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Regulations

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 130]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

DESIGNATION OF AIRPORT TRAFFIC ZONES

FEBRUARY 7, 1946.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

1. By inserting in § 601.3000 the following:

El Dorado, Arkansas..... Goodwin Field

This amendment shall become effective 0001 e. s. t., March 1, 1946.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 46-3175; Filed, Feb. 28, 1946; 9:39 a. m.]

[Amdt. 132]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

DESIGNATION OF AIRPORT APPROACH ZONES

FEBRUARY 13, 1946.

Acting pursuant to the authority vested in me by Section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By deleting from § 601.2000 the following:

Clarendon, Texas..... C. A. A. Int. Field

This amendment shall become effective 0001 e. s. t., March 15, 1946.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 46-3176; Filed, Feb. 28, 1946; 9:40 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51410]

PART 6—AIR COMMERCE REGULATIONS

DESIGNATION OF MASSENA AIRPORT, MASSENA, N. Y., AS AIRPORT OF ENTRY WITHOUT TIME LIMIT

FEBRUARY 26, 1946.

The Massena Airport, Massena, New York, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), effective March 15, 1946.

Section 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12), is hereby amended by adding the location and name of this airport at the proper place in the list of airports of entry contained therein.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

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

[F. R. Doc. 46-3180; Filed, Feb. 28, 1946; 10:29 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 210—EXECUTION AND FILING OF AN APPLICATION

CANCELLATION OF APPLICATION

Amending §§ 210.11 and 210.12 of the regulations under the Railroad Retirement Act.

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REGULATIONS AND NOTICES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

[1] Chapter PLO 315, Title 43, Chapter I.

CODIFICATION GUIDE—Continued

Pursuant to the authority contained in sections 2 and 10 of the act of June 24, 1937 (Sections 2, 10, 50 Stat. 309, 314; 45 U. S. C. Sup. 228b, 228j), §§ 210.11 and 210.12 of the regulations under the Railroad Retirement Act are amended, effective February 12, 1946, by Board Order 46–62, dated February 12, 1946, as follows:

§ 210.11 *Cancellation of an application.* An application shall be cancelled whenever the applicant by a writing filed with the Board requests that his application be cancelled.

§ 210.12 *Effect of cancellation.* The effect of the cancellation of an application shall be the same as though no application had been filed. In the event the individual whose application is cancelled dies, there are no greater rights than if no application had ever been filed. The individual whose application has been cancelled may reapply by filing a written request for an annuity. In the event of such reapplication the application shall be deemed filed as of the date

that such written request is received by the Board.

By authority of the Board.

Dated February 25, 1946.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 46-3173; Filed, Feb. 28, 1946; 9:38 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA Reg. 60-5F]

PART 703—PUBLIC WAR HOUSING

EXCLUSIVE RESERVATION OF PUBLIC WAR HOUSING FOR DISTRESSED VETERANS AND SERVICEMEN

Sec.

AUTHORITY: §§ 703.1 to 703.5, inclusive, issued under 55 Stat. 838; E.O. 9070, 7 F.R. 1529; and 54 Stat. 1125, as amended.

§ 703.1 *Purpose.* (a) Sections 703.1 to 703.5, inclusive, revise NHA Regulation No. 60-5E [1] and incorporate the provisions of NHA Regulation No. 60-5E-1.[2] Regulation No. 60-5E set forth the occupancy standards for public war housing and provided generally for an occupancy preference for distressed veterans and distressed families of servicemen and veterans on a parity with employees of war industries engaged in completing war contracts and certain other war workers. Because of the increasingly urgent need of housing for distressed veterans and servicemen and the decreasing number of persons engaged in the completion of war contracts and demobilization activities, it is the purpose of §§ 703.1 to 703.5, inclusive, to limit admission to vacancies in such public housing to distressed veterans and distressed families of veterans and servicemen, except as otherwise provided in or specifically authorized pursuant to §§ 703.1 to 703.5, inclusive.

§ 703.2 *Eligibility for admission to vacancies in Lanham Act and other public war housing.* (a) In all PL-849 (Lanham Act) [Pub. Law 849, 76th Cong. as amended] except mutual ownership and public conversion properties, in PL-9, 73, 353 (Temporary Shelter Acts) [Pub. Laws 9, 73 and 353, 77th Cong.], and in PL-781 (Naval Appropriation Act, 1941) [Pub. Law 781, 76th Cong. as amended] projects, eligibility for admission to vacancies shall be in accordance with the provisions of this section until the admission of tenants is discontinued.

