduits and wires outside the boundary lines of the walls of the structure.
Building retaining walls not physically incorporated within the structure.
Driving sheet piling to prevent cave-ins.
Constructing or erecting forms for concrete.

(2) The following operations do not constitute beginning construction on a proposed structure but the cost or value of the fabricated items or the materials must be included in computing the cost of a job in accordance with paragraph (g) of Supplement 3 to VHP–1:

Fabricating structural steel shapes or other prefabricated sections, panels or buildings, whether off-site or on the site.
Purchasing materials or receiving delivery of materials on or off the site.

(d) *Cases where construction has begun.* The following kinds of work constitute the beginning of construction on a proposed structure:

Pouring concrete footings or other foundations.
Placing reinforcing rods or mats in place in an excavation preparatory to pouring concrete.
Driving permanent bearing piles or caissons.
Installing pipes, conduits or wires in the place where they will remain permanently as part of the building, if located within the boundary lines of the walls of the proposed structure.
Building foundation walls, whether laid dry or with mortar.
Incorporating permanently in place additional building materials in a building which is being remodelled, whether the incorporation is for the purpose of repairing the parts of the building left standing or as part of the new alterations.

(e) *Carrying on construction.* The exemption from VHP–1 for work begun before the issuance of the order applies only to work which was being carried on when the order was issued and which is carried on normally afterward. This means that if a job was started before the issuance of the order, but was abandoned or discontinued either before or after the issuance of the order, it is not exempt from the order by reason of the earlier beginning. However, this does not mean that work must be carried on every day. If construction was or is suspended temporarily for reasons beyond the builder's control such as inability to get materials or labor, or a work stoppage, or unfavorable weather conditions, the construction job is considered to have been carried on normally within the meaning of VHP–1. However, a suspension of work on the site for more than 3 months is not considered a temporary suspension regardless of the reasons for the suspension. Application must be made to proceed with any construction on which work has been suspended for more than 3 months.

(f) *Scope of work begun.* The exemption for a structure begun before the issuance of VHP–1 is limited to the struc-

ture which was under construction at the issuance of the order. It does not apply to any other structure, even though the two are to be used together and one would be useless without the other, or even though the two structures have common heating systems or other common services, or even though the two are connected by pipes, wires, connecting passageways, bridges or the like. Furthermore, the exemption only applies to a structure of the kind and size which was under construction at the issuance of the order. For example, if a builder has begun a 3-story building 100 feet by 100 feet before the issuance of the order and was constructing this building at the time the order was issued, he would be permitted to complete this building, but he would have to get authorization if he later decided to redesign the proposed structure and build a 5-story building 100 feet by 500 feet. The exemption is limited to the building which he was in fact building when the order was issued. This rule also applies to modernization jobs. (The requirement of paragraph (g) of Supplement 3 to VHP–1 that all related modernization work be considered a single job does not exempt all modernization work merely because one part of it has been started before the issuance of the order. When one part of a modernization program has been started before the issuance of the order, a later part of the program can be considered to have been started by that time only if the two parts of the program are so closely related in space, purpose and performance as to be inseparable.

(g) *When the order took effect.* VHP–1 was filed in the Division of the Federal Register and was made available for public inspection at 11:54 a. m., eastern standard time, on March 26, 1946. VHP-1 became effective at that time with respect to the 48 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Amendment 1 to VHP–1 extending the applicability of the order to the Territory of Hawaii was filed in the Division of the Federal Register and made available to the public at 10:04 a. m., eastern standard time on April 12, 1946. Therefore, the order became effective in the Territory of Hawaii at 4:34 a. m., Hawaiian standard time, on April 12, 1946.

Issued this 2d day of July 1946.

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

[F. R. Doc. 46–11664; Filed, July 2, 1946; 11:38 a. m.]

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## PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 3 as Amended July 2, 1946]

### SMALL JOB ALLOWANCES AND CLASSIFICATION OF STRUCTURES AS TO SMALL JOB ALLOWANCES

§ 4700.4 (a) *What this supplement does.* Paragraph (d) of Veterans' Housing Program Order 1 provides that it is not necessary to get permission under the order to do one or more jobs on a structure if the cost of each job does not exceed the allowance given for the kind of structure or the kind of job involved. This supplement sets forth the small job allowances generally applicable to various kinds of structures and lists certain specific structures falling within each class. The supplement also lists exemptions applicable to a particular kind of job. In addition, this supplement explains the rules for computing the cost of a job for the purpose of determining whether it comes within the exemption given under this supplement.

(b) *Classification of structures.* The small job allowances given under this supplement are based in general upon the kind of structure in which the job is to be done. If the job involved consists of changing a structure from one class to another class, the small job allowance applicable to the conversion is the allowance for the structure after the conversion, except where the conversion is from residential purposes to non-residential purposes, in which case the job is covered by paragraph (c) of this supplement. Paragraph (c) provides a different kind of small job allowance, depending on the kind of job done, regardless of the kind of structure involved. The allowance provided for in paragraph (c) is applicable to a job covered by that paragraph, even though done in a structure which, as a whole, would have a larger allowance under this paragraph. With the exception of jobs covered by paragraph (c) of this supplement, it is not necessary to get permission under VHP–1 to do any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given below for the kind of structure involved.

(1) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $400 per job.

Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of the commercial, utility, institutional or industrial concern.
A rectory or parsonage even though near a church and owned by a church.
A house on a campus owned by a college and occupied by a college official.
A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.
A farmhouse or other housing accommodations on a farm (except a farm bunkhouse).
Row houses separated by party walls are considered separate houses.
All private structures situated near and used in connection with one to five family houses, such as garages, piers, tool sheds, greenhouses and the like (except on farms, see paragraph (b) (2) of this supplement).

(2) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $1,000 per job:

NOTE: The item "grain elevator" deleted from the list of structures in paragraph (b) (2), July 2, 1946.

A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.
A dormitory or fraternity.
A building used for a social club.
A service station or garage.
A butcher shop, bakery or other food processing establishment where most of the products which are butchered, baked or otherwise processed in the building are sold at retail in the building.
A funeral parlor or funeral home.
A radio broadcasting station.
A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.
An individual barn or a farm building on a farm (other than a farmhouse). A "farm" means a place used primarily for raising crops, livestock, dairy products or poultry for the market.
A greenhouse whether on-farm (agricultural) or off-farm (commercial).
A building used for a nursery growing trees.
A bunkhouse for labor on a farm or on the site of another establishment having a $1,000 allowance.
A building on an experimental farm.
A parish house.
A college or university laboratory, field house or class room building.
A building in a retail or wholesale lumber yard.
A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.
A drycleaning or laundering establishment, whether wholesale or retail.
An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a $15,000 allowance; see paragraph (e) below).
A publicly owned pier not used for steamship or railway purposes.
Other commercial piers and piers situated near and used in connection with structures entitled to a $1,000 allowance.
A store.
A hotel.
An arena.
An apartment house or other residential building designed for occupancy by more than 5 families.
A bank.
A commercial or service garage.
A restaurant.
A nightclub.
A theater
A warehouse including a warehouse in which products such as liquor or cheese are kept to age.
A frozen food locker plant.
A stadium.
A grandstand used for commercial or institutional purposes.
A church.
A hospital.
A school.
A college.

A publicly owned building used for public purposes.
A building used exclusively for charitable purposes.
Any other structure used for commercial or service purposes not covered by any other classification.

(3) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $15,000 per job. Paragraph (e) of VHP–1 contains separate exemptions for certain maintenance and repair work in structures covered by this paragraph.

NOTE: A structure covered by this paragraph (including a structure in a plant listed below) has an allowance of $15,000 per job even though it is owned and operated by an educational, charitable or public organization. However, a house for 1 to 5 families owned or operated in connection with any plant listed below receives only the $400 per job allowance described in paragraph (b) (1) of this supplement.

A factory, plant or other industrial structure which is used for the manufacturing, processing or assembling of any goods or materials;
A structure at a logging or lumber camp or at a mine;
A structure used for or inconnection with the operation of a railroad, street railway, commercial airport, bus line or common or contract carrier by truck;
A research laboratory or a pilot plant;
A single motion picture set;
A structure used for oil, gas or petroleum producing, refining or distributing (except service stations and commercial or residential garages);
A structure (public or private) providing directly for electric, gas, sewerage, water, central steam heating or telephone or telegraph communication services;
A grain elevator.
A printing plant or newspaper publishing building.
A plant engaged in the wholesale printing, developing and enlarging of photographs.
A plant engaged in mixing and bottling syrup or soft drinks.
A slaughterhouse, except on a farm.
A butcher shop, bakery or other food processing establishment where most of the products which are butchered, baked or otherwise processed in the establishment are not sold at retail in the establishment.
A government (Federal or State) printing plant or other industrial or utility building.
A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.
An off-farm plant engaged in pasteurizing, separating or bottling milk or making butter or cheese.
A scrap dealer's plant if it is primarily engaged in such processing operations as briquetting, pressing, or baling light iron, cutting up heavy melting steel, breaking up cast iron, detinning cans or smelting nonferrous materials for the purpose of making the scrap available for further use.
A cotton compress warehouse.
A building primarily used for a railroad station.
A roundhouse.
A railway or steamship pier or a pier situated near and used in connection with any structure or plant entitled to a $15,000 allowance (Warehouses and other buildings on a pier are considered part of the pier and are not separate structures).
A garage or work shop used primarily for a bus company or a common or contract carrier by truck.
An industrial or utility power house, whether public or private.
An industrial or utility pumping station for pumping gas, water or sewerage.
A telephone exchange.
A bunkhouse for employees of a plant covered by this paragraph, if located on the plant site.
A hangar, repair shop, waiting room or structure used in connection with the operation of a commercial airport (an airport operated for profit and open to the public).
A commercial or industrial research laboratory.
A radio telephone or radio telegraph station used as an international point to point radio communication carrier.
A pumphouse or terminal facility on an oil pipe line.
A mine tipple.

(4) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $200 per job.

NOTE: The items "a stadium" and "a grandstand and the like" were deleted from the list of structures in paragraph (b) (4), July 2, 1946.

A billboard.
A private pier or bathhouse which is not situated near and used in connection with another structure.
A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.
Any other structure covered by the order and not coming within any other classification.

(c) *Small job allowances for conversion from residential purposes.* Regardless of the small job allowance given under paragraph (b) of this supplement for a particular structure, the small job allowance applicable to a job consisting of conversion to non-residential purposes of any part (or all) of a building last used for residential purposes is $200.

NOTE: Provisions formerly in paragraph (c) of Supplement 3 are now contained in Supplement 4 to VHP–1.

(d) *Structures used for more than one purpose.* If a structure is used for more than one purpose and might, therefore, fall within more than one of the classes indicated above, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. For example, if a building has three apartments occupying three floors of the building and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement. If a building is half residential and half commercial, or industrial, or half residential and half agricultural, it is considered primarily residential. See paragraphs (b) and (c) for provisions as to conversions of structures from one purpose to another.

(e) *Subordinate structures.* The allowance given for jobs on a structure applies to all subordinate or related structures situated near and used in connection with the structure. This means that office buildings, warehouses and garages situated on the immediate premises of an industrial or utility plant and used in the operation of the plant fall within paragraph (b) (3) of this supplement and the $15,000 per job allowance applies to them. However, a "downtown" office building, even though used exclusively for one industrial or utility company, does not come under this provision, but is under paragraph (b) (2) of this supplement like other office buildings. Houses, hotels and apartment houses are never considered to be used in connection with an industrial or commercial structure, except where they form an integral part of an industrial or other structure. Bunkhouses, on the other hand, if located on the plant site are considered to be used in connection with the related structures, if any, and have the same allowance as the related structure.

(f) *Separate jobs.* For the purpose of determining whether work is exempt from VHP–1 under this supplement, a related series of operations in a structure which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within the allowance given under this supplement. When a building or part of a building is being converted from one purpose to another all work incidental to and done in connection with the conversion must be considered as one job. So also if a building is being renovated, improved or modernized over an extended period all work done in connection with the modernization (other than the work done before the issuance of the order) must be considered as part of one job, even though separate contracts are let for different parts of the work. However, if related work on two or more separate structures is performed, the work is not considered one job but the work done in each structure must be considered separately under the rules stated above. See paragraph (f) of Supplement 2 to VHP–1 for an explanation of what jobs are exempt from the order as having been started before it became effective.

(g) *How to figure cost.* For the purpose of determining whether a particular job is exempt from VHP–1 by this supplement, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. (1) The cost of a job includes the following:

The cost or value of fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, except the items listed in paragraph (g) (2) below. (See Supplement 1 for definitions and illustrations of fixtures and mechanical equipment.)

The cost of paid labor engaged in the construction work, regardless of who pays for it, except such labor as is excluded in paragraph (g) (2).

The amount paid for contractors' fees.

(2) The cost of a job does not include the following:

The cost or value of previously used fixtures, previously used mechanical equipment and previously used materials, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.

The cost or value of materials and labor engaged in repainting or repapering an existing structure or any unchanged part of a structure. However, this exception does not apply to painting a new structure or new parts of a structure which has been altered.

The cost or value of materials and labor engaged in installing loose fill, blanket or batt insulation in existing buildings or in installing mineral wool insulation on existing equipment or piping.

The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in business of producing these materials for sale (this exception does not include materials or products assembled by the builder from new or used materials not themselves excepted).

The value of unpaid labor.

The cost or value of machinery and equipment other than mechanical equipment.

The cost of labor engaged in assembling and installing machinery and equipment other than mechanical equipment (Supplement 1 to VHP–1 contains examples showing the cost of a job involving such machinery).

Architects' and engineers' fees.

The cost of site preparation and other preparatory work which does not constitute beginning construction (Supplement 2 to VHP–1 contains illustrations of work which does not constitute beginning construction and the cost of which is not included in the cost of a job).

Issued this 2d day of July 1946.

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

[F. R. Doc. 46–11665; Filed, July 2, 1946; 11:38 a. m.]

## PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 4]

### ITEMS WHICH ARE NOT STRUCTURES

§ 4700.5 *Supplement 4 to Veterans' Housing Program Order 1.* The restrictions of Veterans' Housing Program Order 1 apply to work on "structures". Paragraph (b) (1) of VHP–1 defines a "structure" as "any building, arena, stadium, grandstand, pier, moving picture set, or billboard, whether of a permanent or temporary nature". That paragraph also states that the term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not the furniture or equipment is inside a structure.

The following are not considered structures under the order and the restrictions of the order do not apply to work on them, and it is not necessary to get permission under VHP–1 to do work on them. However, the restrictions of the order do apply to work on structures built or used in connection with the following or to work on structures which is made necessary by work on the following:

Blast furnaces
Boardwalks
Breakwaters
Brick, lumber or pottery kilns
Bridges
Bulkheads
Canals
Cemetery monuments, including private burial vaults
Chimneys of industrial or utility type, constructed of radial brick, reinforced concrete or steel
Coke ovens
Cooling towers
Dams
Drainage or irrigation ditches
Driveways (public or private)
Electrical precipitators
Fences
Fueling equipment
Gravestones
Lighting equipment
Lighting systems
Oil derricks
Oil refinery processing equipment such as towers, reactors, heat exchanges and furnaces
Outdoor swimming pools
Outdoor tennis courts
Parking lots
Pipe lines
Power transmission lines
Radio towers
Railroad or street car or interurban or plant railway tracks or operating facilities such as switching facilities, water tanks, signals and turntables
Roads
Scales
Sidewalks
Silos
Streets
Subways
Surface or underground mines
Tanks for oil, water, gas, and the like
Trailers (except when demounted and installed on a foundation. See Interpretation 3 to VHP–1)
Transformers
Tunnels
Utility facilities, such as power or telephone lines or cables, sewers, and outdoor substations, providing for electric, gas, sewerage, water, or central steam heating or telephone or telegraph communication service
Walls, including retaining walls (except where a wall serves as a foundation or other integral part of a structure)
Wells
Any item of equipment installed outside of and not attached to a building or a structure even though a foundation is built for it and even though the equipment is attached to a building by pipes or pipe lines, wires or the like.

(This supplement contains provisions formerly in paragraph (f) of Supplement 1 to VHP–1 and paragraph (c) of Supplement 3 to VHP–1).

Issued this 2d day of July 1946.

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

[F. R. Doc. 46–11666; Filed, July 2, 1946; 11:37 a. m.]

## Chapter XI—Office of Price Administration

## PART 1305—ADMINISTRATION

[Rev. SO 138,[1] Amdt. 3]

### SHRIMP IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1.4 of Revised Supplementary Order No. 136 is amended by adding the following paragraph (e):

(e) *Items of food and drink.* (1) Mainland shrimp (in any form).

This amendment shall become effective as of May 23, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46–11657; Filed, July 2, 1946; 11:29 a. m.]

## PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 579, Amdt. 19]

### CERTAIN SPECIES OF FRESH AND FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 579 is amended in the following respects:

1. In Table II A in section 10.1 (c) footnote reference 10 is added to the names of Schedule 8 (Chinook or King, other than troll caught), Schedule 12, (Sockeye, Blueback delivered ex-vessel Neah Bay fishing grounds of Oregon and Washington and imported) and Schedule 13, (Steelhead)

2. In section 10.1 (c) following Table II A footnote 10 is added to read as follows:

[10] 2 cents per pound may be added to the Column A price for deliveries of this fish during the period May 1 through August 31 to canners for canning purposes.

This amendment shall become effective June 28, 1946, except that a producer may charge and a canner may pay the addition provided by footnote 10 following Table II A for the fish to which such footnote is applicable even though such fish were delivered to him prior to June 28, 1946 but on or after May 1, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46–11498; Filed, June 28, 1946; 3:37 p. m.]

[1] 11 F.R. 8198.

PART 1305—ADMINISTRATION

[Rev. Gen. RO 5,[1] Amdt. 7]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respects:

1. Section 2.2 (b) is amended to read as follows:

(b) Institutions of involuntary confinement (such as prisons, insane asylums and home for delinquents), hospitals or other establishments principally engaged in the care and treatment of the sick and also logging camps, lake steamers, fishing vessels, tugs, barges, and other ships, are not in Group I even if they meet the above tests. Any other establishments which meet the above tests are in Group I, even if they also meet the tests for Group IV, or VI.

2. Section 5.3 (c) is amended to read as follows:

(c) The District Office may, in its discretion, permit an application for an allotment to be made later than the time fixed in paragraph (b). In such case, it shall reduce the allotment by 5% per day for each of the first six days of late application, and for applications which are filed more than six days later, it shall reduce the allotment by an amount corresponding to the part of the allotment period which has elapsed at the time of application, except in cases where a petition for permission to file on a later date is granted in accordance with paragraph (d).

3. Section 5.6 is amended by adding a new paragraph (h) to read as follows:

(h) A Group I user who operates a hospital or other establishment principally engaged in the care and the treatment of the sick and who re-registered on or after July 5, 1946, as a Group V user shall be granted a reserve allotment equal to his combined meal service and refreshment base at the time of re-registration.

This amendment shall become effective July 5, 1946.

Issued this 1st day of July 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11612; Filed, July 1, 1946; 4:17 p. m.]

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PART 1305—ADMINISTRATION

[SO 129, Amdt. 32]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order No. 129 is amended in the following respect:

Section 10 (b) (6) is amended by adding the following:

Commercial coolers and cases not including self-contained equipment.

This Amendment No. 32 shall become effective June 27, 1946.

Issued this 27th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11347; Filed, June 27, 1946; 4:57 p. m.]

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PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 182,[1] Amdt. 14]

KRAFT WRAPPING PAPERS AND CERTAIN BAG PAPERS AND CERTAIN BAGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 182 is amended in the following respects:

1. In § 1347.301 (a), the following two items are amended to read:

| | |
|---|---|
| Standard Kraft bag paper (30 pounds basis weight and heavier) | $4.75 |
| Variety Kraft bag paper (30 pounds basis weight and heavier) | 4.75 |

2. Section 1347.305 is amended to read as follows:

§ 1347.305 *Records and reports.* (a) Every person making sales aggregating $200 or more per month of products covered by §§ 1347.301 and 1347.315 of this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale.

3. Section 1347.301 (a) (2) is hereby revoked.

4. Section 1347.315 (b) (2) is hereby revoked.

This amendment shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11490; Filed, June 28, 1946; 3:33 p. m.]

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PART 1351—FOODS AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 64]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Article 9 of Maximum Price Regulation 53 is amended by adding a new section 9.6 to read as follows:

SEC. 9.6 *Refuse palm oil.* The maximum price of refuse palm oil f. o. b. sellers mills, in tank cars or returnable drums, shall be as follows:

| Saponification value (basis) | Moisture (basis) percent | Dollars per ton (2,000 pounds) |
|---|---|---|
| 175 | 2 | $90.00 |

(a) Where refuse palm oil testing below a saponification value of 175 is sold, the seller's ceiling shall be $90.00 per ton less an allowance of ½ of 1 percent of the contract price for each point of saponification value below 175. Where refuse palm oil having a saponification value above 175 is sold the seller's ceiling shall be $90.00 per ton plus ½ of 1 percent of the contract price for each point above 175.

(b) For each degree of moisture above 2 percent the ceiling shall be $90.00 per ton less 1 percent of the contract price, fractions in proportion.

(c) Refuse palm oil as used in this section means spent palm oil after it has been used in steel manufacturing.

This amendment shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11484; Filed, June 28, 1946; 3:36 p. m.]

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PART 1347—PAPER, PAPER PRODUCTS AND RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 30,[1] Amdt. 18]

WASTEPAPER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 30 is amended in the following respects:

1. Section 1347.14 Appendix A (e) (1) (ii) (a) is amended to read as follows:

(a) An amount not in excess of $2.00 per short ton, plus actual toll charges, when the point of shipment and the consumers premises are located in the same city, town or municipality, or at a distance of ten miles or less from each other by the shortest available public highway route.

2. Section 1347.14 Appendix A (e) (1) (ii) (b) is amended to read as follows:

(b) $1.00 per short ton in excess of the lowest published rail rate for full carload shipments of wastepaper, when the point of shipment and the consumers premises are not located in the same city, town or municipality and are at a

[1] 11 F.R. 116.

[1] 7 F.R. 5712, 6048, 7974, 8997, 8948, 9724, 10811; 8 F.R. 4252, 4180, 7196, 10761, 13109; 9 F.R. 393, 14288; 10 F.R. 10183; 11 F.R. 1670.

[1] 10 F.R. 12902, 13867, 14960, 15171; 11 F.R. 244, 1620, 2504, 4701, 5442, 6179, 5911, 6396.

distance of more than ten miles from each other by the shortest available public highway route.

3. Section 1347.14 Appendix A (e) (2) is amended to read as follows:

(2) *Loading charge.* If there is no rail siding at the point of shipment, and the wastepaper is transported to and loaded on a freight car at the expense of the seller for transportation to the consumer, the seller may add to the maximum price an amount not in excess of $2.00 per short ton for such transportation and loading. Similarly, if there is no barge dock at the point of shipment, and the wastepaper is transported and loaded on a barge at the expense of the seller for transportation to the consumer, the seller may add to the maximum price an amount not in excess of $2.00 per short ton for such transportation and loading.

For the purpose of this subparagraph (2) a rail siding or barge dock at the plant of an accumulator shall not be considered to be at the point of shipment if such rail siding or barge dock is not normally available and usable for the shipment of wastepaper.

This amendment shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11483; Filed, June 28, 1946; 3:38 p. m.]

## PART 1305—ADMINISTRATION

[Rev. SO 154,[1] Amdt. 1]

### ADJUSTED MAXIMUM PRICES FOR CERTAIN KNITTED COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplementary Order 154 is amended in the following respects:

1. Step 4 and Step 5 of section 3 are redesignated Step 5 and Step 6, respectively, and a new Step 4 is added to read as follows:

*Step 4:* Determine the width, in inches, and the quantity, in lineal yards, of the elastic used in the commodity being priced. Multiply the quantity in lineal yards by the factor in column 2 below which is appropriate for the width set forth in column 1 for the elastic used in the commodity.

| Column 1 | Column 2 |
|---|---|
| Width of elastic used: | *Elastic cost increases (in cents per lineal yard)* |
| Less than ¼ inch | 0.5 |
| ¼" or greater, but less than ½" | 1.0 |
| ½" or greater, but less than ¾" | 1.5 |
| ¾" or greater, but less than 1¼" | 2.0 |
| 1¼" or greater | 3.0 |

2. Step 6 of section 3 is amended to read as follows:

*Step 6:* Add the amounts found in Step 3, Step 4 and Step 5 to the maximum price found in Step 1. This total is the adjusted maximum price of the commodity.

3. Section 4 (b) (4) is amended to read as follows:

(4) A description of each commodity listed in (3), including the weight in pounds of each type of yarn (cotton, wool, rayon or nylon) consumed in each style, the finished weight of the commodity and the width in inches and the quantity in lineal yards of the elastic used in the commodity.

4. Section 4 (b) (5) is amended to read as follows:

(5) A description of the seller's base period commodity which was the same as each style listed in (3), including the weight in pounds of each type of yarn (cotton, wool, rayon or nylon) consumed in the commodity, the finished weight of the commodity, the width in inches and the quantity in lineal yards of the elastic used in the commodity and an identification of it (by style number, if possible).

5. Section 4 (b) (9) is deleted and a new section 4 (b) (9) is inserted to read as follows:

(9) The amount of elastic cost increase permitted by this order for each style listed in (3) (computed in accordance with Step 4 of section 3).

6. Section 4 (b) (10) is redesignated section 4 (b) (11) and a new section 4 (b) (10) is added to read as follows:

(10) Adjusted maximum price under this order of each style listed in (3) (the maximum price shown in (6) plus amounts shown in (7), (8) and (9)).

7. Section 4 (c) is amended to read as follows:

(c) *Form of report.* The report required by this section must be made in the following form: [10]

REPORT UNDER SECTION 4 (B) OF REV. SO 154

Date.....
Name.....
Address.....

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
|---|---|---|---|---|---|---|---|
| Commodity | Description of current commodity (including style number, weight in pounds of each type of yarn (cotton, wool, rayon or nylon) consumed, the finished weight of the commodity and the width in inches and quantity in lineal yards of elastic used) | Description of base period commodity (including style number, weight in pounds of each type of yarn (cotton, wool, rayon or nylon) consumed, the finished weight of the commodity and the width in inches and quantity in lineal yards of elastic used) | Unadjusted maximum price (including the particular provision of the regulation under which established) | Direct labor cost increase | Yarn cost increase (amount shown in column 2 of Appendix B times weight in pounds of cotton content of current commodity) | Elastic cost increase (computed in accordance with Step 4 of Section 3) | Adjusted maximum price (4)+(5)+(6)+(7) |
| | | | | | | | |

"Information concerning wage increases."
(Specify here each legal wage increase since January 1, 1942, giving the amount of such increase, the date upon which it became effective and authority under which it was made.)