(b) In family dwelling projects determined to be of a temporary character pursuant to section 313 of the Lanham Act, demountable family dwelling projects which are to be removed from their present sites, temporary dormitories, trailers, and stop-gap accommodations, only distressed veterans and distressed families of veterans and servicemen shall be eligible for admission prior to the termination of such projects, except as provided below. Upon a written request and justification by the Regional Representative, the Assistant Administrator (Reconversion) may approve for specific projects (under this paragraph) the admission of persons and families in the following categories and order of preferences: *Provided, however,* That (except as stated in § 703.2 (d)) no such person or family may be admitted when a vacancy occurs if there is an eligible distressed veteran or distressed family of a veterans or serviceman available to occupy the vacant accommodations:

(1) Any military personnel (other than in the above distressed families) and civilian employees and their families or dependents, without housing, of the War and Navy Departments, the Coast and Geodetic Survey, and the United States Public Health Service assigned to duty in the locality, and civilian employees of any private plants which are specifically determined by the Regional Representative to be engaged in the completion of war contracts;

(2) Other distressed persons and families who are without housing as a result of the war or its orderly demobilization.

Upon termination of any project under this paragraph, no persons or families shall be admitted to vacancies in such project.

(c) In all projects not determined to be of a temporary character pursuant to section 313 of the Lanham Act, except demountable projects which are to be removed from their present sites, distressed veterans and distressed families of veterans and servicemen are eligible for admission to vacancies prior to the disposition of such projects, except as provided below. If there is no eligible distressed veteran or distressed family of a veteran or serviceman available to occupy the vacant accommodations, the following persons and families are eligible for admission in the following order of preferences:

(1) Any military personnel (other than in the above distressed families) and civilian employees and their families or dependents, without housing, of the War and Navy Departments, the Coast and Geodetic Survey, and the United States Public Health Service assigned to duty in the locality, and civilian employees of any private plants which are specifically determined by the Regional Representative to be engaged in the completion of war contracts;

(2) Other distressed persons and families who are without housing as a result of the war or its orderly demobilization;

(3) Other persons and families in need of housing.

(d) In exceptional cases the Assistant Administrator (Reconversion) upon the written request of the Regional Representative justifying such exception may approve for specific projects under this section:

(1) The exclusive reservation of dwellings for distressed military personnel or distressed civilian employees of the War or Navy Departments or of private plants which are specifically determined by the Regional Representative to be engaged in the completion of war contracts; or

(2) The admission on a parity with distressed veterans and distressed families of veterans and servicemen, of distressed civilian employees of the War and Navy Department, distressed uniformed and civilian personnel of the Coast and Geodetic Survey and United States Public Health Service assigned to duty in the locality, and distressed civilian employees of private plants which are specifically determined by the Regional Representative to be engaged in the completion of war contracts.

(e) A person otherwise eligible under this section who applies for occupancy for himself only, shall be eligible for only accommodations appropriate for single persons.

§ 703.3 *Eligibility for admission to vacancies in other public housing under the jurisdiction of the National Housing Administrator.* (a) Eligibility for admission to vacancies in Defense Homes Corporation projects, public conversion properties, the 8 Lanham Act mutual ownership projects, Federally-owned PL-671 and non-war housing projects of FPHA not leased to local housing authorities, shall be determined by the Federal Public Housing Authority subject to applicable Federal and local laws: *Provided, however,* That no family other than a distressed family of a veteran or serviceman shall be admitted when a vacancy occurs if there is a qualified distressed family of a veteran or serviceman available to occupy the vacant accommodations.

§ 703.4 *Distressed veterans and families of servicemen and veterans.* Veterans and families of servicemen and veterans are "distressed" within the meaning of §§ 703.1 to 703.5, inclusive, and affected by unusual hardships if such persons are without housing, by reason of eviction, low income or otherwise, and are unable to find in the area adequate housing within their financial reach. This includes a family of a returning veteran who is unable to find a dwelling in the area within his financial reach in which he can reestablish his family. Distressed families of servicemen or veterans include distressed families of deceased servicemen or veterans. As used in §§ 703.1 to 703.5, inclusive, a veteran means a person who has served in the military or naval forces of the United States during World War II and who has been discharged or released therefrom under conditions other than dishonorable.