(Signed by).....

8. Section 6 (a) (3) is amended to read as follows:

(3) The cotton or woolen yarn in the current commodity (whether the commodity is made exclusively of cotton or wool or of cotton or wool combined with each other or with nylon or rayon) may vary from that of the base period commodity by not more than 2 counts (plus or minus). For example, a current commodity made of 26 count cotton yarn may be considered the same as a base period commodity made of 24 or 28 count cotton yarn. However, with respect to hosiery, the count of the woolen or cotton yarn of the current commodity may exceed that of the base period commodity by 4 counts or may be less than that of the base period commodity by 2 counts. Moreover, if the base period commodity contained mercerized plied yarn having a count of 45 or greater, the yarn of the current commodity may vary from it by not more than 5 counts. Note, however, that the amount of the permitted yarn cost increase is limited to the cotton yarn content of the commodity and must be based on the actual count of yarn used in the current commodity.

Where a commodity covered by this order is made in part of rayon or nylon no variation is permitted in the denier of the rayon or nylon yarn used in the current commodity from that of the base period commodity.

9. Section 6 (b) (3) is amended to read as follows:

(3) As to count of yarn, such as 26's, 30's etc., or as to denier of rayon or nylon yarn.

10. The first undesignated paragraph of Appendix A is amended to read as follows:

Men's, women's, children's and infants' knitted underwear made exclusively of cotton or wool or of a combination of cotton and wool or of a combination of cotton or wool (or both) with rayon, provided, however, that the rayon content of the garment may not exceed 20% of the finished weight of the garment.

11. The third undesignated paragraph of Appendix A is amended to read as follows:

[1] 11 F.R. 5066.

[10] These forms may be duplicated but will not be supplied by the Office of Price Administration.

Men's, children's and infants' hosiery made in whole or in part of cotton or wool. Women's full length hosiery made exclusively of cotton or wool or of a combination of cotton and wool or a combination of wool and rayon. Women's hosiery other than full length made in whole or in part of cotton or wool.

This amendment shall become effective June 28, 1946.

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

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11514; Filed, June 28, 1946; 3:33 p. m.]

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## PART 1305—ADMINISTRATION

[SO 126,[1] Amdt. 42]

### EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 126 is amended in the following respects:

1. Section 2 (l) is amended by adding the following items thereto:

The following items of ecclesiastical equipment: (1) choir cottas; (2) winged rochets and albs; (3) surplices; (4) vestments and (5) stoles.

The following items of fraternal order equipment: (1) robes; (2) headdresses; (3) coats; (4) turbans; (5) gauntlets; (6) leggings; (7) mantles; (8) hose tights; (9) embroidered symbolic aprons; (10) plumed chapeaux.

Costumes for bands, drum corps and drill teams

Academic gowns and caps

Costumes and regalia for carnivals, masquerades, etc.

2. Section 3 (l) is added to read as follows:

(e) The following products, domestic or imported, of which the fiber content consists solely of jute, flax, hemp or istle or any combination thereof:

Rove and yarn, except those covered by Appendix D of Maximum Price Regulation No. 340.
Wrapping twine
Thread
Cordage
Braided or twisted packing
Marine Oakum
Woven webbing, not exceeding six inches in width.

3. Section 8 (f) is added to read as follows:

(f) Hard fiber cordage and twine, (except binder twine, baler twine and imported twine), made from hard fibers including, but not limited to, abaca, sisal and henequen. Imported twines shall continue to be subject to the provision of the Revised Maximum Import Price Regulation.

4. Section 8 (g) is added to read as follows:

(g) Hard fibers, including but not limited to abaca, henequen and sisal when sold by the Reconstruction Finance Corporation.

5. Section 8 (h) is added to read as follows:

(h) The following cat and dog furnishings, when made of leather: (1) collars; (2) harnesses; (3) leads; and (4) muzzles.

6. Section 10 (g) (4) is amended to read as follows:

(4) Any service involved in the manufacture or finishing of any such yarn or fabric (but not in connection with any end product).

7. Section 10 (m) is added to read as follows:

(m) Roller clothe used by cotton mills as roller coverings on cotton spinning machinery.

Frame cleaning curtains and 9" x 9" twill jean pieces made of cotton fabrics used for the maintenance and repair of telephone systems.

Paper makers dryer felts made of plied cotton yarns.

Varnished tubes and sleevings made of braided or woven tubular cotton fabrics used in the manufacture of electrical equipment.

Underground cable wrappings made of parafined cotton fabrics and slit into tapes of various widths.

Oil press duck.

Filter twills.

Air filter cloth used for dust collecting equipment.

This amendment shall become effective June 28, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11511; Filed, June 28, 1946; 3:30 p. m.]

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## PART 1305—ADMINISTRATION

[SO 158,[1] Amdt. 1]

### ESTABLISHMENT OF CEILING PRICES OF HAND LAWN MOWERS, ALUMINUM WARE, AND SMALL ELECTRICAL APPLIANCES SOLD BY CERTAIN DISTRIBUTORS AND RETAILERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 158 is amended in the following respects:

1. A new paragraph (d) is added to section 1 to read as follows:

(d) Order No. 16 under § 1499.159e of Maximum Price Regulation 188—Bicycles.

2. Paragraph (a) of section 2 is amended by deleting the phrase "articles for which uniform retail ceiling prices have been established under the following provisions" in the text of the paragraph immediately preceding subparagraph (1).

3. A new subparagraph (4) is added to section 2 (a) to read as follows:

(4) Household aluminum cooking utensils, hand lawn mowers, or small electrical appliances, which bear a manufacturer's brand name and for which uniform retail ceiling prices have been fixed by an order of the Office of Price Administration issued under Revised Supplementary Order 119.

4. Section 4 (a) (1) (i) is amended by substituting the phrase "79.8%" for the phrase "81.8%" and the phrase "83.5%" for the phrase "94.2%."

5. Section 4 (a) (2) (i) is amended by substituting the phrase "22.2%" for the phrase "22.5%" and the phrase "22.8%" for the phrase "24.3%."

6. Section 4 (a) (3) (i) is amended by substituting the phrase "85.5%" for the phrase "87.1%" and the phrase "88.3%" for the phrase "96.1%."

7. The designation of paragraph (d) in Section 4 is corrected to read "(c)."

8. Section 4 (c) (1) (i) is amended by substituting the phrase "81.1%" for the phrase "88.6%."

9. Section 4 (c) (2) (i) is amended by substituting the phrase "22.0%" for the phrase "23.1%."

10. Section 4 (c) (3) (i) is amended by substituting the phrase "84.6%" for the phrase "90.0%."

11. Section 4 is amended by adding a new paragraph (d) to read as follows:

(d) *Bicycles:* For bicycles sold by distributor-retailers the prices shall be:

(1) *Retail prices.* The retail price shall be the total of the following:

(i) The lower of:

(*a*) F. o. b. factory cost and 59.3% thereof; or

(*b*) The manufacturer's highest price for sales to wholesalers as provided in section 4 (a) (1) of Order No. 16 under § 1499.159e of Maximum Price Regulation 188 and 50% thereof; and

(ii) The appropriate zone differential, if any, as described in Section 4 (b) of Order No. 16 under § 1499.159e of Maximum Price Regulation 188 (zones for this purpose being defined in section 2 (b) (4) and (5) of that order).

(2) *Small dealer prices.* The price to a small dealer (one in the class of purchasers to whom the smallest discount from list was offered in March, 1942) shall be the appropriate price determined under subparagraph (1) for the zone in which the dealer is located less 16.3% thereof.

(3) *Prices to dealers other than small dealers.* The price to a dealer who falls into a class of purchaser other than "small dealers" shall be the appropriate price found in paragraph (2) reduced by 88.6% of its customary discount differentials to that class of purchaser.

12. Section 5 is amended by substituting the phrase "Except as otherwise specifically provided, wherever in this order" for the phrase "Wherever in this order."

This amendment shall become effective June 28, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11515; Filed, June 28, 1946; 3:37 p. m.]

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[1] 10 F.R. 10200, 11348, 11512, 12919, 13110, 13071, 13776, 14396, 14634, 14735, 14899, 15346; 11 F.R. 712, 881, 1774, 2375, 2989, 3541, 3596, 3793, 4583, 4861, 5223, 5353, 5497, 5781, 5864, 6136, 5917.

[1] 11 F.R. 5224.

## PART 1345—COKE

[MPR 29, Amdt. 5]

### BY-PRODUCT AND RETORT GAS COKE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 29 is amended in the following respects:

1. Section 7 is amended to read as follows:

SEC. 7. *Maximum prices for by-product coke sold for use in a foundry cupola*—(a) *General provisions.* The maximum delivered price for by-product coke sold for use in a foundry cupola shall be the price per net ton f. o. b. cars at the governing oven plant, as set forth below, plus the lowest established rail transportation charges from that oven plant to the place of delivery. The term "governing oven plant" means that oven plant, the price at which, together with the lowest established rail transportation charge, results in the lowest price at the place of delivery.

| Location of oven plant: | *F. o. b. oven plant in cars (per net ton)* |
|---|---|
| Alabama | $11.35 |
| Chicago, Ill | 14.35 |
| Ashland, Ky | 12.85 |
| Detroit, Mich | 14.60 |
| Kearny, N. J | 14.40 |
| Buffalo, N. Y | 14.00 |
| Ironton, Ohio | 12.85 |
| Painesville, Ohio | 13.50 |
| Portsmouth, Ohio | 12.85 |
| Erie, Pa | 14.00 |
| Philadelphia, Pa | 14.00 |
| Chattanooga, Tenn | 11.85 |
| Fairmont, W. Va | 12.25 |
| Milwaukee, Wis | 15.10 |

(b) *Exceptions*—(1) *Place of delivery within New England and part of New York.*

(i) The maximum delivered price in the States of Connecticut, Rhode Island, Massachusetts and New Hampshire and in that portion of the States of New York, Maine and Vermont wherein the lowest established rail transportation charge from Everett, Massachusetts, is $3.10 per net ton or less, shall be $16.00 per net ton less $0.15 per net ton discount for cash within ten days from date of shipment.

(ii) The maximum delivered price within that portion of the States of Maine and Vermont wherein the lowest established rail transportation charge from Everett, Massachusetts, exceeds $3.10 per net ton shall be $12.90 plus the lowest established rail transportation charge from Everett, Massachusetts, to the place of delivery less $0.15 per net ton discount for cash within ten days from date of shipment.

(2) *Place of delivery within certain switching districts.* Except as set forth in subparagraph (3) of this paragraph, the maximum delivered prices within the following switching districts shall be:

| Switching district: | *Delivered price per net ton* |
|---|---|
| Chicago, Ill | $15.10 |
| Birmingham and Tarrant, Ala | 12.25 |
| St. Louis, Mo., and E. St. Louis, Ill | 15.10 |
| Indianapolis, Ind | 14.85 |
| Terre Haute, Ind | 14.85 |
| Detroit, Mich | 15.10 |
| Buffalo, N. Y | 14.75 |
| Cincinnati, Ohio | 14.60 |
| Cleveland, Ohio | 14.55 |
| Erie, Pa | 14.50 |
| Philadelphia, Pa | 14.63 |
| St. Paul and Minneapolis, Minn | 16.85 |

(i) Except that the maximum delivered price to consumers in the Birmingham and Tarrant, Alabama, switching district who qualify under the provisions of the Louisville and Nashville Railroad Company Tariff O. F. P. No. 220–C establishing a furnace raw material freight rate of $0.60 per ton shall be $11.95.

(ii) Except that producers situated in states other than Missouri, Alabama or Tennessee may charge a maximum delivered price of $15.60 to consumers in the St. Louis, Missouri, and E. St. Louis, Illinois, switching district.

(3) *Place of delivery within certain switching districts when shipments thereto are from Alabama ovens.* The maximum delivered prices within the following switching districts for by-product coke sold for use in a foundry cupola and shipped from the State of Alabama shall be:

| Switching district: | *Delivered price per net ton* |
|---|---|
| Chicago, Ill | $15.70 |
| Detroit, Mich | 15.30 |
| Indianapolis, Ind | 15.30 |
| Cleveland, Ohio | 15.25 |
| Chattanooga, Tenn | 12.77 |
| Bayonne, N. J | 19.81 |
| Williamsburg, Ohio | 14.80 |

(4) *Place of delivery north and west of the Ohio River or certain parts of New York.* When the place of delivery is located north and west of the Ohio River (but not including the State of Pennsylvania) or in the State of New York (other than that part of New York for which a maximum delivered price is established in subparagraph (1) of this paragraph) the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant" only when the shipment is made from the Fairmont, West Virginia, oven plant.

(5) *Place of delivery within Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah or Virginia.* When the place of delivery is located (excepting the switching districts set forth in subparagraph (2) of this paragraph) within the States of Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah, or Virginia, the Alabama and Chattanooga, Tennessee, oven plants shall be considered in determining the "governing oven plant," only when the shipment is made from the oven plants at Alabama, Chattanooga, Tennessee, or St. Louis, Missouri: *Provided, however,* That the maximum delivered price in those areas shall not exceed the Alabama f. o. b. oven plant price plus the lowest established rail transportation charge from the Alabama oven to the place of delivery plus $0.75 per net ton.

(6) *Place of delivery within Oklahoma, Nevada, Texas, Arizona, New Mexico or Idaho.* When the place of delivery is located within the States of Oklahoma, Texas, Nevada, Arizona, New Mexico or Idaho, the Alabama and Chattanooga, Tennessee, oven plants shall be considered in determining the "governing oven plant," only when the shipment is made from such oven plants: *Provided, however,* That when the shipment is made from any other oven plant, the maximum price shall not exceed $12.85 per net ton, f. o. b. cars oven plant.

(7) *Place of delivery within Eastern Pennsylvania, Southern New Jersey, Delaware and Maryland.* When the place of delivery is located in Eastern Pennsylvania (that part of the State east of a line running approximately north and south through Lawrenceville, Tioga County, and Kingsdale, Adams County), Southern New Jersey (that part of the State south of a line running from a point immediately north of Phillipsburg to a point immediately north of Asbury Park), Maryland (except Washington County), or Delaware the maximum delivered price shall be as follows:

| When the lowest established rail transportation charge per net ton from Swedeland, Pennsylvania, to the place of delivery is: | *The maximum delivered price per net ton shall be* |
|---|---|
| $0.68 and less | $14.63 |
| $0.69 to $0.96, inclusive | 14.65 |
| $0.97 to $1.66, inclusive | 14.70 |
| $1.67 to $2.24, inclusive | 14.95 |
| $2.25 to $2.50, inclusive | 15.05 |
| $2.51 to $2.85, inclusive | 15.20 |

And when the lowest established rail transportation charge per net ton from Swedeland, Pa., to place of delivery is $2.86 or more, the maximum price f. o. b. oven plant shall be $12.60.

(8) *Place of delivery within Western Pennsylvania or Washington County, Maryland.* (i) When the place of delivery is located in the counties of Erie (excepting the city of Erie switching district), Crawford, Warren, McKean, Elk, Forest, Venango and Mercer, the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant," only when the shipment is made from such oven plant: *Provided, however,* That the maximum delivered price shall not exceed the Fairmont, West Virginia, oven plant price plus the lowest established rail transportation charge from Fairmont, West Virginia, to the place of delivery, plus $0.25 per net ton.

(ii) When the place of delivery is located in the remaining counties of Western Pennsylvania (that part of the State west of a line running approximately north and south through Lawrenceville, Tioga County and Kingsdale, Adams County) or Washington County, Mary-

land, the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant," only when the shipment is made from such oven plant: *Provided, however,*

(*a*) That the minimum delivered price shall not exceed the Fairmont, West Virginia, oven plant price plus the lowest established rail transportation charge to the place of delivery, plus $0.75 per net ton and

(*b*) When shipment is from the ovens at Painesville, Ohio, or Swedeland, Pennsylvania, the maximum delivered price shall not exceed $12.25 per net ton plus the lowest established rail transportation charge from such ovens to the place of delivery.

(9) *Place of Delivery within California, Oregon and Washington.* When the place of delivery is located within the States of California, Oregon or Washington, the "governing oven plant" may be Chicago, Illinois: *Provided,* That when shipment is from an oven plant listed in paragraph (a) of this section, the maximum delivered price shall not exceed the f. o. b. oven plant price at such oven plant, plus the lowest established rail transportation charge from such oven plant to the place of delivery.

(10) *Place of delivery within Holt, Alabama, switching district.* When shipment is made from an oven plant located within the Holt, Alabama, switching district to a place of delivery within the same switching district, the maximum delivered price shall be $11.85 per net ton.

(11) *Delivery other than by railroad.* When delivery is by means other than railroad, the maximum delivered price shall be the price as computed in this paragraph but adjusted to provide the customary differential or charge in effect on September 18, 1941, for such means of delivery.

2. Section 8 is amended to read as follows:

SEC. 8. *Maximum prices for by-product coke sold for use in a blast furnace.*—(a) *Coke shipped from certain points.* The maximum price, f. o. b. oven plant, for by-product coke sold for use in a blast furnace and shipped from the following points shall be:

| Point of shipment: | *Maximum price* |
|---|---|
| Birmingham, Ala | $8.85 |
| Holt, Ala | 9.15 |
| New Haven, Conn | 10.85 |
| Chicago, Ill | 11.00 |
| Waukegan, Ill | 11.00 |
| Indianapolis, Ind | 10.35 |
| Ashland, Ky | 8.85 |
| Boston, Mass | 10.85 |
| Detroit, Mich | 10.20 |
| St. Paul, Minn | 12.60 |
| Duluth, Minn | 10.90 |
| St. Louis, Mo | 10.98 |
| Kearny, N. J | 10.45 |
| Brooklyn, N. Y | 10.45 |
| Buffalo, N. Y | 10.25 |
| New York, N. Y | 10.45 |
| Rochester, N. Y | 10.30 |
| Utica, N. Y | 10.30 |
| Hamilton, Ohio | 9.85 |
| Ironton, Ohio | 9.85 |
| Painesville, Ohio | 9.85 |
| Conshohocken, Pa | 10.00 |
| Monessen, Pa | 8.25 |
| Pittsburgh, Pa | 8.25 |
| Fairmont, W. Va | 8.40 |
| Milwaukee, Wis | 10.90 |

(b) *Coke shipped from all other points.* The maximum price, f. o. b. oven plant, for by-product coke sold for use in a blast furnace and shipped from points other than those listed in paragraph (a) of this section shall be

(1) The weighted average price f. o. b. oven plant charged by the seller for such coke delivered during the first quarter of 1941, plus $3.60 per net ton if the plant is located in the Midwest or $3.00 per net ton if the plant is located in the East; or,

(2) If the seller delivered no such coke during the first quarter of 1941, the price established by the Office of Price Administration after application by such person upon OPA Form 129:2. In establishing any such price, the Office of Price Administration shall give consideration to the weighted average prices charged by the applicant, its competitors, or persons situated in substantially similar circumstances for comparable grades of coke during the first quarter of 1941 and other relevant factors: *Provided, however,* That this paragraph (b) shall not apply to sales or shipments made after October 1, 1941, from oven plants located in the Mid-West at a price less than $8.85 per net ton or to sales or shipments made after October 1, 1941, from plants located in the East at a price less than $8.25 per net ton.

3. Section 9 (b) is amended to read as follows:

(b) *Additions to maximum prices for certain coke.*

(1) In the case of sale of by-product or retort gas coke produced in the Mid-West, a producer or distributor may add to the maximum prices determined in accordance with subparagraphs (1), (2) or (3) of paragraph (a) of this section a sum not to exceed $2.85 per net ton.

(2) In the case of sale of by-product or retort gas coke produced in the East, a producer or distributor may add to the maximum prices determined in accordance with subparagraph (1), (2) or (3) of paragraph (a) of this section a sum not to exceed $2.25 per net ton.

(3) In the case of retail sales at or for delivery from producing facilities, the producer or distributor may add to the maximum prices otherwise determined in accordance with subparagraphs (1), (2) or (3) of paragraph (a) and this paragraph (b), a sum equivalent to that permitted, at the time of delivery, by § 1340.254 (e) of Revised Maximum Price Regulation 122.

This amendment shall become effective June 28, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11482; Filed, June 28, 1946; 3:29 p. m.]

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## PART 1351—FOOD AND FOOD PRODUCTS

[Rev. SR 14B, Amdt. 7]

### BREAD AND BAKERY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplementary Regulation 14B is amended in the following respects:

1. Subparagraphs (4), (5), (6), (7) and (8) are added to section 7 (d) to read as follows:

(4) "Rye bread" means any bread, the flour content of which consists of rye flour and wheat flour at the ratio of at least one part of rye flour to four parts of wheat flour.

(5) "Rye rolls" means any rolls, the flour content of which consists of rye flour in the ratio of at least one part rye flour to four parts of wheat flour.

(6) "Ultimate consumer" means any person purchasing any of the products covered by this order for personal, family or household use, not including retailers, government agencies, or commercial, industrial or institutional users.

(7) "Sales at retail" means sales to ultimate consumers.

(8) "Sales at wholesale" means all sales other than sales at retail.

2. Paragraph (e) of section 7 is amended to read as follows:

(e) *Maximum prices for the sale of rye bread and rye rolls.* Maximum prices for sales by producers of rye bread and rye rolls as determined under any other provision of this revised supplementary regulation or any other regulation or order are increased at the rate of 2 cents per pound in the case of rye bread and by 2 cents per dozen in the case of rye rolls. Each producer may apply such increase in the case of bread by adjustment of his maximum price per loaf, by adjustment of the weight of a loaf, or by a combination of both so as to result in an increase of 2 cents per pound. Any decrease in weight pursuant to section 12 of this regulation shall be disregarded for the purposes of this paragraph (e). Whenever a producer increases or decreases his maximum prices per loaf of bread or sales unit of rolls pursuant to this paragraph, any reseller may increase or must decrease his maximum price by a like amount per loaf or unit. This paragraph shall not be applicable to sales of bread or sales units of rolls where the weight has been increased and the price adjusted since March 15, 1946, under the provisions of section 2 of this regulation. However, any producer who has increased his weight and price under section 2 since March 15, 1946, may revert to his former weight and price and then take advantage of the provisions of this paragraph (e).

After you have arrived at your new baked weight it is permissive to adjust the baked weight of the loaf to the nearest quarter ounce.

This paragraph (e) shall be effective only until September 1, 1946.

NOTE: Under this amendment you are permitted to increase your maximum price of your bread 2 cents per pound either by an adjustment in price or by adjustment of the weight, or by a combination of both. In making your calculations you will proceed as follows:

Divide your present price of bread by your baked weight. The result will be your present price per ounce of bread. Since the amendment permits an increase of 2 cents per pound you are permitted an increase of .1250 cents per ounce. Now add .1250 cents to your present price per ounce of bread to arrive at your new price per ounce.

To your present price per loaf add 2 cents, and then divide your new price by your new price per ounce to arrive at your new baked weight where an adjustment in weight is required. There are listed below several examples of this procedure.

*Example 1*

A 14 ounce loaf with a maximum price of 7¢, prior to the 10% weight reduction required by Amendment 15 of War Food Order 1. The 7¢ price divided by 14 ounces gives you .5000¢ as your present price per ounce.

0.5000¢ present price per ounce plus
0.1250¢ permitted increase per ounce

0.6250¢ new price per ounce

7.0000¢ present price per loaf plus
2.0000¢ increase in price per loaf

9.0000¢ new price per loaf

9.000¢ divided by .6250¢ equals 14.40 new baked weight ounces prior to 10% reduction. Reduce weight 10% to 12.96 ounces. The result after all above adjustments is a 9¢ price and a baked weight of 12.96 ounces.

The same loaf of bread need not be increased in price but can be decreased in weight as follows:

7.000¢ divided by .6250¢ new price per ounce, gives you 11.20 new baked ounces. Reduce 10% to 10.08 ounces. The result after all adjustments is a 7¢ price and a baked weight of 10.08 ounces.

*Example 2*

An 18 ounce loaf with a maximum price of 10¢ prior to the 10% weight reduction required by Amendment 15 of War Food Order 1. The 10¢ price divided by 18 ounces gives you .5556¢, present price per ounce.

0.5556¢ present price per ounce, plus
0.1250¢ permitted increase per ounce

0.6806¢ new price per ounce

10.0000¢ present price per loaf
2.0000¢ increase in price per loaf

12.0000¢ new price per loaf

12.0000¢ divided by 0.6806¢ equals 17.63 new baked weight ounces, prior to 10% reduction. Reduce weight 10% to 15.87 ounces.

The result after all above adjustments is a 12¢ price and a baked weight of 15.87 ounces.

The same loaf of bread need not be increased in price but can be decreased in weight as follows:

10.0000¢ divided by 0.6806¢ new price per ounce, gives you 14.69 new baked ounces. Reduce 10% to 13.22 ounces.

The result after all adjustments is a 10¢ price and a baked weight of 13.22 ounces.

*Example 3*

A 36-ounce loaf with a maximum price of 20¢ prior to the 10% weight reduction required by Amendment 15 of War Food Order 1. The 20¢ price divided by 36 ounces gives you 0.5556¢ present price per ounce.

0.5556¢ present price per ounce plus
0.1250¢ permitted increase per ounce

0.6806¢ new price per ounce

20.0000¢ present price per loaf, plus
4.0000¢ increase in price per loaf

24.0000¢ new price per loaf

24.0000¢ divided by .6806¢ equals 35.26 new baked weight ounces, prior to 10% reduction. Reduce weight 10% to 31.74 ounces.

The result after all above adjustments is a 24¢ price and a baked weight of 31.74 ounces.

The same loaf of bread need not be increased in price but can be decreased in weight as follows:

20.0000¢ divided by .6806¢ new price per ounce gives you 29.38 new baked ounces. Reduce 10% to 26.44 ounces.

The result after all adjustments is a 20¢ price and a baked weight of 26.44 ounces.

From examples 2 and 3 you will note that they are in direct relationship to each other. Example 3 is twice that of example 2.

After you have arrived at your new baked weight it is permissive to adjust the baked weight of the loaf to the nearest quarter ounce.