(b) The finding made in § 701.12 of this chapter (section 3 of NHA Regulation 60-14; 10 F.R. 8685) is hereby continued and broadened to read as follows: "In accordance with Title V (section 501) of the Lanham Act (Public 849, 76th Congress, as amended) and subject to subsequent determinations, it is hereby found that in those localities where distressed veterans or distressed families of servicemen or veterans are without

[1] 10 F.R. 15107.
[2] 10 F.R. 15336.

adequate housing accommodations and are unable to find such accommodations within their financial reach, an acute shortage of housing exists within the meaning of said section 501 and that, because of war restrictions, permanent housing cannot be provided in sufficient quantities when needed."

§ 703.5 *Establishment of fair rentals.* (a) The Federal Public Housing Commissioner is hereby authorized and directed to (1) fix fair rentals for housing made available under § 703.2 to distressed veterans and distressed families of servicemen and veterans, which rentals shall be within the financial reach of such distressed persons, and (2) fix fair rentals for housing made available under § 703.2 to other persons which shall be based upon the value of the housing as determined by the Commissioner: *Provided,* That in exceptional cases during the present emergency he may adjust rentals subject to applicable law and contractual obligations.

This regulation shall be effective immediately.

WILSON W. WYATT,
Administrator.

[F. R. Doc. 46-3160; Filed, Feb. 27, 1946; 11:40 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5496]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXCESS PROFITS NET INCOME IF INCOME CREDIT IS USED

The seventh paragraph of § 30.711 (a)-2 of Regulations 109 (26 CFR, 1941 Supp., Part 30) and the fifth paragraph of § 35.711 (a)-2 of Regulations 112 (26 CFR, Cum. Supp., Part 35) each as amended by Treasury Decision 5421, approved December 11, 1944, are each further amended to read as follows:

The provisions of section 711 (a) (1) (e), relating to recoveries of bad debts, are applicable in the case of a taxpayer using the reserve method of treating bad debts only if the bad debt recovered has been charged against the reserve account pursuant to § 19.23 (k)-5 of Regulations 103, and corresponding provisions of prior regulations, for a taxable year beginning prior to January 1, 1940. It is immaterial, for the purposes of making the adjustment under section 711 (a) (1) (e), whether recoveries of bad debts charged off are credited to the reserve for bad debts or are reported as gross income, but in no case where recoveries of bad debts are credited to the reserve account shall the amount excluded under section 711 (a) (1) (e) be in excess of the amount by which the normal-tax net income for the taxable year was increased by reason of the bad debts recovered. For example, if a deduction of $10,000 from gross income would have been allowable for an addition to the reserve account in the absence of bad debts recoverd which have been charged against the reserve account for taxable years beginning prior to January 1, 1940, and no deduction is required during the taxable year by reason of such bad debts recovered in the amount of $13,000 and credited to the reserve account, the adjustment of the normal-tax net income for the taxable year under section 711 (a) (1) (e) would be limited to $10,000. In such case, the excess of the bad debt recoveries over the amount which would have been added to the reserve account had there been no such recoveries, i. e., the $3,000, will decrease the amount to be added to the reserve in the following year, and accordingly such amount may be excluded under section 711 (a) (1) (e) in such following year.

(Sec. 62 of the Internal Revenue Code, 53 Stat. 32; 26 U. S. C. 62, as made applicable by sec. 729 (a) of the Internal Revenue Code, 54 Stat. 989; 26 U. S. C. 729 (a))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: February 27, 1946.

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

[F. R. Doc. 46-3178; Filed, Feb. 28, 1946; 10:29 a. m.]

[T. D. 5495]

PART 21—DECLARED VALUE EXCESS PROFITS TAX

TERMINATION OF TAX; COMPUTATION OF TAX IN RESPECT OF WAR LOSS RECOVERIES

In order to conform Treasury Decision 5237, approved March 8, 1943, establishing regulations relating to the declared value excess profits tax imposed by subchapter B of chapter 2 of the Internal Revenue Code, for income-tax taxable years ending after June 30, 1942, as amended by Treasury Decision 5401, approved August 26, 1944, to sections 201, 202 and 203 of the Revenue Act of 1945 (Public Law 214, 79th Congress), approved November 8, 1945, and such Treasury decision is hereby amended as follows:

PARAGRAPH 1. The heading of the Treasury decision is amended by changing the period at the end thereof to a comma and adding thereto the following "and prior to July 1, 1946."