This amendment shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

Approved: June 25, 1946.

N. E. DODD,
*Acting Secretary of Agriculture.*

[F. R. Doc. 46-11481; Filed, June 28, 1946; 3:38 p. m.]

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## PART 1351—FOOD AND FOOD PRODUCTS

[RPS 50,[1] Amdt. 15]

### GREEN COFFEE

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Revised Price Schedule 50 is amended in the following respects:

1. Section 1351.1 (i) is added to read as follows:

(i) *Maximum prices at which green coffee may be imported on and after June 28, 1946.* On and after June 28, 1946, any person may import green coffee at the maximum prices established in paragraphs (a) through (d) of this § 1351.1, plus an amount not to exceed the sum of $0.02075 per pound.

2. Section 1351.1 (j) is added to read as follows:

(j) *Specific additions to applicable maximum prices for certain sales of green coffee*—(1) *Sales by persons whose inventory of green coffee on June 27, 1946 is 3,300 pounds or less.* Any person whose inventory of green coffee at the close of business on June 27, 1946 is 3,300 pounds or less, may add $0.02117 per pound to the applicable maximum prices established by the preceding paragraphs (a) through (h) of this § 1351.1 for sales by him of green coffee on or after June 28, 1946.

(2) *Sales by persons whose inventory of green coffee on June 27, 1946 is in excess of 3,300 pounds.* Any person whose inventory of green coffee at the close of business on June 27, 1946 is in excess of 3,300 pounds, may add $0.02117 per pound to the applicable maximum prices established by the preceding paragraphs (a) through (h) of this § 1351.1 for sales by him of green coffee on and after June 28, 1946 upon the condition that he complies with all the pertinent requirements of the following subparagraphs (3), (4) and (5):

(3) *Filing of affidavit.* Each person whose inventory of green coffee at the close of business on June 27, 1946 is in excess of 3,300 pounds shall, not later than July 15, 1946, send by registered mail addressed to the Secretary of the Office of Price Administration, Washington, D. C., an affidavit setting out the number of pounds (net landed weight) of green coffee in his inventory at the close of business on June 27, 1946.

(4) *Payment to the Treasurer of the United States.* Any person having an inventory of more than 3,300 pounds of green coffee at the close of business on June 27, 1946, who elects to increase his maximum price in accordance with paragraph (2) above shall, not later than July 15, 1946, make payment by check or money order payable to the Treasurer of the United States, in the amount of $0.02117 for each pound of green coffee in excess of 3,300 pounds owned by him at the close of business on June 27, 1946. Upon posting such check or money order, together with the affidavit, by registered mail to the Secretary of the Office of Price Administration, in Washington, D. C., he may increase his maximum prices as set out in subparagraph (2) above.

(5) *Election to sell inventory at lower price.* Any person whose inventory of green coffee at the close of business on June 27, 1946 is in excess of 3,300 pounds, may, in lieu of making the payment to the Treasurer of the United States described in subparagraph (4) above, elect to sell or otherwise dispose of his inventory in excess of 3,300 pounds at or below maximum prices in effect on June 27, 1946. Such person shall state in the affidavit described in subparagraph (3), that he elects to sell his inventory in excess of 3,300 pounds at the lower price. At such time as he has sold an amount equal to his June 27th inventory in excess of 3,300 pounds, he shall file by registered mail with the Secretary of the Office of Price Administration a final affidavit stating that he has fully complied with the requirements of this subparagraph (5).

After mailing the final affidavit in proper form such person may increase his maximum prices in the amount set out in subparagraph (2).

(6) *Prohibition against buying at the "lower" prices and selling at the "higher" prices.* Notwithstanding any other provision of this § 1351.1 (j) no person shall sell at the higher prices established under this paragraph (j) any green coffee which he bought on or after June 28, 1946 from a seller who has elected to sell his inventory at the lower price prevailing on June 27th. Such "lower priced" green coffee must be sold at or below the ceiling prices in effect on June 27, 1946.

(7) *Inventory.* For the purposes of paragraph (j) of this § 1351.1, "inventory" shall include all green coffee owned in the continental United States or its ports, and all green coffee which has been loaded on board an exporting carrier for shipment to a United States port for the account of the importer.

[1] 7 F.R. 1305, 2132, 2945, 5462, 6387, 6685, 8948, 10475; 8 F.R. 5477, 13024; 9 F.R. 991, 1598, 7261; 10 F.R. 620, 12992, 14605.

This amendment shall become effective June 28, 1946.

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

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11478; Filed, June 28, 1946; 3:29 p. m.]

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## PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 610, Amdt. 2]

### MAXIMUM PRICES FOR NEW TRUCKS AND NEW MOTORCYCLES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed wtih the Division of the Federal Register.

Maximum Price Regulation 610 is amended in the following respects:

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

(c) *Previously adjusted maximum prices.* Notwithstanding any provision of this regulation, maximum prices authorized under § 1390.25a of Maximum Price Regulation 136, as amended, or section 21 of Revised Maximum Price Regulation 136, which were in effect immediately prior to the effective date of this regulation for vehicles now covered by this regulation, shall remain in effect for such vehicles until they are superseded by maximum prices contained in orders issued under this regulation, except as provided in the following provisions of this paragraph (c).

No adjusted maximum prices authorized under § 1390.25a of Maximum Price Regulation 136, as amended, or section 21 of Revised Maximum Price Regulation 136, for vehicles covered by this regulation, shall have any force or effect on and after June 30, 1946 unless prior to such date the manufacturers of such vehicles shall have filed proper applications for maximum prices for such vehicles under section 7 or 8 of this regulation.

However, the Price Executive, Automotive Branch, OPA National Office, or a person authorized to act in his capacity, may authorize for an individual manufacturer a date later than June 30, 1946 prior to which the latter must file an application under section 7 or 8 in order for him and resellers to continue to charge maximum prices previously authorized under the above provisions of Maximum Price Regulation 136 and Revised Maximum Price Regulation 136 until superseding maximum prices are authorized under section 7 or 8 of the regulation. The Price Executive or other authorized person will authorize a date later than June 30, 1946, when application is made in writing by the manufacturer for a later date and he presents in his application an adequate showing that circumstances beyond his control do not permit him to complete the application and file it prior to June 30, 1946. The applying manufacturer's request shall be granted or denied by letter.

This amendment shall be effective June 28, 1946.

Issued this 28th day of June 1946.

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

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11505; Filed, June 28, 1946; 3:34 p. m.]

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## PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 265, Amdt. 4]

### SALES BY CANNERS OF SALMON

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 265 is amended in the following respects:

1. The table of prices in § 1364.562 is amended to read as follows:

| *Variety and style of container* | *Price per case* |
|---|---|
| Alaska King, 1-lb. talls | $15.40 |
| Alaska Chinook: | |
| 1-lb. flats | 19.36 |
| ½-lb. flats | 11.00 |
| Alaska Red: | |
| 1-lb. talls | 16.50 |
| 1-lb. flats | 17.05 |
| ½-lb. flats | 11.00 |
| Coho: | |
| 1-lb. talls | 12.76 |
| 1-lb. flats | 13.53 |
| ½-lb. flats | 8.80 |
| ¼-lb. flats | 5.72 |
| Pink: | |
| 1-lb. talls | 8.80 |
| 1-lb. flats | 8.80 |
| ½-lb. flats | 6.16 |
| ¼-lb. flats | 4.29 |
| Chum: | |
| 1-lb. talls | 8.36 |
| ½-lb. flats | 5.94 |
| Copper River Sockeye: | |
| 1-lb. talls | 16.50 |
| 1-lb. flats | 17.60 |
| ½-lb. flats | 12.10 |
| Puget Sound Sockeye: | |
| 1-lb. talls | 19.80 |
| 1-lb. flats | 20.90 |
| ½-lb. flats | 12.54 |
| ¼-lb. flats | 7.04 |
| COLUMBIA RIVER | |
| Chinook, Fancy: | |
| 1-lb. talls | 20.90 |
| 1-lb. flats | 22.66 |
| 1-lb. ovals, C. R. | 26.40 |
| ½-lb. flats, C. R. | 14.30 |
| ½-lb. ovals, C. R. | 17.60 |
| ¼-lb. flats, C. R. | 7.26 |
| Chinook, Choice: | |
| 1-lb. talls | 17.60 |
| 1-lb. flats | 19.36 |
| ½-lb. flats, C. R. | 11.00 |
| ¼-lb. flats, C. R. | 5.72 |
| Chinook, Standard: | |
| 1-lb. talls | 14.30 |
| 1-lb. flats | 15.40 |
| ½-lb. flats, C. R. | 8.80 |
| ¼-lb. flats, C. R. | 5.28 |
| COLUMBIA RIVER—continued | |
| Chinook, unclassified: | |
| 1-lb. talls | $11.00 |
| 1-lb. flats | 12.10 |
| ½-lb. flats, C. R. | 7.04 |
| Silverside: | |
| 1-lb. talls | 12.98 |
| 1-lb. flats | 15.40 |
| ½-lb. flats, C. R. | 8.80 |
| ¼-lb. flats, C. R. | 5.72 |
| Steelheads: | |
| 1-lb. talls | 17.60 |
| 1-lb. flats | 19.36 |
| ½-lb. flats, C. R. | 11.00 |
| ½-lb. ovals, C. R. | 13.20 |
| ¼-lb. flats, C. R. | 5.72 |
| Bluebacks: | |
| ½-lb. flats, C. R. | 14.74 |
| ¼-lb. flats, C. R. | 7.48 |
| Chums: | |
| 1-lb. talls | 8.36 |
| 1-lb. flats | 9.90 |
| ½-lb. flats, C. R. | 5.50 |

2. Section 1364.562 (c) is amended to read as follows:

(c) If any amendment to this regulation changes a canner's maximum price for any item of canned salmon, with the first delivery of that item after the effective date of the provision changing the maximum price, the canner shall:

(1) Supply each wholesaler and retailer who purchases the item from him with the following written notice:

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, grade, brand, style of pack and container type and size) has been changed under the provisions of Maximum Price Regulation No. 265. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, and if we are your customary type of supplier, you must refigure your ceiling price for the item in accordance with the applicable pricing provisions of those regulations (see Section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you on and after (insert effective date of amendment).

For a period of 90 days after the effective date of the provision changing the maximum price and with the first delivery after the 90-day period to each person who has not made a purchase within that time, the canner shall include in each box, carton or case containing the item the written notice set forth above.

(2) Supply each purchaser of the item who is a distributor other than a wholesaler and retailer with written notice of the establishment of the new maximum price. The notice, which shall be attached to, or stated on, the invoice covering the first delivery to such purchaser after the effective date of the provision changing the maximum price shall read as follows:

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, grade, brand, style of pack and container type and size) has been changed from $_____ to $_____ under the provisions of Maximum Regulation No. 265. You are required to notify all wholesalers and retailers, for whom you are the customary type of supplier, purchasing the

item from you after (insert effective date of the amendment) of any change in your maximum price. This notice must be made in the manner prescribed in subparagraph (1) of this § 1364.562 (c).

This amendment shall become effective June 28, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11493; Filed, June 28, 1946; 3:39 p. m.]

## PART 1370—ELECTRICAL APPLIANCES

[RMPR 111, Amdt. 16]

### NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 111 is amended in the following respects:

Section 25, Appendix A is amended by adding thereto in the proper alphabetical order the following model of vacuum cleaner and its retail ceiling price:

| Manufacturer | Model No. | Description | Retail ceiling price |
|---|---|---|---|
| The Filtex Corp. | Hygienic Filtex. | Cylinder type included 9-piece attachment set. | $69.75 |

This amendment shall become effective on the 29th day of June 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11486; Filed, June 28, 1946; 3:37 p. m.]

## PART 1381—SOFTWOOD LUMBER

[RMPR 164,[1] Amdt. 5]

### WESTERN SOFTWOOD SHINGLES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 164 is amended in the following respects:

1. In paragraph (a) of section 4, rule 1 is amended to read as follows:

*Rule 1.* All prices are stated per square of shingles f. o. b. car or f. o. b. truck at producing mill, unless otherwise specified.

2. In paragraph (a) of section 4, immediately following rule 6, a new rule 7 is added reading as follows:

*Rule 7.* The maximum prices set forth in the tables below for stained red cedar shingles and shakes, apply only (1) to the processor's brands as listed below, which were in general use and were accepted by the trade as standard brands in March, 1942, or within two years prior thereto, and only (2) when each bundle is distinctly labelled with the processor's name and brand, and only (3) when stained by the use of the same, or substantially the same, materials and methods which were used by the processor during the above mentioned period.

The maximum prices set forth below are f. o. b. the processor's staining plant, for plants located within the "Western Softwood Shingle" producing area. For staining plants which are located outside such producing area, maximum prices f. o. b. the plant are those set forth below plus an addition for inbound freight, computed by the use of the estimated weights for unstained shingles set forth in section 5 (a) hereof, and the applicable carload rate from Seattle, Washington.

Where the sale is on a delivered basis, except on sales of less than carload quantities, the additions for transportation shall be computed in accordance with section 5 (b). For such computation, "mill maximum" refers to the maximum f. o. b. plant producing area prices, set forth in the tables.

Where the delivered sale is of less than carload quantity, the additions for transportation shall be as set forth below, and shall be added to the maximum prices f. o. b. the shipping plant, without regard to whether the plant is located within or without the producing area:

If by rail, the addition shall be computed by the use of the appropriate LCL rate and the estimated weights set forth in section 5 (b).

If by truck from a plant located within the producing area, the addition shall be computed in accordance with paragraph (a) (2) or (a) (3) of section 5.

If by truck from a plant located outside the producing area, the addition shall be the actual cost of such trucking to the seller, except that where delivery is by a truck owned or controlled by the seller, the addition may not exceed the common or contract motor carrier charge for the most comparable haul.

3. In paragraph (a) of section 4, immediately following the table of prices for hand split shakes, new tables are added showing maximum prices for stained shingles and shakes, reading as follows:

MAXIMUM PRICES FOR STAINED RED CEDAR SHINGLES AND MACHINE PROCESSED SHAKES—F. O. B. PROCESSOR'S STAINING PLANT, FOR PLANTS LOCATED IN THE "WESTERN SOFTWOOD SHINGLE" PRODUCING AREA

Stained shingles No. 1 grade,[1] random widths, bundle dipped, bundle packed

| Length and thickness | Exposure | Price per square of designated exposure | | |
|---|---|---|---|---|
| | | Brown | Red and black | Green and grey |
| 5/2—16" xxxxx | 5" | $8.65 | $8.75 | $9.25 |
| 5/2—18" Eurekas | 5½" | 8.85 | 8.95 | 9.45 |
| 5/2¼—18" Perfections | 5½" | 9.05 | 9.15 | 9.65 |
| 4/2—24" Royals | 7½" | 10.15 | 10.25 | 10.75 |

[1] For No. 2 shingle grade, packed in straight bundles of No. 2, deduct the difference in price of the No. 1 and No. 2 grades of the corresponding item unstained.

Stained shingles No. 1 grade, random widths, individually dipped, carton packed [1]

| Length and thickness | Exposure | Price per square of designated exposure | | | |
|---|---|---|---|---|---|
| | | Brown | Black and red | Green | Grey, pastel, white primer |
| 5/2—16" xxxxx | 5" | $9.55 | $9.70 | $10.25 | $10.45 |
| 5/2—18" Eurekas | 5½" | 9.75 | 9.90 | 10.45 | 10.65 |
| 5/2¼—18" Perfections | 5½" | 9.95 | 10.10 | 10.65 | 10.85 |
| 4/2—24" Royals | 7½" | 11.05 | 11.20 | 11.75 | 11.95 |

[1] Paper wrapping, with metal straps, may be substituted for carton.

Stained machine processed shakes made from No. 1 red cedar shingle grade—Random width, square-butted and paralleled edges—Carton packed

| Length and thickness | Exposure and pack | All colors—price per square of exposure designated |
|---|---|---|
| 5/2¼—16" | 12" exposure—2 bundle square 17/17 pack | $6.85 |
| 5/2—16" | 12" exposure—2 bundle square 17/17 pack | 6.75 |
| 5/2¼—18" | 14" exposure—2 bundle square 14/14 pack | 6.15 |

This amendment shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11488; Filed, June 28, 1946; 3:33 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14, Amdt. 32]

### CAST IRON SOIL PIPE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

[1] 9 F.R. 12618; 10 F.R. 15168; 11 F.R. 799, 1105, 1899, 2773.

Article V to Second Revised Supplementary Regulation No. 14 is amended by adding a new section 5.6 to read as follows:

SEC. 5.6 *Maximum prices for sales of extension pieces of cast iron soil pipe.* On and after June 29, 1946, and notwithstanding any provision of the General Maximum Price Regulation, any extension piece of cast iron soil pipe extending more than 6 inches in length shall be priced only on a linear foot basis, using the maximum prices properly established under the General Maximum Price Regulation for sales per foot of cast iron soil pipe.

This amendment shall become effective June 29, 1946.

Issued this 26th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11479; Filed, June 28, 1946; 8:33 p. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[1] Amdt. 86 (§ 1388.1231)]

### HOTELS AND ROOMING HOUSES

Items 23, 23a, 151, 203, and 280 are corrected and Items 74c, 158b, 175c, 181a, 212d, 217b, 231a, and 282a of Schedule A of the Rent Regulation for Hotels and Rooming Houses are added to read as follows:

| Name of defense-rental areas | State | County or counties in defense-rental area under rent regulation for hotels and rooming houses | Maximum rent date | Effective date of regulation | Date by which registration statement to be filed (inclusive) |
|---|---|---|---|---|---|
| (23) Little Rock | Arkansas | Lonoke, Pulaski | Mar. 1, 1942 | Aug. 1, 1942 | Sept. 15, 1942 |
| | | Saline | do | Oct. 1, 1942 | Nov. 15, 1943 |
| (23a) Malvern | do | Hot Springs | do | Jan. 1, 1945 | Feb. 15, 1945 |
| (74c) Dalton | Georgia | Whitfield | July 1, 1945 | July 1, 1946 | Aug. 15, 1946 |
| (151) Jackson, Michigan | Michigan | Jackson | Mar. 1, 1942 | Sept. 1, 1942 | Oct. 16, 1942 |
| | do | Lenawee | do | Nov. 1, 1942 | Dec. 16, 1942 |
| (158b) Austin | Minnesota | Mower | May 1, 1945 | July 1, 1946 | Aug. 15, 1946 |
| (175c) Missoula | Montana | Missoula | July 1, 1945 | do | Do. |
| (181a) Scottsbluff | Nebraska | Scotts Bluff | Mar. 1, 1945 | do | Do. |
| (203) Jamestown | New York | Chautauqua | Mar. 1, 1942 | Oct. 1, 1942 | Nov. 15, 1942 |
| (212d) Chapel Hill | North Carolina | Orange | Mar. 1, 1945 | July 1, 1946 | Aug. 15, 1946 |
| (217b) Hickory | do | Catawba | do | do | Do. |
| (231a) Lancaster | Ohio | Fairfield | July 1, 1945 | do | Do. |
| (280) Greenville, South Carolina. | South Carolina | Greenville | Mar. 1, 1942 | Nov. 1, 1942 | Jan. 14, 1943 |
| (282a) Mitchell | South Dakota | Davison | July 1, 1945 | July 1, 1946 | Aug. 15, 1946 |

Effective July 1, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11506; Filed, June 28, 1946; 3:39 p. m.]

## PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[2] Amdt. 187]

### FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Section 15, Appendix H is amended in the following respects.

1. In Table 13—maximum prices for cabbage, footnote 6 is amended to read as follows:

[6] This regulation shall not apply to cabbage during July, August and September 1946.

2. Paragraph (g) is deleted.

This amendment shall become effective June 28, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

Approved:

CLINTON P. ANDERSON,
*Secretary of Agriculture.*

[F. R. Doc. 46-11496; Filed, June 28, 1946; 8:34 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 1 to Supp. Service Reg. 32]

### SHOE REPAIR SERVICES IN SEATTLE, WASH.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (6) of Supplemental Service Regulation 32 is amended to read as follows:

(6) *Other shoe repair services.* (i) For attaching Neolite, full or half-soles; Avonite, full or half-soles; Panolene, full or half-soles; O'Sullivan's men's brown and leather color plastic half-soles; and Neo-cord full-soles, a seller may increase the respective leather full-sole or half-sole prices as set forth in Appendix A by the following amounts:

| | |
|---|---|
| Men's and boys' shoes, larger than size 3½ | $0.25 |
| Boys' shoes, sizes 13½ through 3½ | .15 |
| Women's girls', and children's shoes | .15 |

(ii) For attaching *brown* composition, rubber, or fibre full or half-soles to dress or work shoes, a seller may add 15¢ per pair to the prices set forth in Appendix A for comparable grades or types of black composition, rubber or fiber sole materials.

(iii) Services not specified in Appendix A or in paragraph (6) (i) and (ii) above, shall be governed by RMPR 165, except that maximum prices for the supplying of rubber heels are established by Maximum Price Regulation No. 200, Rubber Heels, Rubber Heels Attached, and Attaching of Rubber Heels.

This amendment shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11489; Filed, June 28, 1946; 8:37 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14B, Amdt. 6]

### BREAD AND BAKERY PRODUCTS

A statement of the consideraions involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The table in section 7 (c) of Revised Suplementary Regulation 14B is amended to read as follows:

| Areas | Baked weight per loaf (ounces) | Sales at wholesale (cents) | Sales at retail (cents) |
|---|---|---|---|
| (1) In the State of Utah and trading area which includes Uinta, Lincoln, Sweetwater, Sublette, Teton and Carbon Counties in the State of Wyoming. Mesa, Delta and Montrose Counties in the State of Colorado. Oneida, Franklin and Lake Counties in the State of Idaho. | 16 to 18 | 7½ | 8½ |
| | 19 to 22 | 9 | 11 |
| | 24 to 27 | 10 | 12 |
| (2) In the Fargo-Moorhead trading area. | 16 to 18 | 7½ | 8½ |
| | 19 to 22 | 9 | 11 |
| | 24 to 27 | 11 | 13 |
| (3) In the District of Columbia. | 15 to 17 | 7 | 8 |
| | 31 to 33 | 14 | |
| (4) Dallas, Texas, and Santa Barbara, California. | 23 to 25 | 9 | 11 |

This amendment shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

Approved: June 25, 1946.

N. E. DODD,
*Acting Secretary of Agriculture.*

[F. R. Doc. 46-11480; Filed, June 28, 1946; 3:39 p. m.]

[1] 11 F.R. 4000, 4163, 4582, 4730, 5542, 5954, 5825, 5951, 5952.

[2] 10 F.R. 8021, 7500, 7539, 7578, 7668, 7683, 7799, 8069, 8239, 8238, 8612, 8467, 8611, 8657, 8905, 8936, 9023, 9118, 9119, 9277, 9447, 9628, 9928, 10087, 10025, 10229, 10311, 10303, 11072, 12213, 12084, 12408, 12447, 12432, 12637, 12702, 12745, 12960, 13129, 13271, 13313, 13369, 13595, 13776, 14027, 15035, 15174; 11 F.R. 557, 608, 1102, 1356, 1213, 1526, 1819, 1819, 2931, 2771, 2822, 3158, 3089, 3300, 3600, 3793, 4292, 4295, 4390, 4973.