PAR. 2. Section 21.0 (a) is amended as follows:

(A) By inserting immediately after "Introductory. (a)" the following: "(1)".

(B) By inserting after "ending June 30, 1942," the following: "and terminating with the year ended June 30, 1945,".

(C) By adding at the end thereof the following:

(2) The Revenue Act of 1945 provides in part as follows:

SEC. 201. REPEAL OF CAPITAL STOCK TAX.

Effective with respect to years ending after June 30, 1945, chapter 6 (imposing the capital stock tax) is repealed.

PAR. 3. Section 21.0 (b) is amended as follows:

(A) By changing the matter at the beginning thereof, including the quotation of section 600, to read as follows:

(b) (1) Subchapter B of chapter 2 of the Internal Revenue Code, as amended, provides as follows:

SUBCHAPTER B—DECLARED VALUE EXCESS-PROFITS TAX

SEC. 600. RATE OF TAX [AS AMENDED BY SECTION 204 OF THE REVENUE ACT OF 1940, SECTION 506 OF THE SECOND REVENUE ACT OF 1940, SECTION 302 OF THE REVENUE ACT OF 1941, SECTION 302 OF THE REVENUE ACT OF 1942, AND SECTION 203 OF THE REVENUE ACT OF 1945].

(a) *In general [applicable to income-tax taxable years ending after June 30, 1942, and prior to July 1, 1946].* If any corporation is taxable under section 1200 with respect to any year ending June 30, there shall be imposed upon its net income for the income-tax taxable year ending after the close of such year, an declared value excess-profits tax equal to the sum of the following:

6⅔ per centum of such portion of its net income for such income-tax taxable year as is in excess of 10 per centum and not in excess of 15 per centum of the declared value;

13⅓ per centum of such portion of its net income for such income-tax taxable year as is in excess of 15 per centum of the declared value.

(b) *Alternative tax [applicable to income-tax taxable years ending after June 30, 1945, and before July 1, 1946].* If the net income for the taxable year includes any amount on account of war loss recoveries under section 127 (c), then, in lieu of the tax computed under subsection (a), the tax shall be a tax computed as follows:

(1) An amount computed under subsection (a), after excluding from net income the amount of the war loss recoveries, plus

(2) One and one-quarter per centum of the amount of the war loss recoveries included in the net income or of such portion of the net income as would be subject to the tax imposed by subsection (a) in the absence of this subsection, whichever is the lesser.

(B) By adding at the end thereof the following:

(2) The Revenue Act of 1945 provides in part as follows:

SEC. 202. REPEAL OF DECLARED VALUE EXCESS PROFITS TAX.

Effective with respect to income-tax taxable years ending after June 30, 1946, subchapter B of chapter 2 (imposing the declared value excess profits tax) is repealed.

PAR. 4. Section 21.1 is amended by adding at the end thereof the following:

(e) "War loss recoveries" means recoveries of war losses within the contemplation and limitations of section 127 of the Internal Revenue Code.

PAR. 5. Section 21.2 is amended by changing the period at the end thereof to a comma, and adding thereto the following: "and before July 1, 1946. The alternative tax imposed by section 600 (b) of the Internal Revenue Code, applicable where net income for the taxable year includes any amount on account of war loss recoveries under section 127 (c) of the Code, is effective only with respect to income-tax taxable years ending after June 30, 1945, and before July 1, 1946."

PAR. 6. Section 21.3 (a) is amended to read as follows:

(a) *Domestic and foreign corporations*—(1) *General.* With respect to income-tax taxable years ending after June

30, 1942, and before July 1, 1946, the declared value excess profits tax imposed by section 600 (a) is an amount equal to the sum of (i) 6⁹⁄₁₀ per cent of such portion of the corporation's net income for the income-tax taxable year as is in excess of 10 percent and not in excess of 15 per cent of the declared value, plus (ii) 13⁹⁄₁₀ per cent of such portion of its net income for the income-tax taxable year as is in excess of 15 percent of the declared value, on the capital stock tax return for the last preceding capital stock tax taxable year. (See example (1), § 21.4.) No variation is permitted between the declared value set forth in the corporation's capital stock tax return and the declared value set forth in its declared value excess profits tax return.