## PART 1444—ICE BOXES

[MPR 399, Amdt. 32]

### NEW ICE BOXES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the division of the Federal Register.

Maximum Price Regulation No. 399 is amended in the following respects:

1. Section 15, Table B (1): *Retail ceiling prices for sales of ice boxes by mail order houses when selling from a mail order catalogue,* is amended by listing the f. o. b. factory ceiling prices for four models of ice boxes when sold through the Chicago, St. Paul and Kansas City mail order houses as set forth below:

TABLE B (1)—RETAIL CEILING PRICES FOR SALES OF ICE BOXES BY MAIL ORDER HOUSES WHEN SELLING FROM A MAIL ORDER CATALOGUE

[These ceiling prices are f. o. b. shipping point]

| Manufacturer | Brand | Model | Rated ice capacity | Chicago | St. Paul | Kansas City |
|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Wards | 4027 | 75 | $40.95 | $40.95 | $44.50 |
| Do | do | 4028 | 100 | 49.95 | 49.95 | 54.95 |
| Do | do | Deluxe | 75 | 47.75 | 47.75 | 51.25 |
| Do | do | Deluxe | 100 | 74.75 | 74.75 | 82.25 |

2. Section 15, Table B (2): *Retail ceiling prices for sales of ice boxes by mail order houses when selling from a mail order catalogue,* is amended by changing the ceiling prices of four models of ice boxes to read as set forth below:

TABLE B (2)—RETAIL CEILING PRICES BY MAIL ORDER WHEN SELLING FROM A MAIL ORDER CATALOGUE

[These ceiling prices are f. o. b. warehouse shipping points]

| Manufacturer | Brand | Model | Rated ice capacity | F. o. b. factory | Kansas City | Chicago | Baltimore | Albany | St. Paul | Denver | Fort Worth | Portland | Oakland |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Wards | 4027 | 75 | ----- | $48.25 | $48.25 | $48.50 | $48.50 | $48.50 | $48.95 | $48.95 | $49.25 | $49.25 |
| Do | do | 4028 | 100 | ----- | 59.50 | 59.50 | 59.95 | 59.95 | 59.75 | 59.95 | 59.95 | 60.50 | 60.75 |
| Do | do | Deluxe | 75 | ----- | 55.95 | 55.95 | 56.50 | 56.50 | 56.25 | 56.95 | 56.95 | 57.25 | 57.25 |
| Do | do | do | 100 | ----- | 88.50 | 88.50 | 89.50 | 89.50 | 88.95 | 89.75 | 89.75 | 90.75 | 90.75 |

3. Section 16, Table C: *Retail ceiling prices for all other sales of ice boxes at retail,* is amended by changing the ceiling prices shown under the portion of the table under the sub-heading "mail order and other private brands sold through retail stores" for four models of ice boxes to read as shown below:

TABLE C—CEILING PRICES IN EACH STATE FOR ALL OTHER SALES OF ICE BOXES AT RETAIL

| Manufacturer | Brand | Model | Rated ice capacity | Retail base price | Alabama | Arizona | Arkansas | California | Colorado | Connecticut |
|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Standard | K540 | 75 | $50.95 | $52.75 | $52.75 | $51.75 | $52.50 | $52.00 | $51.75 |
| | do | K541 | 100 | 62.50 | 64.95 | 64.95 | 63.75 | 64.75 | 63.75 | 63.95 |
| | DeLuxe | K543 | 75 | 58.95 | 61.25 | 61.25 | 60.25 | 60.95 | 60.50 | 60.25 |
| | do | K544 | 100 | 93.50 | 96.75 | 96.75 | 95.25 | 96.50 | 95.50 | 95.25 |

TABLE C—CEILING PRICES IN EACH STATE FOR ALL OTHER SALES OF ICE BOXES AT RETAIL—Con.

| Manufacturer | Brand | Model | Rated ice capacity | Retail base price | Delaware | District of Columbia | Florida | Georgia | Idaho | Illinois |
|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Standard | K540 | 75 | $50.95 | $51.75 | $51.75 | $52.00 | $51.75 | $52.50 | $51.25 |
| | do | K541 | 100 | 62.50 | 63.75 | 63.75 | 63.95 | 63.75 | 64.75 | 63.25 |
| | DeLuxe | K543 | 75 | 58.95 | 60.25 | 60.25 | 60.50 | 60.25 | 60.95 | 59.50 |
| | do | K544 | 100 | 93.50 | 95.25 | 95.25 | 95.50 | 95.25 | 96.50 | 94.25 |

| Manufacturer | Brand | Model | Rated ice capacity | Retail base price | Indiana | Iowa | Kansas | Kentucky | Louisiana | Maine |
|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Standard | K540 | 75 | $50.95 | $51.25 | $51.25 | $51.50 | $51.50 | $52.00 | $52.00 |
| | do | K541 | 100 | 62.50 | 63.25 | 63.50 | 63.50 | 63.50 | 63.95 | 63.95 |
| | Deluxe | K543 | 75 | 58.95 | 59.50 | 59.50 | 59.75 | 59.75 | 60.50 | 60.50 |
| | do | K544 | 100 | 93.50 | 94.25 | 94.25 | 94.75 | 94.75 | 95.50 | 95.50 |

| Manufacturer | Brand | Model | Rated ice capacity | Retail base price | Maryland | Massachusetts | Michigan | Minnesota | Mississippi | Missouri |
|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Standard | K540 | 75 | $50.95 | $51.75 | $51.75 | $51.25 | $51.50 | $51.75 | $51.25 |
| | do | K541 | 100 | 62.50 | 63.75 | 63.75 | 63.25 | 63.50 | 63.75 | 63.25 |
| | Deluxe | K543 | 75 | 58.95 | 60.25 | 60.25 | 59.50 | 59.75 | 60.25 | 59.50 |
| | do | K544 | 100 | 93.50 | 95.25 | 95.25 | 94.25 | 94.75 | 95.25 | 94.25 |

| Manufacturer | Brand | Model | Rated ice capacity | Retail base price | Montana | Nebraska | Nevada | New Hampshire | New Jersey | New Mexico |
|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Standard | K540 | 75 | $50.95 | $52.50 | $51.50 | $52.50 | $51.75 | $51.75 | $52.50 |
| | do | K541 | 100 | 62.50 | 64.75 | 63.50 | 64.50 | 63.75 | 63.75 | 64.50 |
| | Deluxe | K543 | 75 | 58.95 | 60.95 | 59.75 | 60.95 | 60.25 | 60.25 | 60.95 |
| | do | K544 | 100 | 93.50 | 96.50 | 94.75 | 96.50 | 95.25 | 95.25 | 96.50 |

| Manufacturer | Brand | Model | Rated ice capacity | Retail base price | New York | North Carolina | North Dakota | Ohio | Oklahoma | Oregon |
|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Standard | K540 | 75 | $50.95 | $51.75 | $51.75 | $51.75 | $51.25 | $51.75 | $52.50 |
| | do | K541 | 100 | 62.50 | 69.75 | 63.75 | 63.75 | 63.25 | 63.75 | 64.50 |
| | Deluxe | K543 | 75 | 58.95 | 60.25 | 60.25 | 60.25 | 59.50 | 60.25 | 60.95 |
| | do | K544 | 100 | 93.50 | 95.25 | 95.25 | 95.25 | 94.25 | 95.25 | 96.50 |

| Manufacturer | Brand | Model | Rated ice capacity | Retail base price | Pennsylvania | Rhode Island | South Carolina | South Dakota | Tennessee | Texas |
|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Standard | K540 | 75 | $50.95 | $51.50 | $51.75 | $51.75 | $51.75 | $51.50 | $52.00 |
| | do | K541 | 100 | 62.50 | 63.50 | 63.75 | 63.75 | 63.75 | 63.50 | 63.95 |
| | DeLuxe | K543 | 75 | 58.95 | 59.95 | 60.25 | 60.25 | 60.25 | 59.75 | 60.50 |
| | do | K544 | 100 | 93.50 | 94.75 | 95.25 | 95.25 | 95.25 | 94.75 | 95.50 |

| Manufacturer | Brand | Model | Rated ice capacity | Retail base price | Utah | Vermont | Virginia | Washington | West Virginia | Wisconsin | Wyoming |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery Ward & Co., Inc. | Standard | K540 | 75 | $50.95 | $52.50 | $51.75 | $51.75 | $52.50 | $51.50 | $51.25 | $52.00 |
| | do | K541 | 100 | 62.50 | 64.50 | 63.75 | 63.75 | 64.50 | 63.50 | 63.25 | 63.95 |
| | DeLuxe | K543 | 75 | 58.95 | 60.95 | 60.25 | 60.25 | 60.95 | 59.95 | 59.50 | 60.50 |
| | do | K544 | 100 | 93.50 | 96.50 | 95.25 | 95.25 | 96.50 | 94.75 | 94.25 | 95.50 |

This amendment shall become effective on the 29th day of June 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11495; Filed, June 28, 1946; 8:36 p. m.]

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PART 1388—DEFENSE-HOUSING AREAS

[Hotels and Rooming Houses,[1] Amdt. 87]

HOTELS AND ROOMING HOUSES

The application of the Rent Regulation for Hotels and Rooming Houses is terminated in a portion of the Tallahassee Defense-Rental Area, consequently a portion of the above-named area is decontrolled and Item 65 of Schedule A of the Rent Regulation for Hotels and Rooming Houses is amended to read as follows:

| Name of defense-rental area | State | County or counties in defense-rental area under rent regulation for hotels and rooming houses | Maximum rent date | Effective date of regulation | Date by which registration statement to be filed (inclusive |
|---|---|---|---|---|---|
| (65) Tallahassee | Florida | Leon | Mar. 1, 1942 | Nov. 1, 1942 | Dec. 16, 1942 |

Effective July 1, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11507; Filed, June 28, 1946; 3:40 p. m.]

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## Chapter XXII—Retraining and Reemployment Administration

[Order No. 9]

INTER-AGENCY COMMITTEE ON EMPLOYMENT OF THE PHYSICALLY HANDICAPPED

1. *General statement.* The purpose of this order is to provide for the establishment of a committee which will be representative of those Federal agencies directly concerned with rendering various services to persons physically and mentally handicapped with the ultimate objective of assuring them of economic security by placing them in gainful employment.

2. *Organization of the committee.* Under authority of Title III Section 302 of the War Mobilization and Reconversion Act of 1944 (Public Law 458, 78th Congress) a committee to be known as *The Federal Inter-agency Committee on Employment of the Physically Handicapped* is hereby established. This committee shall consist of a Secretary to be designated by the Administrator of the Retraining and Reemployment Administration and of representatives from each of the following agencies of the Federal Government:

Department of Labor.
Department of Agriculture.
Federal Security Agency.
Department of Commerce.
Civil Service Commission.

3. *Functions of the committee.* The Committee[2] shall establish policies for the co-ordination of all agencies active in the field of counseling, restoration, training and education, and placement of physically and mentally handicapped persons toward an integration of all rehabilitation services available to this group. In furtherance of a more effective program it is of import that the public be made aware of the potentialities of handicapped persons and of the various restorative and placement services designed to fit them for useful employment. To this end, the committee will promote favorable publicity thru all available media and encourage personal contacts with potential employers thru established agencies.

4. *Participation of the Veterans Administration.* By copy of this order, the Administrator of Veterans Affairs is requested to designate appropriate representatives to serve as members of this Committee.

G. B. ERSKINE,
*Major General, U. S. M. C.,*
*Administrator.*

JULY 3, 1946.

[F. R. Doc. 46-11667; Filed, July 2, 1946; 11:54 a. m.]

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## Chapter XXIII—War Assets Administration

[Reg. 14,[3] Order 2]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OF PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

ELIGIBILITY OF PUBLIC INTERNATIONAL ORGANIZATIONS

The International Organizations Immunities Act (Public Law 291, 79th Congress) provides that public international organizations as therein defined shall, to the extent consistent with the instrument creating them, possess the capacity to acquire and dispose of real and personal property. Such an organization is defined as "a public international organization in which the United States participates pursuant to any treaty or under the authority of any act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided."

On February 19, 1946, the President by Executive Order 9698 (11 F.R. 1809) designated the following organizations as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act: The Food and Agriculture Organization, The International Labor Organization, The Pan American Union, The United Nations, and The United Nations Relief and Rehabilitation Administration.

Section 13 of the Surplus Property Act of 1944 provides that public and governmental institutions should be afforded to the extent feasible an opportunity to fulfill in the public interest their legitimate needs. The Administrator deems that public international organizations as defined in the International Organizations Immunities Act are in fact public and governmental institutions within the meaning of section 13 of the Surplus Property Act.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611), Public Law 181, 79th Congress, 1st Session (59 Stat. 533), Executive Order 9689 (11 F. R. 1265), and Public Law 375, 79th Congress, 2d Session, *It is hereby ordered,* That:

Public international organizations designated pursuant to the International Organizations Immunities Act shall be entitled to acquire from disposal agencies surplus personal property for their own use. Acquisition shall be made in accordance with the provisions of § 8314.8, except that the approval of applications by the Federal Security Agency shall not be required. Prices shall be determined in accordance with § 8314.9 (a).

This order shall become effective June 29, 1946.

E. B. GREGORY,
*Administrator.*

JUNE 29, 1946.

[F. R. Doc. 46-11669; Filed, July 2, 1946; 11:55 a. m.]

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[Reg. 14,[3] Order 3]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF OPTICAL MACHINERY AND EQUIPMENT

Investigations over a period of nearly 2 years indicate that the Government

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[1] 11 F.R. 4000, 4163, 4582, 4730, 5542, 5954, 5825, 5951, 5952.

[2] This committee should be distinguished from the *Inter-agency Committee on Rehabilitation Services for Severely Disabled Persons* established by Order No. 7 of this Administration under date of May 10, 1946 in that the latter is concerned with the improvement of existing rehabilitation services for severely disabled persons.

[3] 10 F.R. 14028; 11 F.R. 2714, 4096.

has a far greater supply of optical machinery and equipment than can be absorbed commercially. Notwithstanding a certain volume of sales, inventories thereof are increasing constantly, and as of February 15, 1946, there were 1,181 units at a reported cost of $1,408,000.

It is recognized that educational institutions and instrumentalities can use this machinery and equipment for training and research in the field of optics and that such activities will be of great public benefit, but that due to the high unit cost of much of this equipment it is doubtful if such institutions or instrumentalities can afford to purchase it under the provisions of § 8314.9.

In view of these considerations the War Assets Administrator finds that the benefit which will accrue to the United States from the use of such machinery and equipment by educational institutions and instrumentalities justifies disposal to them at a nominal price approximately sufficient to cover the costs of care, handling, and disposition, and further finds that such a nominal price should be 5 percent of the fair value of the property as established by the disposal agency.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611), Public Law 181, 79th Congress, 1st Session (59 Stat. 533), Executive Order 9689 (11 F. R. 1265), and Public Law 375, 79th Congress, 2d Session, *It is hereby ordered*, That:

1. "Optical machinery and equipment" as used herein means items under Code 33–9990 of the Standard Commodity Classification (May 1943) Volume I.

2. Notwithstanding the provisions of § 8314.9, War Assets Administration as a disposal agency, after making such provision as may be necessary for offerings to priority claimants in accordance with the provisions of Part 8302,[2] is hereby authorized to sell such machinery and equipment to educational institutions and instrumentalities as defined in § 8314.1, whose orders shall have been approved by the Federal Security Agency, at a price equivalent to 5 per cent of the fair value thereof, f. o. b. location.

This order shall become effective June 29, 1946.

E. B. GREGORY,
*Administrator.*

JUNE 29, 1946.

[F. R. Doc. 46–11670; Filed, July 2, 1946; 11:55 a. m.]

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## PART 8316—SURPLUS AIRPORT PROPERTY

[Reg. 16]

Surplus Property Administration Regulation 16, November 16, 1945, as amended through April 23, 1946, entitled "Surplus Airport Property" (10 F.R. 14204, 14628, 14866; 11 F.R. 2603, 4164, 4585), is hereby revised and amended as herein set forth as War Assets Administration Regulation 16. Order 1, February 14, 1946 (11 F.R. 1743) and Revised Order 2, March 13, 1946 (11 F.R. 2933) under this part shall remain in full force and effect.

[2] Reg. 2 (11 F.R. 5125, 6237, 6545).

Sec.



AUTHORITY: §§ 8316.1 to 8316.24, inclusive, issued under the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611), Pub. Law 181, 79th Cong., 1st sess. (59 Stat. 533), E.O. 9689 (11 F.R. 1265), and Pub. Law 375, 79th Cong, 2d sess.

§ 8316.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Airport property" means property used for or in connection with an airport.

(2) "Airport" means any area of land or water and the improvements thereon primarily used for or in connection with the landing and take-off or navigation of aircraft, and any area of land determined by the Administrator to be suitable and necessary for the expansion of an existing "landing area" or "building area." The term may include "landing area," "building area," "airport facilities" and "non-aviation facilities," as determined by the Administrator.

(3) "Airport facilities" means any buildings, structures, improvements, and operational equipment, other than non-aviation facilities, which are used and necessary for or in connection with the operation and maintenance of an airport.

(4) "Building area" means any land, other than a landing area, used or necessary for or in connection with the operation or maintenance of an airport.

(5) "Landing area" means any land, or combination of water and land, together with improvements thereon and necessary operational equipment used in connection therewith, which is used for landing, take-offs, and parking of aircraft. The term includes, but is not limited to, runways, strips, taxiways, and parking aprons.

(6) "Non-aviation facilities" means any buildings, structures, improvements, and equipment located in a building area and used in connection with but not required for the efficient operation and maintenance of the landing area or the airport facilities.

(7) "State or local government" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(8) "Surplus airport property" means any airport property which has been determined to be surplus to the further needs and responsibilities of the owning agency in accordance with the act.

§ 8316.2 *Scope.* This part applies to surplus airport property located within the continental United States, its territories and possessions.

§ 8316.3 *Declaration of policy.* It is hereby declared that the national interest requires the disposal of surplus airport property in such a manner and upon such terms and conditions as will encourage and foster the development of civil aviation and provide and preserve for civil aviation and national defense purposes a strong, efficient, and properly maintained nationwide system of public airports, and will insure competition and will not result in monopoly. It is further declared that in making such disposals of surplus airport property the benefits which the public and the Nation will derive therefrom must be the principal consideration and the financial return to the Government a secondary consideration. Airports which are surplus to the needs of owning agencies may be essential to the common defense of the Nation or valuable in the maintenance of an adequate and economical national transportation system. In such cases and in accordance with the rules established herein such airports may be disposed of to State or local governments for considerations other than cash. Where airports are not desired as such by Government agencies or State or local governments, they shall be classified as airports or otherwise according to their best use and any disposition hereunder shall be for a monetary consideration.

§ 8316.4 *Surplus airport disposal committee.* (a) Pursuant to arrangements made with other interested Government agencies, there is hereby established a Surplus Airport Disposal Committee which shall function as an advisory committee to the War Assets Administrator and shall consist of five members, one to be designated by the Secretary of War, one by the Secretary of the Navy, one by the Administrator of the Civil Aeronautics Administration, one by the disposal agency, and one by the War Assets Administrator, who shall serve as Chairman of the Committee.

(b) It shall be the duty of the Surplus Airport Disposal Committee to advise the War Assets Administrator as to the manner in which and the conditions upon which the disposal agency should be authorized to dispose of particular airport properties, and as to all other matters upon which advice may be requested by the Administrator.

§ 8316.5 *Declarations.* (a) Declarations of surplus airport property, including leasehold interests under leases or similar rights of occupancy not cancelled by the owning agency pursuant to § 8316.9 hereof, shall be filed with the War Assets Administrator as provided in Part 8301.[1] The Administrator will transmit two copies of the declaration to the appropriate disposal agency with directions, and will notify the owning agency thereof.

(b) The owning agency may give to the Surplus Airport Disposal Committee a pre-declaration notice accompanied by a tentative statement of the conditions, reservations, and restrictions which it may request, pursuant to the provisions of § 8316.10 hereof, to be imposed on the disposal of the airport property.

§ 8316.6 *Communications after notice of transmittal.* After the owning agency receives notice of transmittal to a disposal agency of a declaration of surplus airport property, communications of the owning agency with respect to such airport property shall be addressed to the disposal agency, except where communication with the Administrator is required hereunder.

§ 8316.7 *Withdrawals.* If the owning agency wishes to withdraw surplus airport property before it has received notice of the transmittal of the declaration to the disposal agency, it may do so by filing Form WAA–1005[2] (formerly SPB–5) with the Administrator. After the owning agency has received notice of such transmittal, it may withdraw such property by filing the form with the disposal agency. Such withdrawals may be made only with the consent of the Administrator if the property has not been assigned to a disposal agency or with the consent of the disposal agency thereafter, except as hereinafter provided.

§ 8316.8 *Permissive use by other Government agency.* When a Government agency utilizing Government-owned real property for or in connection with an airport, under some form of arrangement with the Government agency having primary jurisdiction over the property, no longer needs the property for airport purposes, such real property and any interest therein shall be returned to the agency having primary jurisdiction in accordance with the arrangement made between such agencies. Where, however, the property has been substantially improved while being so utilized, the agency utilizing the property shall make a report of the facts to the Administrator for his determination as to the disposition of the improvements; and such report shall be treated as a declaration of surplus as to such improvements.

§ 8316.9 *Disposal of leasehold interests and improvements by owning agencies.* (a) With the approval of the Administrator, an owning agency may dispose of airport property in the manner provided in this section without declaring it surplus; *Provided,* That such property is held only under lease or other similar right of occupancy which is for the duration of the war or the National emergency and six (6) months thereafter, or is for an unexpired period of not more than twelve (12) months and has no renewal or purchase privilege.

(b) Any such leasehold interest or similar right of occupancy shall be terminated or cancelled by the owning agency and any Government-owned improvements disposed of by any one or more of the following methods:

(1) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, provided the lessor or owner shall pay for any excess value.

(2) By disposition in accordance with contractual commitments.

(3) By sale intact.

(4) By transfer to another Government agency intact.

(5) By disposal of all readily severable property in accordance with any other applicable regulations of the Administrator.

(6) By demolition contract let only on competitive bids whereby title to material not readily severable passes to the demolition contractor.

(7) By demolition of property not readily severable and disposal of surplus used building and construction materials by competitive bidding and of other resulting materials in accordance with any other applicable regulations of the Administrator. Any competitive bidding shall be conducted under rules and regulations prescribed by the owning agencies containing provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids.

(8) By abandonment if the owning agency has no obligation to remove such improvements and it finds in writing that such property is without commercial value or that the estimated cost of its care, handling, removal, and disposition would exceed the estimated proceeds of sale.

(c) Disposals of improvements by owning agencies hereunder shall be made at prices that are fair and reasonable under all the circumstances taking into account the limited sale value of the property in place and its special value, if any, to the purchaser. In all cases, prior to disposal a written estimate shall be made of both the value of the improvements for use in place and their salvage value. The disposal agencies for industrial and marine real property shall, upon request, furnish advice and assistance to the owning agencies in the establishment of fair and reasonable prices hereunder.

(d) Where an airport consists of property a portion of which is owned by the Government and the balance of which is property under lease to the Government, such lease shall not be cancelled by the owning agency, but the leasehold interest as well as the Government-owned property shall be declared surplus.

§ 8316.10 *Restrictions on use and disposition.* When an owning agency declares airport property surplus, such owning agency, the Civil Aeronautics Administration, or the Surplus Airport Disposal Committee may submit to the Administrator a request that the disposal be made subject to any or all of the following reservations, restrictions, and conditions:

(a) *Use by the transferee.* (1) That the airport shall be used for public airport purposes on reasonable terms and without unjust discrimination and without grant or exercise of any exclusive right for use of the airport within the meaning of section 303 of the Civil Aeronautics Act of 1938.[4]

(2) That the entire landing area and all improvements, facilities, and equipment of the airport shall be maintained at all times in good and serviceable condition to assure its efficient operation.

(3) That insofar as is within its powers and reasonably possible the transferee shall prevent any use of land either within or outside the boundaries of the airport, including the construction, erection, alteration, or growth, or any structure or other object thereon, which use would be a hazard to the landing, taking off, or maneuvering of aircraft at the airport, or otherwise limit its usefulness as an airport.

(4) That the building areas and nonaviation facilities shall be used, altered, modified, or improved only in a manner which does not interfere with the efficient operation of the landing area and of the airport facilities.

(b) *Use by the Government.* (1) That the Government shall at all times have the right to use the airport in common with others: *Provided, however,* That such use may be limited as may be determined at any time by the Civil Aeronautics Administration or the successor Government agency to be necessary to prevent interference with use by other authorized aircraft, so long as such limitation does not restrict Government use to less than twenty-five (25) per centum of capacity of the airport. Government use of the airport to this extent shall be without charge of any nature other than payment for damage caused by Government aircraft.

(2) That during the existence of any emergency declared by the President or the Congress, the Government shall have the right without charge except as indicated below to the full, unrestricted possession, control, and use of the landing area, building areas, and airport facilities or any part thereof, including any additions or improvements thereto made subsequent to the declaration of the airport property as surplus: *Provided, however,* That the Government shall be responsible during the period of such use for the entire cost of maintaining all such areas, facilities, and improvements, or the portions used, and shall pay a fair rental for the use of any installations or structures which have been added thereto without Federal aid.

[1] SPA Reg. 1 (10 F.R. 14064; 11 F.R. 2602, 3035, 5399).

[2] Reg. 1 Order 3 (11 F.R. 6774).

[4] 52 Stat. 973; 49 U. S. C. A. 401.

§ 8316.11 *Functions of the Civil Aeronautics Administration.* In the disposal of surplus airport property under this part, the disposal agency may avail itself of the services of representatives of the Civil Aeronautics Administration in all negotiations for the disposal of the property and shall consult with and obtain the recommendations of the Civil Aeronautics Administration as to all decisions pertaining to civil aviation. In addition the Civil Aeronautics Administration shall furnish such technical assistance as the War Assets Administrator or the disposal agency may request and the Civil Aeronautics Administration is in a position to provide.

§ 8316.12 *Classification of property by Administrator.* (a) Upon receipt of a declaration of surplus airport property, the Administrator shall consider any requests for reservations, restrictions and conditions submitted by the owning agency, the War Department, the Navy Department, the Civil Aeronautics Administration, or the Surplus Airport Disposal Committee, and shall determine the future uses for which the property is best adapted, how the property can best be disposed of to meet the objectives of th act, and whether any or all of the requested reservations, restrictions and conditions, or any other reservations, restrictions and conditions, should be imposed.

(b) If the Administrator classifies the property for disposal as airport property, it shall be disposed of pursuant to the provisions of this part; if the Administrator classifies it for disposition otherwise than as airport property and the owning agency does not withdraw it as hereinafter provided, it shall be assigned to the appropriate disposal agency and disposed of pursuant to the provisions of other applicable regulations of the Administrator. Where a landing area is used in connection with an industrial installation, the Administrator shall determine whether to classify such landing area and its airport facilities as airport properties for disposal pursuant to the provisions of this part, or whether to classify the landing area otherwise and assign it for disposal by the appropriate disposal agency.

§ 8316.13 *Disposal as airport property subject to reservations, restrictions, and conditions.* (a) If the Administrator classifies the property for disposal as airport property, there shall be imposed on such disposal a condition that there shall be no exclusive right for the use of any landing area or air navigation facilities upon which Federal funds have been expended; and there also shall be imposed any or all of the reservations, restrictions, and conditions requested pursuant to the provisions of § 8316.10 hereof and approved by the Administrator, and any reservations, restrictions, and conditions determined by the Administrator; and the disposal agency shall immediately undertake to so dispose of it as airport property. Notice of availability shall be given to Government agencies listed in Exhibit A attached hereto; and to the State and political subdivisions and any municipality in which it is situated and to all municipalities in the vicinity thereof; and to the general public.

(b) In the event (1) the Administrator does not classify the property for disposal as airport property when so requested, or (2) does not approve any or all of the requested reservations, restrictions, and conditions, or (3) the disposal agency finds that it is unable to dispose of the property with the reservations, restrictions, and conditions imposed under § 8316.10 or as an airport, the owning agency shall be notified, and the owning agency may, if it desires, withdraw such airport property from surplus on making reimbursement for the cost of care and handling, or recommend the elimination or modification of such reservations, restrictions, and conditions, or the disposal of the property otherwise than as an airport. In cases arising under subparagraph (3) above, the disposal agency shall also notify the Administrator.

(c) Where the owning agency has withdrawn the airport property from surplus pursuant to the provisions of paragraph (b), and later re-declares such property surplus, with or without requesting conditions for its disposition, the Administrator shall determine the terms and conditions upon which it shall be disposed of and the proper classification to be given and shall assign it to the appropriate disposal agency for disposal.

(d) The disposal agency shall widely publicize the airport property, giving information adequate to inform interested or prospective transferees as to the general nature of the property, and any reservations, restrictions, or conditions that have been imposed as to its future use. Such publicity shall be by public advertising, and may include press releases, direct circularization to potential transferees, and personal interviews. The disposal agency shall upon request supply to bona fide prospective transferees all available information. The disposal agency shall establish procedures so that all prospective transferees showing due diligence will be given full and complete opportunity to bid.

(e) All priority holders and any other persons interested in purchasing the airport property shall submit their proposals in writing, setting forth the details of their offers and their willingness to abide by the terms, conditions, and restrictions upon which the property is offered.

§ 8316.14 *Care and handling.* (a) *Period for assumption; repairs; renewals of leases*—(1) After classification of the property for disposal as airport property pursuant to the provisions of § 8316.12, the property shall be assigned to the appropriate regional office. The disposal agency shall assume responsibility for care and handling after the expiration of sixty (60) days from the date of filing with the War Assets Administration a declaration of surplus acceptable to it, or within such additional time as may be granted by the Administrator. Pending the assumption of care and handling by the disposal agency, the owning agency shall continue to be responsible therefor. The disposal agency shall have access to the property and the records of the owning agency with respect thereto.

(2) The agency then charged with the responsibility for care and handling shall make or cause to be made repairs necessary for the protection and maintenance of the property. It shall give careful consideration to what improvements or changes may be necessary for the completing, converting, or rehabilitating of the property in order best to attain the applicable objectives of the act, and may make commitments and expenditures within its budgetary allotment for such purposes to effect such improvements or changes; *Provided, however,* That no commitments for more than $10,000 of any such budgetary allotment shall be made by such agency for any such changes and improvements in connection with any one airport without prior approval of the Administrator in writing.

(3) The agency then charged with the responsibility for care and handling of surplus airport property shall submit to the Administrator for consideration and direction the renewal of leases or the exercise of options relating to surplus airport property, with the recommendations of such agency.

(b) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, the owning agency shall immediately supply the disposal agency with the originals or true copies of all information and documents pertaining to the airport property which are in the possession of the owning agency and copies of which have not been filed with the declaration. These shall include appraisal reports, abstracts of title, maps, surveys, tax receipts, deeds, affidavits of title, copies of judgments, declarations of taking in condemnation proceedings, and all other title paper relating to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency have been satisfied The disposal agency may transfer to the purchaser of airport property, as part of the disposal transaction, any abstract of title or title guarantee which relates to the property being transferred and which is no longer needed either by the owning or by the disposal agency.

§ 8316.15 *Priorities—The entitled.* (a) Government agencies shall be accorded first priority and State and local governments, including any municipality in which the property is located and all municipalities in the vicinity thereof, second priority to acquire surplus airport properties. If the airport is offered for disposition subject to any or all of the conditions contained in § 8316.10, all priorities shall be exercised subject to such conditions.

(b) *Time and method of exercise.* The time for exercise of priorities by Government agencies or State or local governments shall be a period of thirty (30) days after the date of notices of availability given to them respectively, which notices may run concurrently; or such additional period as the disposal agency or the Administrator may allow when

necessary or appropriate to complete proposals made, and in order to facilitate disposition of the property: *Provided, however,* That if a Government agency or a State or local government has expressed in writing a desire to acquire an airport property for immediate use, the time for exercising priorities may be limited to not less than ten (10) days, and notice of availability given pursuant to the provisions of § 8316.13 (a) and (d) shall so provide. Within such period the priority holder shall indicate his intention to exercise the priority by making an offer or by submitting to the disposal agency a written application requesting that the airport property be held for disposal to it. Such offer or application shall state the terms on which the applicant is willing to acquire the property, or state that a transfer without reimbursement or transfer of funds is authorized by law, and shall contain all pertinent facts pertaining to the applicant's need for the property. If the applicant requires time to acquire funds or to obtain authority to take the property, it shall so state and indicate the length of time needed for that purpose. Upon receipt of an offer or an application, with such a statement, the disposal agency shall review the application, determine what time, if any, shall be allowed the applicant to conclude the acquisition of the property, and advise the applicant of such determination. All priorities shall expire if not exercised within the priority period and such additional time as the disposal agency may allow.

(c) *Determination between claimants having same priority.* Whenever two or more Government agencies or two or more State or local governments, respectively, shall during the priority period make acceptable offers for the same property, the matter shall be determined on the basis of the relative needs of the claimants and the public interest to be served. If the matter cannot be determined by agreement between the claimants, disposal of such property shall not be made until the disposal agency shall have reported the matter in writing to the Administrator, setting forth its recommendations and all the facts, including the basis of the respective claims, together with any statements in writing that the claimants, or any of them, may wish to file with the Administrator. The Administrator will review the matter and report his determination to the disposal agency. The Administrator's determination shall be final for all purposes.

§ 8316.16 *Permits to operate or use.* (a) Pending the disposition of surplus airport property by sale or lease, the owning agency, prior to the date accountability is assumed by the disposal agency, and the disposal agency thereafter, may (1) grant a revocable permit to maintain and operate the landing area and airport facilities included within any surplus airport property as a public airport to a Government agency or State or local government evincing an interest in acquiring the property with or without cash payment and on such terms as the accountable agency deems proper, or (2) grant a revocable permit for the landing area and airport facilities to be used for the landing, take-off, servicing, and operation of duly licensed aircraft.

(b) Permits or licenses to operate the property under the provisions of subparagraph (1) or to use the facilities under the provisions of subparagraph (2) shall be subject to the approval of the Administrator and to compliance by the licensees with all laws, ordinances, or other applicable regulations.

(c) Pending the disposal of an airport property, the agency then charged with the accountability of such property may grant a revocable lease or permit for the use of the land or buildings not within the landing area or for the use of any building other than airport facilities: *Provided,* That such lease or permit will not interfere with any use of the airport for airport purposes and will not interfere with, delay, or retard the disposal of the airport property as an airport.

§ 8316.17 *Valuation.* (a) No appraisal need be made where transfer to a Government agency without reimbursement or transfer of funds or disposal to a State or local government without a cash payment is contemplated. If it is determined that the property will not be so transferred or disposed of, the disposal agency shall establish its estimate of the fair value of the property.

(b) The estimate of fair value shall represent the maximum price which a well-informed buyer, acting intelligently and voluntarily, would be warranted in paying if he were acquiring the property for long-term investment or for continued use in the light of the obligations to be assumed by the buyer.

(c) If at any time prior to the sale of an airport property conditions affecting its value change, the disposal agency shall modify its estimate accordingly.

(d) For the purpose of establishing its estimate of fair value of the property, the disposal agency may utilize the services of its own staff, the staff of another Federal agency or, where deemed necessary, independent appraisers, and shall maintain an adequate written record to support its estimate. Each such appraisal record or report shall contain the appraiser's certificate that he has no interest, direct or indirect, in the property or its sale. In cases where owning agencies submit appraisal reports which contain adequate and reliable information, the disposal agency may use such information in establishing its estimate of the fair value of the property.

§ 8316.18 *Prices.* (a) The disposal agency shall determine the price at which a disposal of an airport property shall be made.

(b) Sale of an airport property as an airport to a buyer entitled to a priority shall be at a price which is substantially the same as the estimate of fair value, except that (1) a transfer to another Government agency without reimbursement or transfer of funds may be made where authorized by law, or (2) upon the authorization of the Administrator the disposal agency shall dispose of airport property to any State or local government without a cash payment in consideration of the acceptance by such State or local government of all reservations, restrictions, and conditions imposed by the Administrator. The disposal agency shall make such transfers of airport property to Government agencies without reimbursement or transfer of funds whenever a transfer on such terms by the owning agency by which such property was declared surplus would be authorized by law to be made to the agency desiring such property.

(c) Sale of an airport property as an airport to any purchaser other than a buyer entitled to a priority shall be at a price approximating the estimate of fair value as established by the disposal agency and shall be made at the highest price obtainable, except that the applicable objectives of the act may be taken into consideration in rejecting offers regardless of their amounts or in selecting a buyer from among equal bidders. Sales under this paragraph shall be for a monetary consideration.

§ 8316.19 *Submission to Attorney General.* Whenever any disposal agency shall begin negotiations for the disposition to private interests of an airport property which cost the Government $1,000,000 or more, the disposal agency shall promptly notify the Attorney General of the proposed disposition and the probable terms or conditions thereof, and of the extent and nature of the facilities installed or provided thereon.

§ 8316.20 *Form of transfer.* Deeds or instruments of transfer shall be in the form approved by the Attorney General. Transfers of title shall be by quit-claim deed where the airport property is transferred without a cash payment. If in other cases the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable, such form of deed may be used where recommended and approved by the Attorney General as provided in the act.

§ 8316.21 *Instruments of transfer.* (a) *Conditions.* Any deed, lease, or other instrument executed to transfer airport property pursuant to any disposal made under this part, containing reservations, restrictions, or conditions, shall contain provisions in effect:

(1) That upon a breach of any of the reservations, restrictions, or conditions by the immediate or any subsequent transferee, the title, right of possession, or other right transferred shall at the option of the Government revert to the Government upon demand; and

(2) That any such airport property may be successively transferred only with the approval of the Civil Aeronautics Administration or the successor Government agency and with the proviso that any such transferee assumes all the obligations imposed by the disposal agency in the disposal to the original purchaser.

(b) *Fissionable materials reserved.* Any lands disposed of under this part

shall be subject to a reservation of fissionable materials as provided in § 8305.12 (f) (5) [4] of Part 8305.

§ 8316.22 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part as to each disposal transaction. The information in such records shall be available at all reasonable times for public inspection. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8316.23 *Regulations by agencies to be reported to the Administrator.* Each owning agency and each disposal agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which they may issue in furtherance of the provisions, or any of them, of this part.

§ 8316.24 *Exceptions.* Exceptions to any portion of the procedure herein may be made by direction of the Administrator where such exception would not be in violation of the act.

This revision of this part shall become effective June 26, 1946.

E. B. GREGORY,
*Administrator.*

JUNE 26, 1946.

EXHIBIT A

Government agencies to be given notice of impending disposal by mail:
Department of State.
Department of the Treasury.
Department of War.
Department of Justice.
Post Office Department.
Department of the Navy.
Department of the Interior.
Department of Agriculture.
Department of Commerce.
U. S. Maritime Commission.
Office of Scientific Research and Development.

The mail address of these agencies is Washington 25, D. C.

[F. R. Doc. 46-11671; Filed, July 2, 1946; 11:55 a. m.]

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[SPA Reg. 20, Amdt. 2]

## PART 8320—SURPLUS MARINE INDUSTRIAL REAL PROPERTY

Surplus Property Administration Regulation 20, December 22, 1945, entitled "Surplus Marine Industrial Real Property", as amended through March 23, 1946 (11 F.R. 182, 561, 3302), is hereby further amended in the following respects:

1. Section 8320.7 is amended by deleting from the fourth and fifth lines the words "and the Maritime Commission".

2. Section 8320.8 (a) is amended by deleting from the seventh and eighth lines the words "and the Maritime Commission".

3. Section 8320.9 (a) is deleted.

4. Section 8320.9 (b) (1) is redesignated (a) (1) and shall read as follows:

(a) *Care and handling.* (1) After classification of the property for disposal as marine industrial real property pursuant to the provisions of § 8320.8, the property shall be assigned to the appropriate regional office of War Assets Administration, which shall be deemed to be the assignment to the disposal agency, and notice thereof shall be given to the owning agency; and the disposal agency shall promptly undertake to work out with the owning agency mutually satisfactory arrangements for the disposal agency's assumption of the care and handling of, and accountability for, the property covered by the declaration. Such assumption shall be effected within ninety (90) days after the assignment to the regional office, or within such additional time as may be granted by the Administrator, except in those cases where the surplus marine industrial real property is included in a declaration covering an airport, in which event assumption shall be in accordance with § 8316.14 (a) (1).[1] Any taxes or rentals becoming due on the property after the date of such assumption shall be paid by the disposal agency. The owning agency shall place the property in normal standby condition to insure its reasonable preservation and safety.

5. Paragraph (c) of § 8320.9 is redesignated paragraph (b).

6. Section 8320.15 (a) is amended to to read as follows:

(a) *Priorities.* Government agencies shall be accorded first priority to acquire surplus marine industrial real property hereunder for their use. Reconstruction Finance Corporation, as successor to Smaller War Plants Corporation, shall have a second priority to acquire any such surplus property for resale to such purchasers as it determines to be small business as provided in section 18 (e) of the Surplus Property Act of 1944. Such purchases shall be made by the Reconstruction Finance Corporation in its own name, and payment therefor shall be made by the Corporation. Each purchase order by the Corporation for resale purposes shall be based upon a written finding that the resale is required to preserve and strengthen the competitive position of an individual small business, or will assist the Corporation in the discharge of the duties and responsibilities imposed upon it as successor to Smaller War Plants Corporation. State or local governments shall be accorded third priority, and nonprofit institutions fourth priority hereunder.

This amendment shall become effective June 29, 1946.

E. B. GREGORY,
*Administrator.*

JUNE 29, 1946.

[F. R. Doc. 46-11668; Filed, July 2, 1946; 11:55 a. m.]

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[4] SPA Reg. 5 (11 F.R. 2644, 3301, 4096).

[1] Reg. 16, issued June 26, 1946.

## Chapter XXV—General Land Office, Department of the Interior (Surplus Property)

[Circular 1618]

## PART 9000—DISPOSAL OF SURPLUS REAL PROPERTY

Secs.



AUTHORITY: §§ 9000.01 to 9000.97, inclusive, issued under the act of October 3, 1944 (58 Stat. 765, 50 U.S.C. App. sec. 1611 et seq.), as amended September 18, 1945 (Public Law 181, 79th Cong., 1st Sess.), SPA Regulation 1 (32 CFR Part 8301) and SPA Revised Regulation 5 (32 CFR Part 8305).

§ 9000.01 *Purpose: controlling authority in disposal proceedings.* All proceedings with respect to surplus real property to be disposed of by the General Land Office of the Department of the Interior under the Surplus Property Act of October 3, 1944 (58 Stat. 765, 50 USC App. sec. 1611 et seq.), as amended, shall be governed by that act and by the regulations issued thereunder by the War Assets Administrator, or other authority exercising the regulatory function under section 9 (a) of that act. The purpose of this part, which shall also govern such proceedings, is to implement the regulations of the War Assets Administrator as to details not covered therein.

§ 9000.02 *Definitions.* Except as indicated otherwise by the context, the following definitions apply throughout this part:

(a) The term "Commissioner" means the Commissioner of the General Land Office, Department of the Interior, Washington 25, D. C.

(b) The term "notice of sale" means the notice described in 32 CFR 8305.12 (c) (2) (SPA Revised Regulation 5), or other public notice of surplus real property available for disposal.

(c) The term "project representative" means the officer or employee named as

such in the notice of sale for a specified project; his office, at the address given in the notice, is the "project office."

(d) The term "priority period" means the period of time so designated in a notice of sale, with any adjustment therein, either increase or decrease made in accordance with 32 CFR Part 8305 (SPA Revised Regulation 5), after the notice is issued.

(e) The term "priority offer" means an offer to purchase, as to which the offeror claims a priority, at the maximum price which may be charged the holder of such a priority, pursuant to 32 CFR 8305.12 (b) and (h) (SPA Revised Regulation 5).

(f) The term "sealed offer" means an offer received under seal, and marked "sealed offer," pursuant to § 9000.20.

(g) The term "deceased serviceman" means any person who died while in the active military or naval service of the United States on or after September 16, 1940.

§ 9000.03 *Availability of information for prospective purchasers.* Information about property advertised and about the disposal procedure to be followed may be secured, after the date specified therefor in the notice of sale, from the project representative for the particular property or project. Copies of the notice of sale and of applicable regulations will be available at his office. If the project representative learns that any interested Government agency, any State or local government in the vicinity of the property, or any former owner or tenant of a former owner, claims not to have received such a notice, the project representative shall immediately deliver a copy of the notice of sale to such claimant personally, taking a receipt therefor, or by registered mail, return receipt requested, and shall forward such receipt to the Commissioner. So far as possible originals or copies of deeds, judgments in condemnation proceedings, tax receipts, abstracts of title, and other documents relating to the title or value of the property will be deposited at the project office and upon request may be examined there by prospective purchasers. They will also be informed, upon inquiry, as to the maximum prices which may be charged various classes of priority holders, the number of priority offers received based upon each type or class of priority, and the number of sealed offers received, as to any tract in which they are interested. The steps necessary to protect priority rights of veterans, former owners, and other priority holders, and the general procedure to be followed in sale of the property, are explained in 32 CFR 8305.11 and 8305.12 (SPA Revised Regulation 5), and in this part.

§ 9000.04 *Terms of sale; subdivision of projects for disposal.* Conveyance will be by quitclaim deed for cash. The notice of sale will describe the units into which the real property in the project has been divided and, in general, sales will be made only in accordance with such subdivision. However, where it is necessary (in order to make possible the exercise of a priority of a former owner or a tenant which applies to a tract not separately described in the notice, or to make a more advantageous sale consistent with the objectives of the act); the land may be further or differently subdivided after the notice is published. If re-subdivision becomes necessary, all interested persons will be kept as fully informed as possible.

§ 9000.05 *Statements of desire to purchase.* After publication of a notice of sale, any person may file with the project representative a statement of his desire to purchase a portion of the real property advertised which is neither described in the notice of sale as a separate tract nor made up of any combination of the separate tracts described in the notice, or any person may file a statement of his desire to purchase one or more appropriate units of the property if he is unable to file an offer therefor because the project representative lacks information essential to such an offer. Such a statement filed pursuant to this section shall be filed in triplicate, shall describe as definitely as possible the size and location of the tract desired, the contemplated use of the land, the price he is willing to pay for the property desired, and the priority right, if any, under the act, upon which his offer will be based. When the project representative receives notice of a re-subdivision of the property or additional information essential to an offer, any person filing such statement shall be notified and given an opportunity to file an offer, unless the property is disposed of by acceptance of a priority offer theretofore made by the holder of a priority above the priority claimed in the statement of desire to purchase.

§ 9000.10 *Protection of priority rights.* A priority will be protected only if the priority holder files a priority offer during the priority period. If the project representative lacks information essential to enable the priority holder to file a priority offer, he may protect his priority by filing a statement of desire to purchase in accordance with § 9000.05. Any offer from a priority holder to pay more than the maximum price applicable to his priority shall be treated as a priority offer only.

§ 9000.11 *Non-assignability of priority rights, exercise by agent only under limited conditions.* Since 32 CFR 8305.11 (c) (SPA Revised Regulation 5) forbids assignment of a priority right, no liens nor encumbrances upon these rights can be recognized, nor can exercise by an agent be permitted except in the case of a former owner who is so situated that he cannot exercise the right in person. Any conveyance based upon a priority claim will name the priority holder as grantee.

§ 9000.20 *Preparation of offers, general.* All offers, applications from state or local governments or educational or public-health institutions for discounts on property acquired for educational or public-health purposes, and applications for transfer without reimbursement where authorized, and all accompanying documents shall be made up in triplicate, each copy originally signed. Offers shall contain the following information:

(a) The name of the officer and the mail address to which any notice of acceptance or other communications for him should be directed.

(b) The price offered.

(c) The legal description of the property for which the offer is made. If the notice of sale does not describe the property, a description in approved language for each salable tract will be procurable from the disposal officer. Unless such approved description is used, the offer may be rejected or returned for revision.

(d) The priority right claimed, if any, and the basis for such claim of priority.

(e) The amount of the deposit accompanying the offer, if one is required by this part. The deposit shall be in the form of a certified check, a cashier's check, or a United States postal money order, payable to the Treasurer of the United States.

Each priority offer filed shall be labeled, at the top of the first sheet and on the outside of any envelope in which it is filed, "Priority offer." Any other offers shall be filed in a sealed envelope labeled "Sealed offer." The outside of the envelope shall also bear a brief description of the property for which the offer is filed, and the name and address of the offeror. Further details as to the preparation of offers by particular classes of priority holders, and by nonpriority holders, are set out in §§ 9000.30 to 9000.70, inclusive.

§ 9000.21 *Filing offers, general.* All offers shall be filed with the project representative at the address given in the notice of sale. An offer may be filed by any prospective purchaser, whether a priority holder or not, during the priority period or subsequent thereto until another offer has been accepted; but no offer filed after termination of the priority period will be considered as a priority offer except as provided in 32 CFR Part 8305 (SPA Revised Regulation 5). Details as to the filing of offers by particular classes of priority holders, and by nonpriority holders, are set out in §§ 9000.30 to 9000.70, inclusive.

§ 9000.30 *Offers by federal, State or local Governments.* East priority offer by a Government agency, a State or local Government or instrumentality shall include any of the following requests desired to be submitted with the offer, together with the appropriate supporting information required by 32 CFR Part 8305 (SPA Revised Regulation 5):

(a) Request for time to secure funds or authority to complete the purchase, as provided in 32 CFR 8305.11 (d) (SPA Revised Regulation 5).

(b) Request for discount for benefits which will accrue to the United States from the proposed use of the property for educational purposes or public-health purposes, in accord with 32 CFR 8305.12 (h) (5) (SPA Revised Regulation 5), or for any other purpose which may be made the basis of a discount under applicable regulations.

(c) Request for transfer without reimbursement, stating the authority under which such transfer may be made.

(d) Request for an immediate transfer, after 10 days' notice of availability to other Government agencies, in accord with 32 CFR 8305.12 (e) (2) and (3) (SPA Revised Regulation 5).

§ 9000.40 *Offers by former owners; deposits to secure performance; offers by former owner cotenants.* Each priority offer based upon the right of a former owner, whether exercised by him or his spouse or children after his decease, shall be accompanied by a deposit of 10% of the amount bid. Any disposal, based upon a former ownership priority, of land acquired from joint tenants or tenants in common will be of the whole tract so acquired, to those of the former owner cotenants who shall have properly exercised their priority; any cotenancy established shall be of the same type as that formerly existing. The interest of any former owner cotenant who does not exercise his priority will be divided among those who do exercise their priority as they agree among themselves, or, in the absence of such agreement, in the proportion that their former interests bear to each other. A single joint priority offer signed by all who wish to exercise their rights as former owner cotenants of a tract should be filed, if possible. Any priority offer based upon former ownership of land acquired from cotenants, must state the names of all the former cotenants, the fractional interest in the tract held by each when the tract was acquired by the United States, and whether they were joint tenants or tenants in common. In addition, if such offer is filed by less than all the former cotenants, it shall state the fractional interest in the land which is to be conveyed to each offeror if the offer is accepted, and whether the offerors wish to exercise their priority and share the ownership of the land with other former owner cotenants who may exercise their priority. The purchase of real property through the exercise of the former owners' priority by one or more former owner cotenants shall exhaust all priority rights based upon former ownership of the tract involved.

§ 9000.50 *Offers based on priority of veteran, or the spouse or children of a deceased serviceman.* Any priority offer based on the right of a veteran, whether exercised by him or by his spouse or children after his decease, or based on the right of the spouse or children of a deceased serviceman, shall:

(a) Be accompanied, if based on the right of a veteran, by a photostatic copy of the veteran's discharge or release instrument, showing all entries both on the face and on the reverse thereof, or, if the offer is made by the spouse or children of a deceased serviceman, by an affidavit stating the basis of the claim to priority.

(b) State, unless the property is classified as residential property, that the purpose thereof is to aid in the establishment or maintenance of a small business, professional, or agricultural enterprise in the ownership of one or more veterans or persons entitled to priority because of relationship to deceased veterans or deceased servicemen.

(c) Include a statement that no purchase of real property under the Surplus Property Act upon the basis of such priority right has been made by the priority holder or by any of his predecessors in the holding of such priority right, and shall list all other offers to purchase real property under the act which are bassd upon the same priority right, and are still pending before any disposal agency.

(d) Be accompanied by a deposit of 10% of the amount bid. However, if an offeror makes several priority offers to buy different tracts in the same project, an aggregate deposit equal to 10% of the amount of his highest offer will support all such offers, provided that each offer based in whole or in part upon a deposit made with another offer shall identify the other offer. Ten per cent of the amount of the particular offer accepted shall be forfeited out of the supporting deposit or deposits if the offeror shall fail to perform.

§ 9000.57 *Offers by children of deceased priority holder or serviceman.* Pending the appointment of a guardian, a next friend may act so far as necessary to protect a priority right which has accrued to a minor child of a deceased priority holder or serviceman. A priority offer made in whole or in part by such a minor will not be accepted unless ratified by his guardian. No priority offer based upon a right which has accrued to the child or children of a deceased priority holder or serviceman will be accepted unless it lists the names, addresses, and dates of birth of all the living children of the decedent, whether or not all such children are parties to the offer, nor unless a satisfactory showing be made, upon request of the Commissioner, that such children as are not parties to the offer have had an opportunity to participate therein. Any conveyance to several children will be to them as tenants in common. Any purchase of real property through the exercise of a priority by one or more such children shall exhaust all priority rights of all children based upon such priority.

§ 9000.60 *Offers by owner-operators.* Each priority offer by an owner-operator shall be accompanied by a deposit of 10% of the amount bid. However, if an offeror makes several priority offers to buy different tracts in the same project, an aggregate deposit equal to 10% of the amount of his highest offer will support all such offers: *Provided*, That each offer based in whole or in part upon a deposit made with another offer shall identify the other offer. Ten percent of the amount of the particular offer accepted shall be forfeited out of the supporting deposit or deposits if the offeror shall fail to perform. The offer shall include a statement that no purchase of real property under the Surplus Property Act has been made by the offeror based upon his priority as an owner-operator, and shall list all other pending offers by the same offeror to purchase real property under the act which are based upon the same priority right and which are still pending before any disposal agency. The offer shall also include a statement that, if it is accepted, the offeror will personally operate and cultivate the land to earn a livelihood rather than lease it to a tenant.

§ 9000.65 *Offers by nonprofit institutions.* Any priority offer by a nonprofit institution shall state the basis of its claim to be such an institution as defined in 32 CFR 8305.2 (b) (4) (SPA Revised Regulation). It shall be accompanied by a deposit of 10% of the amount bid. Any nonprofit institution desiring to submit with an offer a request for a discount for benefits which will accrue to the United States from the proposed use of the property for educational or public-health purposes, or for any other purposes which may entitle it to a discount under the regulations, shall include the request in the offer, setting out the appropriate supporting information in accord with 32 CFR 8305.12 (h) (5) (SPA Revised Regulation 5).

§ 9000.70 *Offers by nonpriority holders.* Any offer by a nonpriority holder shall be accompanied by a deposit of 10% of the amount bid.