(2) *Alternative tax where war loss recoveries included in net income.* With respect to income-tax taxable years ending after June 30, 1945, and before July 1, 1946, section 600 (b) provides an alternative method for computing the declared value excess profits tax liability in cases where net income includes amounts on account of war loss recoveries under section 127 (c) of the Code. (See also Regulations 111, § 29.127 (c)–1.) In such cases, in lieu of the tax as computed under section 600 (a), the tax shall be an amount computed under section 600 (a) (see paragraph (a) (1) of this section) after excluding from net income the amount of war loss recoveries, plus the lesser of the following:

(i) 1¼ per cent of the amount of the war loss recoveries included in the net income.

(ii) 1¼ per cent of such portion of the net income as would be subject to the declared value excess profits tax if section 600 (b) were not applicable.

See examples (5) (a) and (5) (b), § 21.4.

PAR. 8. Section 21.4 is amended by adding at the end thereof the following:

Examples (5) (a) and (5) (b). These examples illustrate the application of section 600 (b) of the Internal Revenue Code and § 21.3 (a) (2).

(a) Assume the same circumstances as in example (1), except that the year involved is the calendar year ended December 31, 1945, and instead of dividends received in the amount of $5,000, there are war loss recoveries in the amount of $4,250. The computation under section 21.3 (a) (2) is as follows:

(A) Declared value excess profits tax on net income of $25,000, less war loss recoveries of $4,250, or $20,750 (see example (1))	$1,089.00
(B) Under section 21.3 (a) (2) (i): 1¼% of $4,250, the amount of the war loss recoveries	$53.13
(C) Under section 21.3 (a) (2) (ii): 1¼% of $15,000 (the excess of net income over 10% of the declared value), the amount subject to declared value excess profits tax if section 600 (b) were not applicable	187.50
Add to (A) the lesser of (B) and (C)	53.13
Declared value excess profits tax under section 600 (b)	1,142.13

(b) Another example is as follows:

Assume the same circumstances as in (a), except that the declared value is $220,000. The computation is as follows:

Net income for calendar year 1945	$25,000
Less war loss recoveries	4,250
Net income exclusive of war loss recoveries	20,750.00
10% of the value declared in the capital stock tax return for the year ended June 30, 1945 (10% of $220,000)	22,000.00
(D) Tax on net income minus war loss recoveries	$0.00
(E) Under section 21.3 (a) (2) (i): 1¼% of war loss recoveries of $4,250	$53.13
(F) Under section 21.3 (a) (2) (ii): 1¼% of such portion of the net income as would be subject to the declared value excess profits tax if subsection 600 (b) were not applicable (1¼% of $3,000 ($25,000 minus $22,000))	37.50
The lesser of (E) and (F)	37.50
Declared value excess profits tax under section 600 (b)	37.50

(Secs. 62 and 603 of the Internal Revenue Code (53 Stat. 32, 111; 26 U.S.C., 1940 ed. 62, 603), and Title II of the Revenue Act of 1945 (Public Law 214, 79th Congress), approved November 8, 1945)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: February 27, 1946.

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

[F. R. Doc. 46–3179; Filed, Feb. 28, 1946; 10:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 112, Amdt. 22]

PENNSYLVANIA ANTHRACITE

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. 112 is amended in the following respects:

1. Section 1340.195 (d) is added to read as follows:

(d) *Invoices.* Each person selling anthracite subject to this regulation shall, within 45 days after date of sale or if the sale is a cash transaction, immediately after sale, give his purchaser an invoice, sales-slip or other evidence of sale, containing the information hereinafter set forth and keep for at least one year thereafter an exact copy thereof. The invoice or other memorandum of sale shall contain:

(1) The date of shipment, the name and address of the seller and purchaser, and destination of shipment.

(2) The tonnage of each size shipped and the per net ton price charged, f. o. b. the colliery. If a shipment comprises a mixture of sizes, the percentage of each size in the mixture.

(3) If shipment is by rail, the car initial and number. If shipment is by rail and water, the barge or vessel name.

(4) If a price or charge includes transportation charges or any special service charge, including a pocket charge, an itemization of such charges.

(5) If the price or service charge was authorized by order issued under this regulation, the order number.

(6) If the invoice or other memorandum of sale is issued in connection with the sale of anthracite which exceeds the maximum allowable ash content prescribed in § 1340.200 (a) (6) of this regulation, the following legend further describing such anthracite:

Ash content in excess of OPA quality standards.