§ 9000.86 *Selection by lot.* When, pursuant to 32 CFR 8305.12 (k) (2) (SPA Revised Regulation 5) or other applicable regulation, it becomes necessary to make a selection by lot among several offerors the project representative shall hold a fair and open drawing in his office for that purpose, in the presence of two Federal employees not under the supervision of the project representative. Such drawing shall be held if practicable at 10:00 a. m. one week from the day when the priority period expires or, if the day so set would be a Sunday or a holiday, upon the next succeeding business day. If it is impracticable to hold the drawing at this time, it shall be held at a time fixed by the project representative and specified in a notice mailed to all the offerors concerned not less than 5 nor more than 10 days in advance of the date set. At the time of such drawing, the project representative will write on cards the names of the several offerors and each of these cards shall be placed in an envelope upon which there is no distinctive or identifying mark and, after all the envelopes containing the names of the several applicants shall have been thoroughly mixed in the presence of such persons as may desire to be present, they shall be drawn by the project representative and numbered in order. The cards as numbered in accordance with such drawing shall be securely fastened to the respective offers. A report stating the order in which all offers are drawn shall be sent at once to the Commissioner.

§ 9000.88 *Acceptance.* The acceptance of an offer shall be mailed to the successful offeror at the address set forth in the offer. The acceptance shall be complete upon such mailing. Before acceptance of an offer based upon the priority of an owner-operator, or if for other than residential property, upon the priority of a veteran, or of the spouse or children of a deceased serviceman, the Commissioner may require satisfactory assurance that the offer is made in aid of the purposes for which such priority rights were created, respectively, by the

act. When an offer is accepted, any deposit made by an unsuccessful bidder will be returned to him, unless the deposit supports another offer still pending made by the same offerer.

§ 9000.90 *Examination of title; settlement period.* The notice of acceptance will specify a reasonable period for examination of title and notice of objections by the successful offeror. The period will terminate not less than 21 days after mailing the notice of acceptance, nor less than 35 days after such mailing if the property is in Alaska; and the period may be extended upon application to the Commissioner and proper showing for the granting of such extension. During this period the project representative on request shall allow any title papers relating exclusively to the tract involved to be borrowed from his office by the successful offeror on the security of the deposit made with his offer, or in the absence of such deposit, on security to be determined by the Commissioner for the property concerned. Any objection to the title not specified in a written statement received by the Commissioner for the property concerned before the end of the examination period shall be deemed waived. If no objection is thus specified, the settlement period shall end ten days after the termination of the period of examination. If any objection is so specified, and if a notice from the Commissioner is delivered at the address of the offeror given in the offer stating that the objection is deemed in his opinion invalid or insufficient to make the title unmarketable or that the objection has been removed, the settlement period shall end ten days after such delivery. If the offeror is a Government agency, a State or a local government, the settlement period shall end at the expiration of any time allowed by the War Assets Administrator pursuant to 32 CFR 8305.11 (d) (SPA Revised Regulation 5) to enable the offeror to complete the acquisition of the property.

§ 9000.93 *Final payment.* On or before the termination of the settlement period, the successful offerer shall pay the balance due on the purchase price by United States postal money order, certified check or cashier's check, payable to the Treasurer of the United States. In the absence of instructions to the contrary in the notice of acceptance, the payment shall be mailed to the Commissioner at the Department of the Interior, Washington 25, D. C.

§ 9000.95 *Delivery of conveyance.* Upon receipt of the full amount of the purchase price, the Commissioner will at once send to the successful offerer by registered mail, a quitclaim deed for the real property. Upon request received from the successful offerer before the commencement of the settlement period the Commissioner will arrange for the project representative in charge of the project to receive the final payment and to deliver the deed.

§ 9000.96 *Title papers; incidental expenses.* Any title papers relating to the land which are no longer needed by the Government, and also a certificate of compliance as required in section 23 (h) of the act, will be delivered to the purchaser with the deed. The purchaser at his own expense will have to arrange for the continuing of such title evidence to date, examination of title, documentary stamps, recordation, and all other incidental matters.

§ 9000.97 *Forfeiture of deposit in case of default.* All obligation of the United States upon the sale agreement shall terminate, and the deposit supporting the offer shall be retained as liquidated damages, if the successful offeror at any time refuses to make final payment, or if his final payment is not received by the Commissioner before the end of the settlement period. The time of performance by the successful offeror is of the essence of the sale agreement. If the deposit thus forfeited for any such default was made in support of several offers, and the forfeiture reduces the amount on deposit to less than 10% of any offer still pending, such offer shall be cancelled unless the offeror promptly makes an additional deposit, in support of such pending offer, in the form required for all such deposits and in an amount equal to the difference between the remaining unforfeited deposit and 10% of the pending offer.

FRED W. JOHNSON.
*Commissioner.*

Approved: June 25, 1946.

OSCAR L. CHAPMAN,
*Acting Secretary of the Interior.*

[F. R. Doc. 46-11643; Filed, July 2, 1946; 9:59 a. m.]

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## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—General Land Office, Department of the Interior

[Circular 1617]

### PART 147—EXCHANGES BY STATES UNDER TAYLOR GRAZING ACT

#### MISCELLANEOUS AMENDMENTS

1. Section 147.2 is amended to read as follows:

§ 147.2 *Lands which may be offered in exchange.* Lands offered in exchange by a State may be lands owned by the State within or without the boundary of a grazing district, and the selected lands may be surveyed grazing district lands not otherwise appropriated or reserved, or unappropriated and unreserved surveyed public lands of the United States, within the same State. If, however, the selected lands are within the grazing district, the lands offered by the State in exchange must be within the same grazing district and such selected lands must lie in a reasonably compact body so as not to interfere with the administration or value of the remaining lands in the district for grazing purposes.

The Secretary of the Interior will determine whether an exchange will be allowed on an equal value or an equal area basis.

The values of both offered and selected lands will be determined by the Secretary of the Interior, consideration being given to any reservations of minerals or easements which may be made by the State or the United States.

When mineral lands are selected in an exchange based upon equal acreage, the patent will contain a reservation of all minerals to the United States, and in any exchanges based upon equal acreage, the State may differ mineral lands owned by the State, with a mineral reservation to the State.

Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but no mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the State by such selections waiving all rights to the unsurveyed sections.

State-owned lands, as well as school sections surveyed and unsurveyed the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district.

2. Section 147.4 is amended to read as follows:

§ 147.4 *Application for exchange; evidence required.* A State desiring to exchange lands under the provisions of this act should file application, in triplicate, in the district land office having jurisdiction over the selected lands, or in the General Land Office when there is no district land office within the State. Such application should describe the lands offered to the Government as well as those selected in exchange, by legal subdivisions of the public land surveys, or by entire sections, and nothing less than a legal subdivision may be surrendered or selected.

The application for exchange should identify the grazing district in which the offered or selected lands are situated, if in a grazing district, and should state whether the State desires the proposed exchange to be based upon equal values or equal acreage. In addition, the application should state whether or not any reservations of minerals, easements, or other rights of use in or to the offered lands are desired, and what use thereof is contemplated, whether the State consents to a reservation of minerals to the United States in the selected lands and what other reservations or easements which are to be made by the United States with respect to the selected lands are acceptable to the State. Each application for an exchange must be accompanied by the following certificate and affidavit:

(a) A certificate by the selecting agent showing that the selection is made under and pursuant to the laws of the State; that the lands selected and the lands relinquished are approximately of equal value (unless the exchange is proposed to be based on equal areas); that

the State is the owner of the lands offered in exchange, if such is the case; that the offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved, or cultivated by any person adversely to the State.

(b) A corroborated affidavit relative to springs and water holes on the selected lands in accordance with §§ 292.1–292.9.

3. Section 147.6 is amended to read as follows:

§ 147.6 *Action by General Land Office; reports.* If, upon examination of the application by the General Land Office, it appears that any of the lands involved (either offered or selected) are within a grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary a field examination will be authorized.

The report by the Director of Grazing will include information as to whether there are any watering places of public value on any of the selected lands.

With respect to any application which is referred to him for investigation, the regional field examiner, if requested, will report as to the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by anyone adversely to the State; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs, or any special features which should be considered in acting on the application; and whether any proposed reservation by the State in the offered lands will affect the equality of values of the offered and selected lands.

4. The first sentence of § 147.8 is amended to read as follows:

When the report of the regional field examiner is received, or if no field investigation is found necessary, the Commissioner of the General Land Office, unless he has reason to do otherwise, will, with the approval of the Secretary of the Interior, issue notice for publication of the contemplated exchange, and will require the State, through the Register of the District Land Office, to submit proof of publication of notice, a duly recorded deed of conveyance of the offered lands (unless such offered lands are not owned by the State), a certificate of the proper State officer showing that the offered lands have not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or official custodian of the records of transfers of real estate in the proper county, or by an abstractor or abstract company approved by the General Land Office, that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file in his office.

5. The third paragraph of § 147.13 is amended to read as follows:

In case an exchange is authorized upon an equal acreage basis, should available information show that the selected lands are mineral in character, the State will be required to file its consent to the reservation to the United States of all minerals in such lands. In such exchanges, when the offered lands are mineral in character and the State holds title thereto the State may, if desired, reserve the mineral rights in such offered lands in accordance with the provisions of paragraph 2 of subsection (c) of section 8 of the Taylor Grazing Act, as amended.

FRED W. JOHNSON.
*Commissioner, General Land Office.*

Approved: June 20, 1946.

OSCAR L. CHAPMAN,
*Acting Secretary of the Interior.*

[F. R. Doc. 46–11645; Filed, July 2, 1946; 9:59 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

**General Land Office.**

[Misc. 2110956]

COLORADO

RESTORATION ORDER NO. 1206 UNDER FEDERAL POWER ACT

JUNE 25, 1946.

By Departmental order of April 18, 1927, creating Power Site Classification No. 176, the following described lands within the White River Forest Reserve were withdrawn for power purposes:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 90 W.,
Sec. 25, lot 2;
Sec. 26, lots 8, 10, and N½ of lot 13;
Sec. 27, lot 5.
The area described aggregates 100.52 acres.

Pursuant to the determination of the Federal Power Commission (DA–255, Colorado) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F. R. 3743, the above described lands are hereby opened to disposition under applicable public land laws, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U. S. C. sec. 818).

FRED W. JOHNSON,
*Commissioner.*

[F. R. Doc. 46–11644; Filed, July 2, 1946; 9:59 a. m.]

### DEPARTMENT OF AGRICULTURE.

**Production and Marketing Administration.**

FLUE-CURED TOBACCO

NOTICE OF MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of Public Law 302, approved February 19, 1946, a national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1947. A referendum of farmers who were engaged in the production of the 1946 crop of flue-cured tobacco will be held on July 12, 1946, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to flue-cured tobacco marketing quotas for the 3-year period beginning July 1, 1947.

*Registration.* The operator on each farm on which flue-cured tobacco was produced in 1946 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

*Eligibility to vote.* 1. Farmers who engage in the production of the 1946 crop of flue-cured tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1946 crop of flue-cured tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as having been engaged in the production of such crop of tobacco in 1946.

2. If several members of the same family participate in the production of the 1946 crop of flue-cured tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1946 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the nearest community in which he engaged in the production of flue-cured tobacco in 1946.

(b) Any person who will not be present on the day of the referendum in the county in which he engaged in the production of flue-cured tobacco in 1946 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the office of the county agricultural conservation committee for the county in which he engaged in the production of tobacco in 1946 not later than the date of the referendum.

4. There shall be no voting by mail (except as provided in par. 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

5. No farmer (whether an individual, partnership, corporation, firm, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in the production of

flue-cured tobacco in two or more communities, counties, or States in 1946.

PLACE FOR BALLOTING

The place for voting in the referendum in the _____ community will be _____

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be OPENED promptly at _____ o'clock a. m. and CLOSED promptly at _____ o'clock p. m. on July 12, 1946, local time.

_____
_____
_____
(County Agricultural Conservation Committee)

Issued _____, 1946.

Issued at Washington, D. C. this 1st day of July, 1946. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
*Secretary of Agriculture.*

[F. R. Doc. 46-11616; Filed, July 1, 1946; 4:31 p. m.]

## FEDERAL POWER COMMISSION.

[Project No. 233]

PACIFIC GAS & ELECTRIC CO.

ORDER FIXING DATE AND PLACE OF HEARING

JUNE 27, 1946.

*It is ordered,* That the hearing prescribed in the order of May 28, 1946, on the amount of water to be discharged past Pit No. 5 dam on the Pit River, California, Project No. 233, licensed to Pacific Gas & Electric Company, be held in Room 247, Phelan Building, San Francisco, California, commencing at 10:00 a. m., Monday, August 5, 1946, before the Commission's Regional Engineer.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 46-11642; Filed, July 2, 1946; 9:58 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 5377]

AMERICAN MERCURY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of June, A. D. 1946.

In the matter of The American Mercury, Inc., a corporation, Lawrence E. Spivak and Joseph W. Ferman, individually and as officers of The American Mercury, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered,* That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony and the receipt of evidence in this proceeding begin on Tuesday, July 9, 1946, at nine o'clock in the forenoon of that day (Eastern Standard Time), in Room 505, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence on behalf of the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 46-11654; Filed, July 2, 1946; 11:09 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[SO 142, Order 169]

ACME ELECTRIC AND MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 169 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. The Acme Electric & Manufacturing Company. Docket No. 6083 SO 142-136-529.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of the Supplementary Order No. 142, *It is ordered:*

(a) The Acme Electric & Manufacturing Company, Cuba, N. Y., shall compute maximum prices for sales of its specialty transformers under the provisions of paragraph (b) (1) of Order No. 572 to Revised Maximum Price Regulation No. 136, substituting the figure 30.8% for the percentage applicable to the part being priced.

(b) The Acme Electric & Manufacturing Company, Cuba, N. Y., shall compute maximum prices for sales of its radio transformers under the provisions of section 19 (i) (3) of Revised Maximum Price Regulation No. 136, substituting the figure 30.8% for the percentage applicable to the part being priced.

(c) The maximum prices for sales by resellers of the products described in paragraphs (a) and (b) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this Order, by the same percentage by which his net invoiced cost has been increased by reason of this Order.

(d) The Acme Electric & Manufacturing Company shall notify each purchaser, who buys the products listed in paragraphs (a) and (b) above for resale of the percentage amount by which this order permits the resellers to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11545; Filed, June 28, 1946; 4:48 p. m.]

[SO 142, Order 170]

ENDER MFG. CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 170 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Ender Manufacturing Corporation. Docket No. 6083-SO 142-136-704.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The maximum price for sales by the Ender Manufacturing Corporation, New York, N. Y., of all its products, which are covered by any of the regulations listed in Supplementary Order No. 142, shall be determined by increasing by 6% the maximum prices for these products in effect just prior to the issuance of this order.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(c) Ender Manufacturing Corporation shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11546; Filed, June 28, 1946; 4:48 p. m.]

[SO 142, Order 171]

P. R. MALLORY & CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 171 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. P. R. Mallory & Co., Inc. Docket No. 6083-S. O.-142-136-713.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The Electronic Division, P. R. Mallory & Co., Inc., Indianapolis, Ind., shall compute maximum prices for sales of its products under the provisions of section 19 (i) (3) of Revised Maximum Price Regulation No. 136 substituting the figure 30.3% for the percentage applicable to the part being priced.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(c) P. R. Mallory & Co., Inc., shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F R. Doc. 46-11547; Filed, June 28, 1946; 4:42 p. m.]

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[SO 142, Order 172]

C. E. NIEHOFF & CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 172 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. C. E. Niehoff & Company. Docket No. 6083-S.O. 142-136-839.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 2 (c) of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by C. E. Niehoff & Company, Chicago, Ill., of its line of magnetos shall be the prices in effect for these products just prior to the issuance of Order No. 70 under Supplementary Order No. 142 effective April 4, 1946.

(b) The maximum prices for sales by resellers of the products listed in paragraph (a) above shall be the prices in effect just prior to the issuance of Order No. 70 under Supplementary Order No. 142 effective April 4, 1946.

(c) Order No. 70 and Amendment 1 to Order No. 70 under Supplementary Order No. 142 are hereby revoked.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11548; Filed, June 28, 1946; 4:41 p. m.]

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[SO 142, Order 173]

E. F. JOHNSON CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 173 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. E. F. Johnson Company. Docket No. 6083-S. O. 142-136-661.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The E. F. Johnson Company, Waseca, Minn., shall compute maximum prices for sales of all its products, except those suspended from price control by Supplementary Order No. 129, under the provisions of section 19 (i) (3) of Revised Maximum Price Regulation No. 136 substituting the figure 19.3% for the percentage applicable to the part being priced.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(c) The E. F. Johnson Company shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11549; Filed, June 28, 1946; 4:42 p. m.]

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[SO 142, Order 174]

BUCKEYE TRACTION DITCHER CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 174 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. The Buckeye Traction Ditcher Company. Docket No. 6083-SO142-136-724.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by The Buckeye Traction Ditcher Company, Findlay, Ohio, of all its products which are covered by any of its regulations listed in Supplementary Order No. 142, shall be determined by increasing by 13.9% the maximum prices for these products in effect just prior to September 28, 1945. Any prices increased as a result of this order may not be further increased by the amount of any increases authorized for construction machinery under section 19 (k) of Revised Maximum Price Regulation 136. However, notwithstanding any of the provisions of this order, the maximum prices in effect prior to the issuance of this order may be charged and received.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(c) The Buckeye Traction Ditcher Company shall notify each purchaser who buys the products listed in paragraph (a) above for resale of the percentage by which this order permits the reseller to increase his maximum net prices for these products. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11550; Filed, June 28, 1946; 4:45 p. m.]

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[SO 142, Order 175]

AMERICAN PULLEY CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 175 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. American Pulley Co. Docket No. 6083-S. O. 142-136-826.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 2 (c) of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by the American Pulley Co., Philadelphia, Pa., shall be determined as follows:

(1) The maximum prices for sales of the following products shall be the list prices in effect just prior to the issuance of this order subject to the same charges and allowances that the manufacturer had in effect to a purchaser of the same class just prior to the issuance of this order, and further subject to the following base discounts:

| Product | Established discount (percent) |
|---|---|
| Steel split pulleys | 35 |
| Conveyor Pulleys | 35 |
| Speed reducers | 46 |
| Collars | 30 |
| F. H. P. sheaves | 15 |
| Multigroove sheaves | 35 |
| Adjustable diameter sheaves | 15 |
| Hi-Torque pulleys | 37½ |
| Motor bases | 37½ |

(2) The maximum prices for sales of the following products shall be the maximum prices for these products in effect just prior to April 19, 1946:

Speed jacks. Hangers.
Agitators. Wedgbelts.
Pile shoes.

(b) The maximum prices for sales of the products covered by this order by resellers shall be determined as follows: The reseller shall increase the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the amount in percent by which his net invoiced cost has been increased, due to the adjustment granted the manufacturer by this order.

(c) The American Pulley Co. shall notify each purchaser who buys the products listed in paragraph (a) above for resale of the amount, in percent, by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) The American Pulley Co. shall report to the Office of Price Administration on or before October 15, 1946 the sales of the products covered by this order for the three months' period ended September 30, 1946, and a computation of sales of these products at the prices in effect just prior to the issuance of this order.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11551; Filed, June 28, 1946; 4:45 p. m.]

[SO 142, Order 176]

UNITED STATES AIR COMPRESSOR CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 176 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. The United States Air Compressor Company. Docket No. 6083-136.21-527.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) Order No. 541, issued November 15, 1945, under Revised Maximum Price Regulation No. 136, is hereby revoked.

(b) The maximum prices for sales by The United States Air Compressor Company, 5300 Harvard Avenue, Cleveland 5, Ohio, of its air compressors and lubricating equipment shall be determined by increasing by 10% the maximum prices in effect for those products just prior to the issuance of Order No. 541 under Revised Maximum Price Regulation No. 136.

(c) The maximum prices for sales by resellers of these air compressors described in paragraph (b) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to November 15, 1945, by the percentage amount by which his net invoiced cost has been increased by reason of this order.

(d) The maximum prices for sales by resellers of the lubricating equipment described in paragraph (b) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to November 15, 1945, by the dollar-and-cent amount by which his net invoiced cost has been increased by reason of this order.

(e) The United States Air Compressor Company shall notify each such purchaser, who buys the products listed in paragraph (b) above for resale of the percentage amount or dollar-and-cent amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(f) All requests not granted herein are denied.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 28, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11552; Filed, June 28, 1946; 4:46 p. m.]

[SO 142, Order 177]

UNITED STATES AIR COMPRESSOR CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 177 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. The United States Air Compressor Company. Docket No. 6083-SO 142-136-555.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) Order No. 105, issued May 16, 1946, under Supplementary Order No. 142, is hereby revoked.

(b) The maximum prices for sales by The United States Air Compressor Company, 5300 Harvard Avenue, Cleveland 5, Ohio, of all its products, which are covered by any of the regulations listed in Supplementary Order No. 142, shall be determined by increasing by 15.4% the maximum prices for these products in effect just prior to March 11, 1946.

(c) The maximum prices for sales by resellers of all products described in paragraph (b) above excluding lubricating equipment shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to May 16, 1946, by the percentage amount by which his net invoiced cost has been increased by reason of this order.

(d) The maximum prices for sales by resellers of the lubricating equipment described in paragraph (b) above shall be determined as follows: The reseller shall increase the maximum net price he had in effect to a purchaser of the same class, just prior to May 16, 1946, by the dollar-and-cent amount by which his net invoiced cost has been increased by reason of this order.

(e) The United States Air Compressor Company shall notify each purchaser, who buys the products listed in paragraph (b) above for resale, of the percentage or dollar-and-cent amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(f) The maximum prices for any sales and/or deliveries made by The United States Air Compressor Company and any of its resellers under the provisions of Order No. 105 shall remain in effect under the provisions of this order.

(g) All requests not granted herein are denied.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 28, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11553; Filed, June 28, 1946; 4:46 p. m.]

[SO 142, Order 178]

GOODRICH ELECTRIC CO.

Order No. 178 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and

equipment. Goodrich Electric Company. Docket No. 6083–S. O. 142–136–731.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by Goodrich Electric Company, Chicago, Ill., of all its products, which are covered by any of the regulations listed in Supplementary Order 142, shall be determined as follows: The maximum prices for any of the above described products, having a base date price, shall be the applicable base date price increased by 10.8% of that price.

The phrase in this order "base date price" shall mean a price frozen under the applicable regulation (by reference to published list prices, and to sales made during a defined period of time prior to a base date), except that for every product covered by this order the base date to be used for establishing a frozen price shall be October 1, 1941. The phrase does not include any price adjusted upward by industry-wide or individual adjustment orders.

(b) For any products for which a price is established under section 8 of Revised Maximum Price Regulation No. 136, the maximum price shall be computed under the appropriate provisions of the applicable regulation using the price computed under paragraph (a) of this order for the frozen priced product before change or modification.

(c) The maximum prices for sales by resellers of the product described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(d) The Goodrich Electric Company shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46–11554; Filed, June 28, 1946; 4:46 p. m.]

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[SO 142, Order 179]

FRIEND MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 179 Under Supplementary Order No. 142—Adjustment provisions for sales of industrial machinery and equipment. Friend Manufacturing Company, Gasport, New York. Docket No. 6083–SO 142–246–131 and Docket No. 6083–SO 142–136–777.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 2 of Supplementary Order 142, *It is ordered:*

(a) The maximum prices for sales by the manufacturer, Friend Manufacturing Company, Gasport, N. Y., of all its products, which are covered by any of the regulations listed in Supplementary Order No. 142, shall be determined by increasing by 12.2% the maximum prices for these products in effect just prior to the issuance of this order.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(c) The Friend Manufacturing Company, Gasport, N. Y., shall notify each purchaser who buys the products listed in paragraph (a) above for resale of the percentage by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 29, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46–11555; Filed, June 28, 1946; 4:45 p. m.]

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[SO 142, Order 180]

CORINTH MACHINERY CO.

Order No. 180 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Corinth Machinery Company. Docket No. 6083–S.O. 142–136–634.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales of woodworking machinery and their repair parts manufactured by the Corinth Machinery Company, Corinth, Miss., shall be determined as follows: The company shall increase the maximum list prices in effect on October 1, 1941 by 14½% and shall deduct from the resultant maximum list prices all discounts, allowances and other deductions that the company had in effect to the same class of purchaser on October 1, 1941.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order by the percentage by which his net invoiced cost has been increased by reason of this order.

(c) The Corinth Machinery Company shall notify each purchaser who buys the products listed in paragraph (a) above for resale of the percentage by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 28, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46–11556; Filed, June 28, 1946; 5:01 p. m.]

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[MPR 592, Order 69]

SAND, GRIT AND GRAVEL IN NASSAU AND SUFFOLK COUNTIES, N. Y., AND CONNECTICUT

Order No. 69 under section 17 of Maximum Price Regulation 592. Specified construction materials and refractories. Maximum prices for sand, grit and gravel produced in Nassau and Suffolk Counties, New York and sold and delivered in the State of Connecticut. Docket 6122–592–17–3.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the provisions of section 17 of MPR 592, *It is ordered,* That:

(a) On and after the effective date of this order, the maximum prices of sand, grit and gravel produced in Nassau and Suffolk Counties in the State of New York and sold and delivered to all classes of purchasers in the territory hereinafter described, are fixed and adjusted as stated below:

*Group A.* Deliveries to points east of the New York-Connecticut border line on Long Island Sound up to and including Stamford, Connecticut:

| | *Per cubic yard* |
|---|---|
| Sand | $1.07 |
| Grit | 1.07 |
| Gravel | 1.74 |

*Group B.* Deliveries to points east of Stamford, Connecticut, up to and including Norwalk, Connecticut:

| | *Per cubic yard* |
|---|---|
| Sand | $1.12 |
| Grit | 1.12 |
| Gravel | 1.79 |

*Group C.* Deliveries to points east of Norwalk, Connecticut, up to and including Bridgeport, Connecticut:

| | *Per cubic yard* |
|---|---|
| Sand | $1.17 |
| Grit | 1.17 |
| Gravel | 1.84 |

All the above prices are delivered prices for full draft cargoes, f. o. b. Scow, point of destination, unloading of Scow by purchaser.

(b) All prices fixed by this order are subject to a 5% discount for payment within 15 days. Discounts, charges and allowances in reference to unloading of Scows by purchaser are fixed and adjusted as follows:

1. If the purchaser unloads the Scow within one day from the time of delivery, he shall be allowed a discount of 4½ cents per cubic yard, discount not to exceed $30.00 per Scow.

2. If the purchaser unloads the scow within two days from the time of delivery, he shall be allowed a discount of 3 cents per cubic yard, discount not to exceed $20.00 per scow.

3. If the purchaser unloads the scow within three days from the time of delivery, he may be charged the customary scow charges for time beyond two days, less a discount of 1½ cents per cubic yard, discount not to exceed $10.00 per scow.

4. If the purchaser unloads the scow within four days or more from the time of delivery, he may be charged the customary scow charges for each day beyond two days from the time of delivery.

(c) A copy of this order has been filed with the Division of the Federal Register where it is open to inspection by the public.

This order may be revoked or amended at any time by the Price Administrator.

This order shall become effective June 28, 1946.

Issued this 28th day of June 1946.

PAUL A. PORTER,
*Administrator.*

[F. R. Doc. 46-11517; Filed, June 28, 1946; 3:41 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-127, 59-3, 59-12]

### ELECTRIC BOND AND SHARE CO. ET AL.

### NOTICE OF FILING PLAN AND NOTICE OF 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 28th day of June, A. D., 1946.

In the matter of Electric Bond and Share Company, File No. 54-127; in the matter of Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59-3; in the matter of Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

The Commission having previously instituted proceedings pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (File No. 59-3) and proceedings pursuant to section 11 (b) (2) (File No. 59-12) with respect to Electric Bond and Share Company (Bond and Share), a registered holding company, and certain of its subsidiaries, such proceedings being directed, among other things, to a determination of whether it is necessary to discontinue the existence of, or to modify the corporate structure of, or to redistribute the voting power among security holders of Bond and Share and certain of its subsidiaries, particularly National Power & Light Company (National), American Power & Light Company (American), and Electric Power & Light Company (Electric), all registered holding companies, and to a determination of what action, if any, is necessary and shall be required to be taken by Bond and Share and certain of its subsidiaries, or any of them, to limit the operations of Bond and Share and any of its subsidiaries which are registered holding companies to single integrated public-utility systems, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility systems, and the extent to which Bond and Share or any of its subsidiaries which are registered holding companies shall be permitted to retain any interest in any business other than that of a public utility; and

The Commission having entered orders, pursuant to section 11 (b) (2) of the act, requiring that the existence of National, American, and Electric be terminated, that said companies be dissolved, and that Bond and Share and said companies proceed with due diligence to submit to the Commission plans for their prompt dissolution; and

Bond and Share previously having filed certain plans pursuant to section 11 (e) of the act designated as Plans I, II, and III (See Holding Company Act Release No. 5970 for description of and notice of filing with respect to these plans), described as being for the purpose of enabling Bond and Share to comply with the provisions of section 11 (b) of the act, and the Commission having issued its notice of the filing of said plans and having ordered a hearing with respect to the plan designated Plan I and having approved said Plan I, as amended, by order issued on October 10, 1945, after finding that the elimination of Bond and Share's preferred stock is a necessary step required to be taken by Bond and Share to effectuate sections 11 (b) (1) and 11 (b) (2), and said Plan I having been approved and enforced by order of the United States District Court for the Southern District of New York dated November 5, 1945:

Notice is hereby given that Bond and Share has filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, (act), as Amendment No. 2 to the plans previously filed pursuant to section 11 (e), a plan designated Plan II-A and an application for the approval thereof in substitution for Plan II previously filed for which a request to withdraw has been made. Under the provisions of Plan I, Bond and Share has made a pro-rata payment of $30 per share as a capital distribution and the designations, preferences, and privileges, and the restrictions or qualifications of all the outstanding $5 and $6 Preferred Stocks have been modified to the extent necessary to reflect the said $30 distribution of capital subject to any adjustment to the modified dividend rates provided for therein which may be found by the Commission as fair and equitable and approved by the enforcing court. Under the terms of Plan I, the dividend rates were reduced to $4.20 and $3.50 on the $6 and $5 Preferred Stocks, respectively. Plan II, as originally filed, proposed to complete the retirement of the $5 and $6 Preferred Stocks by a distribution to the preferred stockholders of certain securities and/or cash. Plan II-A eliminates the proposal for a distribution in kind of securities to the preferred stockholders of Bond and Share, and proposes to effectuate a further distribution of capital to the preferred stockholders by an additional pro rata cash payment of $70 per share (hereinafter called capital distribution of $70), on the said $5 and $6 Preferred Stocks, or, in the event of certain circumstances, hereinafter described, a pro rata cash payment on said stocks of less than $70 per share (hereinafter called alternative capital distribution).

All interested persons are referred to said Plan II-A, which is on file in the office of the Commission, for a full statement of the transactions therein proposed, which may be summarized as follows:

As the second step in the proposed retirement of all its outstanding shares of $5 and $6 Preferred Stocks, Bond and Share proposes that it will pay to each of the holders thereof, without regard to class, $70 per share in cash, as a distribution of capital, plus any dividends on such stocks which may have accumulated up to (but not including) the effective date of Plan II-A, the amount of such dividends to be computed at the present annual dividend rates, as determined by the Commission's order approving Plan I, being $4.20 per share with respect to the $6 Preferred Stock and $3.50 per share with respect to the $5 Preferred Stock.

On the effective date of Plan II-A, all holders of the $5 and $6 Preferred Stocks will cease to be stockholders with respect to their shares of such stocks and they will be entitled to receive, within the specified time limit, from the agent designated by Bond and Share for the purpose, an instrument evidencing the fact that in the event the Commission and any appropriate court having jurisdiction, if Bond and Share should request the Commission to apply to a court for enforcement of its order, should approve or direct the payment to the holder of such instrument of any additional cash and/or other assets of the company, the said holder shall have the right to receive such additional cash and/or other assets of the company which, together with the

distribution of capital provided in Plan I and Plan II–A, will constitute the equivalent of all the rights of the holders of the preferred stocks of the company. The amount of such additional cash and/or assets, if any, will be specified in a further plan to be filed by Bond and Share under section 11 (e) of the act within 4 months after the effective date of Plan II–A and said further plan is to be subject to the approval of the Commission and any appropriate court having jurisdiction.

The effectuation of the capital distribution of $70 provided for by Plan II–A will require cash in the amount of $73,029,600 plus the amount of any dividends, computed as stated above, which may have accumulated on its preferred stocks up to (but not including) the effective date of the plan. The funds required for said capital distribution of $70 are to be obtained by Bond and Share from the proceeds of the sales of its holdings of the common stock of American Gas and Electric Company (American Gas) and all of its then holdings of common stock of Pennsylvania Power & Light Company (Pennsylvania), including shares of common stock of Pennsylvania to be acquired from National in a distribution to its common stockholders presently proposed by that company, and from bank loans, if any, in an amount which, together with the proceeds of the sales of the said shares of common stock of American Gas and Pennsylvania and such treasury cash as the company may deem it advisable to use for this purpose, will provide sufficient funds for the proposed distribution.

The company at the present time owns 846,985 shares of common stock of American Gas, and 846,817 shares of the common stock of Pennsylvania. As a holder of 46.56% of the common stock of National, Bond and Share, under a plan of liquidation filed by National with the Commission providing for an immediate distribution of 682,013 shares of National's holdings of common stock of Pennsylvania, will receive an additional 317,556 shares of the common stock of Pennsylvania, bringing its total holdings of that stock to 1,164,373 shares.

The company proposes to sell its holdings of American Gas and Pennsylvania common stocks by offering to its common stockholders rights, in the form of transferable purchase warrants, to purchase for each share of Bond and Share common stock held, .16 of a share of common stock of American Gas and .20 of a share of common stock of Pennsylvania, at a price (reduced by any amount necessary to equal the nearest even quarter dollar) equal to $7 less than the closing sale price of American Gas common stock, and $3.50 less than the closing sale price of Pennsylvania common stock, respectively, on the respective New York Exchanges upon which such stocks are traded or listed, on a trading day to be selected by the company which shall not be more than 15 days immediately preceding the date on which the notice is mailed to the company's common stockholders advising them of the said right to subscribe to the American Gas and Pennsylvania common stocks. It is proposed that the above-mentioned warrants will accompany this notice.

Separate warrants will be issued evidencing the right of the stockholders to purchase shares of common stock of American Gas and shares of common stock of Pennsylvania. Warrants will be isued in the form of "full share purchase warrants" and "fractional share purchase warrants," the former entitling the holder to purchase one or more full shares of either the common stock of American Gas or Pennsylvania, and the latter for less than one full share of either the common stock of American Gas or Pennsylvania. Subscriptions will be accepted only for full shares of American Gas common stock and/or full shares of Pennsylvania common stock. Fractional share purchase warrants must be combined at or prior to exercise with other fractional share purchase warrants so as to aggregate at least one full share purchase warrant. The company will appoint an agent to facilitate the issuance and exercise of warrants and to facilitate the purchase and/or sale of fractional share purchase warrants. Arrangements will be made for dealings in the warrants on the New York Curb Exchange and the form of the warrants will be submitted to the Commission prior to the issuance thereof.

The date on which said offer will be made to the common stockholders of Bond and Share, by mailing to them the aforesaid notice and warrants, will be as soon as practicable after the approval of this plan by the Commission, or by enforcing court, if Bond and Share requests the Commission to apply to a court for enforcement of this Plan II–A, but Bond and Share reserves the right to defer the making of said offer, if the market value of securities in general or political, financial or economic conditions are such as to render it inadvisable to proceed with such offer. The offer of said right to purchase shall be made to the stockholders of record as of a date to be fixed by Bond and Share which in its opinion shall be the nearest feasible date prior to the mailing of said notice. The said offer will be effective for a period of 18 days following the date on which the said notice is mailed, and all of the said full and fractional warrants shall become null and void upon the termination of the said offering period, except that provisions are included in the plan to protect the rights of Bond and Share's common stockholders whose addresses on the books of the company are A. P. O. or F. P. O. addresses, or whose addresses are outside the United States, Canada or Mexico.

As soon as practicable after the termination of the said offering period, Bond and Share will sell, either at competitive bidding or in such manner as the Commission may approve, any remaining shares of American Gas and/or Pennsylvania common stock not offered to or purchased by the company's common stockholders. If, at the termination of said offering period, the sale of said remaining shares of American Gas and/or Pennsylvania common stock is deemed inadvisable by Bond and Share, the company may defer the sale of said shares for a period not more than 7 months after the effective date of this Plan II–A, unless such period is extended by the Commission. The prices to be received by the company upon such sales, as well as the other terms or sale, will be subject to the approval of the Commission.

The company proposes to borrow from a bank or banks such amount of cash, if any, as may be required, which, when added to the proceeds of the sales of the said shares of American Gas and Pennsylvania common stocks and such treasury cash as the company may deem it advisable to use, permits the company to make the proposed payment on its outstanding shares of preferred stock as hereinabove described. The amount, terms and provisions of said bank loans, if any, will be subject to approval by the Commission.

The plan of liquidation of National, hereinabove referred to, in addition to providing for the distribution of shares of common stock of Pennsylvania, also provides for the distribution to the common stockholders of National for each share of common stock held of 1/10 share of common stock of Birmingham Electric Company (Birmingham) and 1/6 share of the common stock of Carolina Power & Light Company (Carolina). Bond and Share will thus acquire direct ownership of 254,045 shares of common stock of Birmingham and 423,408 shares of common stock of Carolina, which Bond and Share will sell, either at competitive bidding or in such other manner as the Commission may permit, not later than seven months after the effective date of this Plan II–A, unless such period is extended by the Commission. The proceeds of such sales will be utilized by Bond and Share, to the extent necessary, to retire any bank loans which may have been made under the terms of Plan II–A.

The effective date of the plan, in respect of the capital distribution of $70, will be a date as soon as practicable after the funds for this distribution of capital are available, and not less than 15 days prior to said effective date the company shall mail to the holders of record of its preferred stocks a notice advising said preferred stockholders of the date fixed by the company as the effective date of the plan, and further advising them that they may obtain the payment of the said cash distribution of capital, plus any accumulated dividends, as hereinabove described, and may receive the said instrument evidencing their further rights, if any, by surrendering their stock certificates to the designated agent of the company for cancellation. Except as to these rights, from and after such effective date, the holders of the $5 and $6 Preferred Stocks are to cease to be stockholders with respect to such shares and are to have no further interest in or claim against Bond and Share with respect to said shares.

Plan II–A proposes an alternative distribution in the event Bond and Share is unable to consummate a bank loan on satisfactory terms, or, if, in the judgment of Bond and Share, conditions render it expedient to make a distribution of capital of less than $70 per share with respect to its preferred stocks. Such al-

ternative distribution provides for a pro rata distribution of capital out of the proceeds of such sales of shares of American Gas common stock and Pennsylvania common stock as may have been consummated at the time the company determines to make such a pro rata distribution. The per share amount of any such distribution to the preferred stocks will be determined by dividing the net proceeds of the sales of American Gas and Pennsylvania common stocks, which have at that time been consummated, by the number of outstanding shares of preferred stocks of the company and then decreasing or increasing such amount per share to the nearest lower or higher multiple of $5, at the option of Bond and Share. With respect to the alternative capital distribution, as of the effective date of the plan the designations, preferences and privileges, and the restrictions of qualifications of all of the outstanding shares of the $5 and $6 Preferred Stocks, respectively, as heretofore modified by Plan I, will be deemed further modified to the extent necessary to reflect the said alternative distribution of capital made with respect to each share of such preferred stocks, subject to any adjustment (which may be subsequently found to be fair and equitable by the Commission and approved by any court to which application may be made for enforcement of Plan II–A) to the modified dividend rates provided for herein, for the period during which said modified rates shall have been paid or payable. Bond and Share requests that jurisdiction be reserved by the Commission and said court with respect to such adjustments to the dividend rates, if any, which may be required as a result of the consummation of the alternative capital distribution. The voting rights of the preferred stocks shall not be altered by the said alternative distribution of capital.

In the event said alternative capital distribution is to be made with respect to its preferred stocks, Bond and Share reserves the right to amend the plan to define in more detail the amount of and the method of making said alternative capital distribution and the extent of the amendments to the Certificate of Consolidation of the company necessary to reflect the modifications of the rights of the preferred stockholders of the company resulting from such distribution.

In the event of the said alternative capital distribution, the effective date of the plan shall be fixed by Bond and Share upon notification to the Commission and to any Court to which application may be made for enforcement of the plan. The same provisions previously described with respect to the capital distribution of $70, relating to the nature of and time when the notice by Bond and Share of the pro rata distribution of capital is to be sent to its preferred stockholders, will be followed in connection with the said alternative capital distribution. In the event the said alternative capital distribution is consummated, the preferred stockholders will be required to surrender their stock certificates at the office of the designated agent of the company for the purpose of having such certificates stamped with an appropriate legend evidencing the said distribution of capital and the resulting modification of the rights of the said preferred stockholders.

Upon the expiration of 6 years subsequent to the effective date of Plan II–A (subject to certain exceptions necessitated by the war), it is proposed that any cash in the hands of the designated agent not then claimed by the holders of preferred stock will be returned to the company free and clear of claims of such holders.

The Commission having by order dated August 6, 1945 consolidated for consideration proceedings previously instituted by the Commission pursuant to section 11 (b) of the act (File Nos. 59–3 and 59–12) directed to Bond and Share and certain of its subsidiaries with the proceedings with respect to the aforesaid Plans I, II and III filed by Bond and Share pursuant to section 11 (e) of the act (File No. 54–127), and having further ordered that any relevant evidence adduced in the said proceedings instituted by the Commission pursuant to section 11 (b) of the act shall be incorporated in and deemed to be a part of the record in the proceedings on the said plans filed pursuant to section 11 (e) of the act, without prejudice, however, to the Commission's right, upon its own motion or the motion of any interested party, to strike such portions of the record in the proceedings pursuant to section 11 (b) as may be deemed irrelevant to the issues raised with respect to the proposed plans.

*It is hereby ordered*, In accordance with the provisions of the said order of August 6, 1945, that the hearings with respect to the said plans filed pursuant to section 11 (e) of the act be reconvened and that a hearing be held at 10:00 a. m., e. d. t., on the 24th day of July 1946, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa., in such room as may be designated at that time by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before the 22d day of July, 1946.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

*It is further ordered*, That the hearing to be reconvened on July 24, 1946 shall be confined to a consideration of Plan II–A. In the event that amendments to said Plan II–A are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. At such times as a plan with respect to the additional payments, if any, to be made to the holders of the preferred stocks of the company as full satisfaction of the equitable equivalent of their rights, and amendments with respect to Plan III setting forth in complete detail steps therein contemplated are filed, hearings will be reconvened and appropriate notice will be duly given.

*It is further ordered*, That, without limiting the scope of the issue presented in the consolidated proceedings, particular attention will be directed at the hearing to be held on Plan II–A on July 24, 1946 to the following matters and questions:

1. Whether the proposed distributions of capital with respect to the $5 and $6 Preferred Stocks are necessary to effectuate the provisions of section 11 (b) and are fair and equitable to the persons affected thereby.

2. Whether the proposed bank loans meet the standards of the applicable provisions of the act, particularly section 7 thereof.

3. Whether the proposed elimination or modification of dividends payable with respect to the $5 and $6 Preferred Stocks, after giving effect to the capital distributions meet the standards of section 11 (e).

4. Whether the proposed limitation on the period of time for which the designated paying agent will hold funds to make the pro rata payment to preferred stockholders meets the standards of section 11 (e).

5. Whether, in general, Plan II–A as submitted or as hereafter modified is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

6. Whether, if the transactions proposed are authorized by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms and conditions be imposed in connection with such authorization, and, if so, what such terms and conditions should be.

7. Whether the fees and expenses proposed to be paid in connection with the consummation of Plan II–A and all transactions incidental thereto are for necessary services and are reasonable in amount and whether the plan should be modified to include provision for the payment of any fees and expenses in connection with said plan or the proceedings with respect thereto which the Commission may determine, award, allow or allocate.

8. Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act and the rules promulgated thereunder.

9. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and Rules thereunder.

*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 those 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; and

*It is further ordered,* That notice of this hearing be given to Bond and Share and National, and to all other persons, said notice to be given by registered mail to Bond and Share and National, and to all persons previously granted interconnection or participation in any of the proceedings consolidated herein, and to all other persons, by publication in the FEDERAL REGISTER; and

*It is further ordered,* That Bond and Share shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this Notice and Order for Hearing at his last known address at least 14 days prior to the date of this hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 46-11649; Filed, July 2, 1946; 10:58 a. m.]

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[File No. 54-51]

NATIONAL POWER & LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of June A. D., 1946.

Notice is hereby given that National Power & Light Company (National), a registered holding company and a subsidiary of Electric Bond and Share Company (Bond and Share), also a registered holding company, and Birmingham Electric Company (Birmingham), a subsidiary of National, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than July 10, 1946, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter said application-declaration may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. All interested persons are referred to the application-declaration which is on file in this Commission for a statement of the transaction therein proposed which is summarized as follows:

Birmingham proposes to amend its Certificate of Incorporation, subject to approval of its stockholders, to grant to its common stockholders preemptive rights in connection with the sale or issuance of any new or increased shares of common stock.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 46-11652; Filed, July 2, 1946; 10:58 a. m.]

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[File No. 70-1318]

CONSUMERS POWER CO. AND MICHIGAN GAS STORAGE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of June, A. D., 1946.

Notice is hereby given that Consumers Power Company ("Consumers"), a subsidiary of The Commonwealth & Southern Corporation, a registered holding company, and Michigan Gas Storage Company ("Storage Company"), a Michigan corporation recently organized, have filed an application-declaration with this Commission pursuant to applicable provisions of the Public Utility Holding Company Act of 1935.

All interested persons are referred to said document which is on file in the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Storage Company, which was organized in May 1946, has 200,000 authorized shares of common stock with a par value of $100 per share. It proposes to issue all of such stock, of which 80,000 shares are to be issued initially, and the remaining 120,000 shares are to be issued from time to time thereafter for cash at $100 per share as additional funds are required to carry out a proposed plan of development of Storage Company. It is anticipated that such plan will require an investment of approximately $20,000,000 by December 31, 1950. The plan is set forth in an agreement, dated May 3, 1946, between Consumers and Panhandle Eastern Pipe Line Company ("Panhandle"), a non-affiliate of Consumers, and is briefly described hereinafter.

Of the 80,000 shares of common stock to be issued initially, it is proposed (a) to issue 20,000 shares of Panhandle for $2,000,000 cash, (b) to issue to Consumers in exchange for certain gas properties an amount of common stock, the aggregate par value of which will be equal to the book cost less depreciation and depletion as of the date of the transfer of the properties to be acquired, the book cost (less book depreciation and depletion) of such properties at June 1, 1946 being $5,275,176.50, and (c) to issue the remainder of said initial issue for cash at par value to Consumers.

When and as additional stock is issued it will be subject for 30 days to preemptive rights. Pursuant to the aforementioned agreement between Panhandle and Consumers, Consumers will subscribe to the remaining authorized capital stock not subscribed to by Panhandle, to the extent required to carry out the proposed plan of development. It is further provided in such agreement that by mutual consent of the parties thereto, participation in Storage Company may be offered to other public utilities in the State of Michigan, as such participation is desired by such utilities and as appears advisable.

As stated in the application-declaration, the proposed transaction is part of a plan of development under which Storage Company will develop its business of purchasing, receiving, producing, storing, transmitting and selling for resale natural gas in the State of Michigan in such manner as to enable it to receive and store natural gas during the summer season in gas fields to be adapted for that purpose, and to withdraw from storage and sell natural gas in the winter months, thereby meeting the day to day requirements of Consumers and its other public utility customers, if any, while purchasing natural gas from Panhandle at a high load factor.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that such application-declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

*It is ordered* that a hearing on said matters under the applicable provisions of said act and rules of the Commission thereto be held on the 12th day of July at 11:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania in such room as the hearing room clerk in Room 318 will at that time advise. All persons desiring to be heard, or otherwise wishing to participate in the proceedings, should notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before July 10, 1946.

*It is further ordered,* That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

*It is further ordered,* That without limiting the scope of the issues otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed issue and sale of securities by Storage Company and the acquisition thereof by Consumers and Panhandle meet the applicable standards of the act.

2. Whether the proposed acquisition of Consumers' assets by Storage Company and the transfer thereof by Consumers are in conformity with the applicable standards of the act.

3. Whether the consideration to be received by Consumers for such transfer of assets is reasonable and fair and is otherwise in conformity with the standards of the act.

4. Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

5. Whether the accounting treatment of the proposed transactions is appropriate and in conformity with the requirements of the act.

6. What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

7. Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations or orders promulgated thereunder.

*It is further ordered*, That notice of said hearing be given to applicants-declarants and to all interested persons; said notice to be given to Consumers Power Company, Panhandle, Eastern Pipe Line Company and the Michigan Consolidated Gas Company, to Michigan Public Service Commission, Public Service Commission of Indiana, Public Utilities Commission of Ohio and the Federal Power Commission and to the Cities of Jackson, Battle Creek, Kalamazoo, Lansing, Pontiac, Flint, Saginaw, Bay City, Detroit and Ann Arbor, Michigan by registered mail and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 46-11648; Filed, July 2, 1946; 11:00 a. m.]

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[File No. 70-1326]

CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of June A. D., 1946.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a subsidiary of Central Public Utility Corporation, also a registered holding company.

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

Consolidated proposes to sell at competitive bidding, pursuant to Rule U-50, the presently authorized and outstanding Capital Stock of Maine Public Service Company ("Maine"), consisting of 150,000 shares of common stock, par value $10 per share, all of which, with the exception of five directors' qualifying shares, are owned by Consolidated. All of said shares have been pledged by Consolidated under a Bank Loan Agreement between Consolidated and certain banks dated as of November 15, 1945, securing Notes of Consolidated dated November 29, 1945, and due November 29, 1948. The filing states that the unpaid principal amount of these Notes will be $12,135,000 on July 1, 1946. The proceeds of the sale of Maine's stock will be deposited under the above mentioned Bank Loan Agreement in connection with the release of the Capital Stock of Maine from pledge thereunder, and will be applied towards payment of the principal of said Notes of Consolidated.

Consolidated has designated, as applicable to the proposed sale, section 12 (d) of the act and Rules U-44 and U-50 promulgated thereunder. Consolidated has requested that the Commission's order herein include recitals and specifications conforming to the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said application-declaration, and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission;

*It is ordered*, That a hearing on said application-declaration under the applicable provisions of the act and rules of the Commission thereunder be held on July 10, 1946, at 11:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that date, the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

*It is further ordered*, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose shall preside at the hearing. Each officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

*It is further ordered*, That, without limiting the scope of the issues presented by said application-declaration, particular attention be directed at the hearing to the following matters and questions:

(1) Whether the proposed sale and the terms and conditions thereof are appropriate in the public interest and the interests of investors and consumers;

(2) Whether the accounting entries proposed to be made by Consolidated in connection with the proposed transactions are consistent with sound accounting principles and conform to the standards of the act and the rules promulgated thereunder;

(3) Whether the fees, commissions and other remuneration to be paid directly or indirectly in connection with the proposed transactions are reasonable; and

(4) Generally, whether the proposed transactions comply with all of the applicable provisions and requirements of the act and rules and regulations promulgated thereunder, and whether it is necessary or appropriate in the public interest or for the protection of investors and consumers, or to prevent the circumvention of any provisions of the act or of the rules, regulations or orders thereunder to impose terms or conditions in connection with any of the proposed transactions.

*It is further ordered*, That notice of said hearing is hereby given to Consolidated and to all interested persons, said notice to be given to Consolidated by registered mail and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on our mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of a copy of this notice and order in the FEDERAL REGISTER.

It is requested that any person desiring to be heard in the proceedings shall file with the Secretary of the Commission on or before July 8, 1946, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 46-11650; Filed, July 2, 1946; 10:58 a. m.]

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[File No. 54-51]

NATIONAL POWER & LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of June, A. D., 1946.

Notice is hereby given that National Power & Light Company (National), a registered holding company and a subsidiary of Electric Bond and Share Company (Bond and Share), also a registered holding company, and Carolina Power & Light Company (Carolina), a subsidiary of National, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than July 9, 1946, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter said application-declaration may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. All interested persons are referred to the application-declaration which is on file in this Commission for a statement of the transaction therein proposed which is summarized as follows:

National and Carolina jointly request that the Commission rescind its order

dated November 3, 1941, prohibiting National from causing or permitting Carolina to declare or pay dividends on its common stock in excess of $600,000 per annum plus 25% of the amount by which net earnings available for common stock may exceed $1,250,000 per annum. Carolina proposes to amend its Agreement of Merger and Consolidation (Charter), subject to approval of its stockholders, to provide in substance, (1) that whenever the common stock equity of Carolina is less than 20% of total capitalization and surplus, the company cannot pay dividends on its common stock (other than dividends payable in common stock) in an amount which exceeds 50% of net income available for common stock and (2) that whenever the common stock equity of Carolina is between 20% and 25% of total capitalization and surplus, the company cannot pay dividends on its common stock (other than dividends payable in common stock) in an amount which exceeds 75% of net income available for common stock. The proposed amendment also provides that whenever the ratio of common stock equity to total capitalization and surplus exceeds 25%, no restriction upon common stock dividends is imposed unless such dividends would reduce the ratio to less than 25%.

Carolina also proposes to amend its Charter, subject to approval of its stockholders, to grant to its common stockholders preemptive rights in connection with the sale or issuance of any new or increased shares of common stock, and to require that the consideration received by the company from the issuance and sale of any additional shares of common stock without nominal or par value shall be entered in its capital account on its books of account.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 46-11652; Filed, July 2, 1946; 10:58 a. m.]

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[File No. 52-26, 70-1056]

YORK RAILWAYS CO. ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of June, 1946.

In the matters of York Railways Company, File No. 52-26; York Railways Company, Edison Light and Power Company, York Steam Heating Company, Glen Rock Electric Light and Power Company, Metropolitan Edison Company, NY PA NJ Utilities Company, File No. 70-1056.

An application having been filed pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 by York Railways Company, Debtor in Possession in proceedings instituted under section 77B of the Bankruptcy Act, and subsidiary of NY PA NJ Utilities Company, a registered holding company, for approval of a plan for the reorganization of York Railways Company; and

An application-declaration with respect to the transactions involved in and related to said plan of reorganization, having been filed pursuant to sections 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-45 promulgated thereunder by NY PA NJ Utilities Company and its subsidiaries, Metropolitan Edison Company, Glen Rock Electric Light and Power Company, York Railways Company, Edison Light and Power Company, and York Steam Heating Company; and

Said application-declaration, as amended, proposing: (a) The sale of York Railways Company's physical properties to Edison Light and Power Company for $41,455 in cash, (b) the sale by York Steam Heating Company of all of its franchises and property to Edison Light and Power Company in consideration for $182,582 in cash and the assumption of all liabilities of York Steam Heating Company except those payable to its parent, York Railways Company, (c) the donation by NY PA NJ Utilities Company of its holdings of securities of its subsidiary, Glen Rock Electric Light and Power Company, to Edison Light and Power Company, (d) the merger of the two last named companies, (e) the sale to Metropolitan Edison Company by York Railways Company of its holdings of all the merged Edison Light and Power Company's outstanding shares of stock, together with certain of its debt securities, for a cash consideration (estimated at $3,879,525) sufficient to enable York Railways Company to pay its obligations under the plan, and (f) the donations by NY PA NJ Utilities Company of its holdings ($45,000 principal amount) of York Railways Company Bonds to the latter and of all its holdings (23,050 shares) of York Railways Company's outstanding preferred stock to Metropolitan Edison Company; and

The Commission having, by order dated December 10, 1945, approved the said plan of reorganization and granted and permitted the application-declaration, as amended, to become effective, and said order having, among other things, reserved jurisdiction over the fees to be paid for legal services rendered to the applicants-declarants other than York Railways Company; and

Morgan, Lewis & Bockius, counsel for the applicants-declarants other than York Railways Company, having submitted information regarding the nature and extent of the services rendered by them for such companies for which a fee of $25,000 is requested in addition to reimbursement for disbursements in the additional sum of $707.15; and

It appearing to the Commission that such fee and disbursements are not unreasonable:

*It is ordered*, That the jurisdiction heretofore reserved over the fees to be paid for legal services rendered to the applicants-declarants other than York Railways Company be, and hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 46-11651; Filed, July 2, 1946; 11:00 a. m.]

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OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order CE 306]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW JERSEY COURTS

Under the authority of the Trading with the Enemy Act, a amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 24, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

EXHIBIT A

| Column 1<br>Name | Column 2<br>Country or territory | Column 3<br>Action or proceeding | Column 4<br>Interest | Column 5<br>Depositary | Column 6<br>Sum vested |
|---|---|---|---|---|---|
| | | *Item 1* | | | |
| Weronika Pankowska | Poland | Estate of Mary Gizeski, deceased, Essex County Orphans' Court, Newark, N. J. | $48.50 | George H. Becker, Clerk of the Essex County Orphans' Court, Essex County Courthouse, Newark, N. J. | $5.00 |
| | | *Item 2* | | | |
| Kazimerz Karow | Poland | Same | 98.50 | Same | 10.00 |
| | | *Item 3* | | | |
| Franczlscka Rogoska | Poland | Same | 98.50 | Same | 10.00 |
| | | *Item 4* | | | |
| Katherina Buls | Netherlands | Estate of Carel P. Brand, deceased, Hudson County Orphans' Court, Jersey City, N. J. | 185.84 | John H. Gavin, Clerk of the Hudson County Orphans' Court, Hudson County Courthouse, Jersey City, N. J. | 8.00 |
| | | *Item 5* | | | |
| Kornelia Fekkers | Netherlands | Same | 185.84 | Same | 8.00 |
| | | *Item 6* | | | |
| Adriana Mooi | Netherlands | Same | 185.84 | Same | 8.00 |
| | | *Item 7* | | | |
| Anna Knaab | Netherlands | Same | 185.84 | Same | 8.00 |
| | | *Item 8* | | | |
| Joseph Brand | Netherlands | Same | 185.84 | Same | 8.00 |
| | | *Item 9* | | | |
| Marinus Brand | Netherlands | Same | 185.84 | Same | 8.00 |
| | | *Item 10* | | | |
| Willlam Brand | Netherlands | Same | 185.84 | Same | 8.00 |
| | | *Item 11* | | | |
| Antonia Vandruska | Italy | Estate of Frank Vandruska, deceased, Essex County Orphans' Court, Essex County Courthouse, Newark, N. J. | 186.90 | George H. Becker, Clerk of the Essex County Orphans' Court, Essex County Courthouse, Newark N. J. | 19.00 |
| | | *Item 12* | | | |
| Etta Vandruska | Italy | Same | 186.89 | Same | 19.00 |
| | | *Item 13* | | | |
| Emma Vandruska | Italy | Same | 186.89 | Same | 19.00 |
| | | *Item 14* | | | |
| Filomena Maura | Italy | Estate of Luigi Russo, a/k/a Louis Russo, deceased, Hudson County Orphans' Court, Hudson County Courthouse, Jersey City, N. J. | 485.00 plus | Clerk of Hudson County Orphans' Court, Hudson County Courthouse, Jersey City, N. J. | 38.00 |
| | | *Item 15* | | | |
| Carolina Spingola | Italy | Same | 485.00 | Same | 38.00 |
| | | *Item 16* | | | |
| Pietro Ferraro | Italy | Same | 121.40 | Same | 19.00 |
| | | *Item 17* | | | |
| Giovanni Ferraro | Italy | Same | 121.40 | Same | 19.00 |
| | | *Item 18* | | | |
| Maria Ferraro | Italy | Same | 121.40 | Same | 19.00 |
| | | *Item 19* | | | |
| Liena Kerkvyk a/k/a Diena Kersvyk, Mariness Van't Woudt and Gretta Roest. | Netherlands | Estate of Jasper Van't Woudt, deceased, Monmouth County Orphans' Court, Monmouth County Courthouse, Freehold, N. J. | 13,215.13 | Dorman McFaddin, Clerk of the Monmouth County Orphans' Court, Monmouth County Courthouse, Freehold, N. J. | 213.00 |

[F. R. Doc. 46-11579; Filed, July 1, 1946; 9:52 a. m.]

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[Vesting Order CE 307]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on

Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 24, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

EXHIBIT A

| Column 1 Name | Column 2 Country or territory | Column 3 Action or proceeding | Column 4 Interest | Column 5 Depositary | Column 6 Sum vested |
|---|---|---|---|---|---|
| | | *Item 1* | | | |
| Karen Elise Drange | Norway | Estate of Dorothy Drange Torgersen, deceased. Surrogate's Court, Kings County N. Y. Index No. 5802—1941. | $875.31 | Treasurer of the City of New York, Municipal Bldg., New York, N. Y. | $21.00 |
| | | *Item 2* | | | |
| Anna Karoline Drange | Norway | Same | 875.31 | Same | 21.00 |
| | | *Item 3* | | | |
| Lankel Fishzang | Poland | Estate of Abraham Cohen, deceased. Surrogate's Court, Kings County, N. Y. Docket No. 2561—1941. | 222.68 | Same | 14.00 |
| | | *Item 4* | | | |
| Herschel Fishzang | Poland | Same | 222.68 | Same | 14.00 |
| | | *Item 5* | | | |
| Mieral Fishzang | Poland | Same | 222.68 | Same | 14.00 |
| | | *Item 6* | | | |
| Aagot Madsen | Norway | Estate of Einar H. Stoltz, deceased, Surrogate's Court, Kings County, Index No. 2749—1942, N. Y. | 1,591.37 | Same | 20.00 |
| | | *Item 7* | | | |
| Gudrum Stoltz | Norway | Same | 1,591.37 | Same | 20.00 |
| | | *Item 8* | | | |
| Hirsch Tettenbaum | Poland | Estate of Max Tettenbaum, Surrogate's Court, Kings County, N. Y. Docket No. 3241—1942 | 605.00 | Same | 41.00 |
| | | *Item 9* | | | |
| Berel Kibutz | Lithuania | Estate of Morris Cohen, deceased, Surrogate's Court, Kings County, N. Y. Court Docket No. 4032—1942. | 1,303.03 | Same | 17.00 |
| | | *Item 10* | | | |
| Zorach Kibutz | Lithuania | Same | 1,303.03 | Same | 17.00 |
| | | *Item 11* | | | |
| Dora Kibutz | Lithuania | Same | 1,303.03 | Same | 17.00 |
| | | *Item 12* | | | |
| Victoria Tubek | Poland | Estate of Joseph or Jozef Tubek, deceased. Surrogate's Court, Kings County, File No. 5801—1941. | 144.42 | Same | 25.00 |
| | | *Item 13* | | | |
| Ruben Prybulski | Poland | Estate of Sarah Lowenwirth, deceased, Surrogate's Court, Kings County, N. Y. Index No. 1354—1944. | 571.81 | Same | 22.00 |
| | | *Item 14* | | | |
| Mendel Prybulski | Poland | Same | 571.82 | Same | 22.00 |
| | | *Item 15* | | | |
| John Kasparovez | Lithuania | Estate of Vincas Vitkus, also known as Vitkins, Wincenty, Witkiewicz, Witkentez, Wincentz, William Witkiewicz, Vincent Vitkus, deceased, Surrogate's Court, Kings County, N. Y. Docket No. 4710—42. | 205.07 | Same | 15.00 |
| | | *Item 16* | | | |
| Charles Kasparovez | Lithuania | Same | 205.07 | Same | 15.00 |
| | | *Item 17* | | | |
| Benedict Kasparovez | Lithuania | Same | 205.07 | Same | 15.00 |
| | | *Item 18* | | | |
| Paola Valla | Italy | Estate of Carlo Valla, deceased, Surrogate's Court, Kings County, N. Y. Index No. 5388—1943. | 1,149.98 | Same | 38.00 |
| | | *Item 19* | | | |
| Bernardo Valla | Italy | Same | 1,149.98 | Same | 38.00 |
| | | *Item 20* | | | |
| Blondina Jansen | Norway | Estate of Hjalmar Jansen, deceased, Surrogate's Court, Kings County, N. Y. Court Docket No. 5829—1943. | 325.28 | Same | 19.00 |
| | | *Item 21* | | | |
| Ruth Jansen | Norway | Same | 130.11 | Same | 8.00 |
| | | *Item 22* | | | |
| Tordis Jansen | Norway | Same | 130.11 | Same | 8.00 |

[F. R. Doc. 46-11580; Filed, July 1, 1946; 9:52 a. m.]

[Vesting Order 6439]

AMALIE KLOSTERMANN

In re: Estate of Amalie Klostermann, deceased. File No. D–28–9255. E.T. sec. No. 12142.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Wilhelm Thaden and Wilhelm T. Thaden, and each of them, in and to the estate of Amalie Klostermann, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Wilhelm Thaden, Germany.
Wilhelm T. Thaden, Germany.

That such property is in the process of administration by Karl D. W. Thaden, Substituted Administrator, c. t. a., of the Estate of Amalie Klostermann, acting under the judicial supervision of Essex County Orphans' Court, Newark, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 5, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46–11561; Filed, July 1, 1946; 9:48 a. m.]

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[Vesting Order 6440]

ZOLTAN RUTTKAY

In re: Estate of Zoltan Ruttkay, deceased. File No. D–34–57; E. T. sec. 368.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Imre Ruttkay in and to the estate of Zoltan Ruttkay, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

*National and Last Known Address*

Imre Ruttkay, Hungary.

That such property is in the process of administration by the Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 5, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46–11562; Filed, July 1, 1946; 9:49 a. m.]

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[Vesting Order CE 304]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 4 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property which each of the persons named in said Column 1 of said Exhibit A obtains or is determined to have as a result of the action or proceeding described in said Column 3 of said Exhibit A the sums stated in said Column 4 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 21, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

EXHIBIT A

| Column 1<br>Name | Column 2<br>Country or territory | Column 3<br>Action or proceeding | Column 4<br>Sum vested |
|---|---|---|---|
| | | *Item 1* | |
| Marie Molgaard | Denmark | Estate of Peter Carl Christensen, deceased, in the Superior Court of the State of California, in and for the County of Los Angles; No. 122709. | $8.00 |
| | | *Item 2* | |
| Krista Molgaard | Denmark | Same | 8.00 |
| | | *Item 3* | |
| Peder Christensen | Denmark | Same | 8.00 |
| | | *Item 4* | |
| Anna Christensen | Denmark | Same | 8.00 |
| | | *Item 5* | |
| Kamma Christensen | Denmark | Same | 8.00 |
| | | *Item 6* | |
| Alfred Poulsen | Denmark | Same | 8.00 |
| | | *Item 7* | |
| Ejner Poulsen | Denmark | Same | 8.00 |
| | | *Item 8* | |
| Arne Poulsen | Denmark | Same | 8.00 |
| | | *Item 9* | |
| Karl Poulsen | Denmark | Same | 8.00 |
| | | *Item 10* | |
| Aage Poulsen | Denmark | Same | 8.00 |
| | | *Item 11* | |
| Agnes Poulsen | Denmark | Same | 8.00 |
| | | *Item 12* | |
| Thornwald Poulsen | Denmark | Same | 8.00 |
| | | *Item 13* | |
| Lee Toft | Denmark | Same | 8.00 |
| | | *Item 14* | |
| Ernst Toft | Denmark | Same | 8.00 |
| | | *Item 15* | |
| Ingrid Steen Christensen | Denmark | Same | 8.00 |
| | | *Item 16* | |
| Rigmor Steen Christensen | Denmark | Same | 8.00 |
| | | *Item 17* | |
| Marie Knudson, Marius Norman Nielsen, Emil Norman Nielsen and Kristina Sondergaard, or their respective issue, names unknown. | Denmark | Estate of Soren P. Sorensen, deceased, in the Superior Court of the State of California, in and for the County of Fresno; No. 6675. | 161.00 |
| | | *Item 18* | |
| Mrs. Anne Miller, or her issue | Denmark | Estate of Lorenz Lorentzen, also known as L. Lorentzen, deceased, in the Superior Court of the State of California, in and for the County of Monterey; No. 6952. | 60.00 |
| | | *Item 19* | |
| Old People's Home at Hafslo, Sogn | Norway | Estate of Peter F. Tang, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 167068. | 59.00 |
| | | *Item 20* | |
| Karl P. Tang, also known as Karl Kristoffer Munthe Tang. | Norway | Same | 59.00 |
| | | *Item 21* | |
| Mrs. Athena Metropoulu | Greece | Estate of George Costellos, also known as G. Costellos, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 95548. | 31.00 |
| | | *Item 22* | |
| Credit Lyonnais | France | Estate of Francois Narbebury, also known as Frank Narbebury, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 81486. | 28.00 |
| | | *Item 23* | |
| Suzanne Picard, or her issue | France | Estate of Leopold Hirsch, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 86606. | 34.00 |
| | | *Item 24* | |
| George Willard, or his issue | France | Same | 17.00 |
| | | *Item 25* | |
| Sylvain Willard, or her issue | France | Same | 17.00 |
| | | *Item 26* | |
| Theodore Bordenave | France | Estate of Theodore Capdevielle, deceased, in the Superior Court of the State of California, in and for the County of San Francisco; No. 50416. | 18.00 |
| | | *Item 27* | |
| Jean Constant Bordenave | France | Same | 18.00 |
| | | *Item 28* | |
| Celeste Bordenave | France | Same | 18.00 |
| | | *Item 29* | |
| Issue within France of Beatrice Raoul Duval | France | Estate of Mary A. Tobin, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 27791. | 66.00 |

[F. R. Doc. 46-11577; Filed, July 1, 1946; 9:52 a. m.]

[Vesting Order 6050]

COPYRIGHT INTERESTS HELD BY CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that each person whose name, nationality, and last known address were established, is listed at the top of each page of Exhibit A attached hereto and by reference made a part hereof, if an individual is a resident or citizen of, or if a business organization is organized under the laws of, and holds the nationality designated after the name of such person;

(b) Finding that the persons listed in said Exhibit A jointly or severally own or control the property hereinafter described in subparagraph 3;

(c) Determining that the property described as following: a. All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each person whose name, nationality, and last known address, were established is designated at the top of each page of said Exhibit A[1] in, to and under the following:

1. Every copyright, claim of copyright and right to copyright, or rights related thereto, in each and all of the words described in each page of said Exhibit A under the name of such person;

2. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

3. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

4. All rights of reversion or revesting, if any, in any or all of the foregoing;

5. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by and such property itself constitutes interests held therein by, nationals of one or more foreign countries.

(d) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(e) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interests of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 11, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46–11560; Filed, July 1, 1946; 9:48 a. m.]

[1] Filed as part of the original document.

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[Vesting Order 6564]

CHARLES RAPP

In re: Mortgage Participation Certificate No. 27 of Series 255,450, issued by Lawyers Title and Guaranty Company to Charles Rapp.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate No. 27 issued by Lawyers Title & Guaranty Company under Mortgage No. 255,450, and the right to the transfer and possession of any and all instruments evidencing such rights and interests.

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

The heirs-at-law, next-of-kin, distributees, executors, administrators and personal representatives of Charles Rapp, deceased. Germany.

That such property is in the process of administration by Title Guarantee and Trust Company, Trustee under a Declaration of Trust, dated February 2, 1937, under the judicial supervision of the Supreme Court, County of Kings, State of New York.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany;

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46–11563; Filed, July 1, 1946; 9:49 a. m.]

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[Vesting Order 6591]

MATHILDE GECK

In re: Bank account owned by Mathilde Geck. F–28–9809–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Mathilde Geck, whose last known address is Hessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mathilde Geck, by Union Bank & Trust Co. of Los Angeles, 760 South Hill Street, Los Angeles California, arising out of a term savings account, Account Number 86314, entitled Mathilde Geck, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 17, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46–11564; Filed, July 1, 1946; 9:49 a. m.]

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[Vesting Order 6610]

LUISE WILHELMINE BALK

In re: Bank account owned by Luise Wilhelmine Balk, also known as Luise Emilie Balk, also known as Luise Wilhelmine Emilie Biernoth. F–28–3022–C–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Luise Wilhelmine Balk, also known as Luise Emilie Balk, also known as Luise Wilhelmine Emilie Biernoth, whose last known address is Glienicke-Nordbahn, Nr. 40 Niederstrasse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, arising out of a Savings Account, Account Number 5680, entitled Tom F. Chapman or I. F. Chapman, Trustees for Luise Wilhelmine Balk, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Streets, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Luise Wilhelmine Balk, also known as Luise Emilie Balk, also known as Luise Wilhelmine Emilie Biernoth, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 18, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46–11565; Filed, July 1, 1946; 9:49 a. m.]

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[Vesting Order CE 305]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form

APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 21, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

EXHIBIT A

| Column 1<br>Name | Column 2<br>Country or territory | Column 3<br>Action or proceeding | Column 4<br>Interest | Column 5<br>Depositary | Column 6<br>Sum vested |
|---|---|---|---|---|---|
| | | *Item 1* | | | |
| Caroline Picot | France | Estate of Charles Picot, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 98567. | Income from trust under will of Charles Picot, deceased. | George M. Breslin, trustee under will of Charles Picot, deceased, 453 So. Spring St., Los Angeles, Calif. | $23.00 |
| | | *Item 2* | | | |
| Madeline Picot | France | Same | 1/6th of remainder of trust under will of Charles Picot, deceased. | Same | 46.00 |
| | | *Item 3* | | | |
| Cledl Didier | France | Same | 1/6th of remainder of trust under will of Charles Picot, deceased. | Same | 46.00 |
| | | *Item 4* | | | |
| Abel Allemand | France | Same | 1/7th of remainder of trust under will of Charles Picot, deceased. | Same | 46.00 |
| | | *Item 5* | | | |
| Constance Victoria Martin | France | Same | 1/7th of remainder of trust under will of Charles Picot, deceased. | Same | 46.00 |
| | | *Item 6* | | | |
| Jules Hirsch | France | Estate of Leopold Hirsch, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 86606. | Income of $125 per month from trust under will of Leopold Hirsch, deceased. | Joseph Hirsch and Ernest Hirsch, trustees under the will of Leopold Hirsch, deceased, 132 Sutter St., San Francisco, Calif. | 13.00 |
| | | *Item 7* | | | |
| Elise Willard | France | Same | Income of $125 per month from trust under will of Leopold Hirsch, deceased. | Same | 13.00 |
| | | *Item 8* | | | |
| Johannes Henricus Soethout or Johanna Haarbosch Soethout. | Holland | Estate of Anton Soethout, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 115065. | Income from trust under will of Antone Soethout, deceased. | Anthony J. Jacobs, trustee under the will of Antone Soethout, deceased, c/o Goodspeed, McGuire, Harris & Pfaff, 311 S. Spring St., Los Angeles, Calif. | 53.00 |
| | | *Item 9* | | | |
| Maria Soethout Van Der Linden. | Holland | Same | Income from trust under will of Antone Soethout, deceased. | Same | 53.00 |
| | | *Item 10* | | | |
| Mrs. Christiaan Soethout | Holland | Same | Income from trust under will of Antone Soethout, deceased. | Same | 53.00 |
| | | *Item 11* | | | |
| Madam Anna Rasmussen | Denmark | Estate of Peter Ebbesen, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 212218. | $110.87 | Hollywood State Bank, account in the name of Madam Anna Rasmussen, legatee of the estate of Peter Ebbesen, deceased, as per Court Order and decree #212218, dated May 3, 1944. 6801 Santa Monica Blvd., Hollywood, Calif. | 25.00 |
| | | *Item 12* | | | |
| Husejer Niels Nielsen | Denmark | Same | $83.16 | Hollywood State Bank, account in the name of Husejer Niels Nielsen, legatee of the estate of Peter Ebbesen, deceased, as per Court Order and decree #212218, dated May 3, 1944. 6801 Santa Monica Blvd., Hollywood, Calif. | 18.00 |
| | | *Item 13* | | | |
| George Bissinger | Philippine Islands | Estate of Leon Greenbaum, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. P-71254. | Income from trust under will of Leon Greenbaum, deceased. | Wells Fargo Bank and Union Trust Co., trustee, 4 Montgomery St., San Francisco, Calif. | 46.00 |
| | | *Item 14* | | | |
| Lotte Meyerhardt-Garfanowitz, also known as Juka Garfanowitz. | Latvia | Estate of Louis Meyerhardt, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 208111. | $2,937.23 | The Farmers and Merchants National Bank of Los Angeles, savings account No. 14458, in the name of Lotte Meyerhardt-Garfanowitz, also known as Juka Garfanowitz, 401 S. Main St., Los Angeles, Calif. | 92.00 |

[F. R. Doc. 46–11578; Filed, July 1, 1946; 9:52 a. m.]

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[Vesting Order 6616]

MARIE LUISE ELSHOLZ

In re: Bank account owned by Marie Luise Elsholz. F–28–3755–C–1; F–28–3755–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Marie Luise Elsholz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, arising out of a Savings Account, Account Number 5671, entitled Tom F., or I. F. Chapman

Trustees for Marie Luise Elsholz, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Streets, San Francisco, California, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 18, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46-11566; Filed, July 1, 1946; 9:49 a. m.]

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[Vesting Order 6627]

MARIE MAGDALENA KLARA LUDECKE

In re: Bank account owned by Marie Magdalena Klara Ludecke. F-28-3455-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Marie Magdalena Klara Ludecke, whose last known address is Jeeben, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, arising out of a savings account, Account Number 5468, entitled I. F. or Tom F. Chapman, Joint Tenants as Trustees for Marie Magdalena Klara Ludecke, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Streets, San Francisco, California, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 18, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46-11567; Filed, July 1, 1946; 9:50 a. m.]

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[Vesting Order 6628]

HEINTRICH MEHLHOP

In re: Bank account owned by Heintrich Mehlhop, also known as Heinrich Mehlhop, F-28-3562-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Heintrich Mehlhop, also known as Heinrich Mehlhop, whose last known address is Hessen Kreis Hoya, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, Account Number 20503, entitled I. F. Chapman or Tom F. Chapman, Trustees for Heintrich Mehlhop, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heintrich Mehlhop, also known as Heinrich Mehlhop, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 18, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46–11568; Filed, July 1, 1946; 9:50 a. m.]

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[Vesting Order 6631]

GRETCHEN NEFFGEN

In re: Bank account owned by Gretchen Neffgen. F–28–23406–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Gretchen Neffgen, whose last known address is Koenigswinter, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gretchen Neffgen, by First Wisconsin National Bank, 743 North Water Street, Milwaukee 1, Wisconsin, arising out of an unclaimed balances—section of demand deposits account, entitled Gretchen Neffgen, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 18, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 46–11569; Filed, July 1, 1946; 9:50 a. m.]

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[Vesting Order 6632]

WERNER PIETZSCH

In re: Bank account owned by Werner Pietzsch. F–28–6647–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Werner Pietzsch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Werner Pietzsch, by Manufacturers and Traders Trust Company, 284 Main Street, Buffalo 5, New York, arising out of a Trust Department Account, Account Number 2434, entitled Agent and Custodian for Werner Pietzsch, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 18, 1946.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

F. R. Doc. 46–11570; Filed, July 1, 1946; 9:50 a. m.]