2. Section 1340.200 (a) (6) is added to read as follows:

(6) *Quality standards and size specifications.* (i) No producer may sell or deliver anthracite produced and prepared by him at the maximum prices established by this § 1340.200 or by order issued under § 1340.197 (a), unless such anthracite meets the following quality standards and size specifications; otherwise, this maximum price shall be that set forth in subdivision (ii) of this paragraph.

Size specifications	Maximum undersize	Maximum percent of ash content
	Percent	
Broken: Through 4⅜" / Over 3¼"	15	15
Egg: Through 3¼" to 3" / Over 2⁷⁄₁₆"	15	15
Stove: Through 2⁷⁄₁₆" / Over 1⅝"	15	15
Nut: Through 1⅝" / Over 1³⁄₁₆"	15	15
Pea: Through 1³⁄₁₆" / Over ⁹⁄₁₆"	15	15
Buckwheat: Through ⁹⁄₁₆" / Over ⁵⁄₁₆"	15	16
Rice: Through ⁵⁄₁₆" / Over ³⁄₁₆"	15	17

(ii) The maximum prices for anthracite (including anthracite for which a maximum price has been established by order under § 1340.197 (a) of this regulation), which exceeds the maximum allowable percentage of ash content set forth in subdivision (i) of this paragraph, shall be the applicable maximum price set forth in paragraph (a) of this §1340.-200, less the following amounts per net ton for the sizes indicated:

	Per net ton
Broken, egg, stove and nut	$1.00
Pea	.80
Buckwheat No. 1	.60
Rice (buckwheat No. 2)	.50

(iii) *Special definitions.* (a) Percentage of ash content means the percentage of ash by weight for the sizes indicated upon a dry basis.

(b) "Undersize" means that coal which will pass through the designated test mesh opening for the particular size specified herein:

	Round hole (inch)
Nut	13/16
Pea	9/16
Buckwheat No. 1	5/16
Rice (buckwheat No. 2)	3/16

(c) Percentage of undersize means percentage by freight.

(d) Size specifications are for round hole screens, test mesh.

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

This amendment shall become effective March 5, 1946.

Issued this 28th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3212; Filed, Feb. 28, 1946; 11:37 a. m.]

PART 1433—FEATHERS AND DOWN

[MPR 318,[1] Amdt. 8]

FEATHERS AND DOWN

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

Maximum Price Regulation No. 318 is amended in the following respects:

1. The title of item 1 in § 1433.3 (a) is amended to read: Prime domestic and European goose.

2. The title of item 2 in § 1433.3 (a) is amended to read: Prime domestic and European duck.

This amendment shall become effective on March 5, 1946.

Issued this 28th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3213; Filed, Feb. 28, 1946; 11:37 a. m.]

PART 1370—ELECTRICAL APPLIANCES

[RMPR 111, Amdt. 2]

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 respect:

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

Manufacturer	Model No.	Description	Retail ceiling price
Health-Mor, Inc.	200-Filter Queen.	Upright cylinder type included: 12 piece attachment set.	$84.50

This amendment shall become effective on the 28th day of February 1946.

Issued this 28th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3211; Filed, Feb. 28, 1946; 11:37 a. m.]

PART 1370—ELECTRICAL APPLIANCES

[RMPR 111, Amdt. 1]

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:

1. Section 25, Appendix A is amended by deleting therefrom the following models of vacuum cleaners:

Manufacturer	Model No.	Description	Retail ceiling price
Eureka Vacuum Cleaner Co.	W-75	Cylinder type; Included 12 piece attachment set.	$66.50
The Hoover Co.	26	Floor type motor driven agitator.	68.00
	2600	9 piece set of cleaning tools.	16.50

2. Section 25, Appendix A is amended by adding thereto the following models of vacuum cleaners to be inserted in alphabetical order:

Manufacturer	Model No.	Description	Retail ceiling price
Eureka Vacuum Cleaner Co.	W-69	Cylinder type: Included 8 piece attachment set	$59.50
	W-75	Cylinder type: Included 10 piece attachment set	66.50
	D-272	Floor type—Motor driven brush deluxe 2 speed	76.00
		12 piece deluxe attachment set	18.85
		9 piece standard attachment set	13.25
	M-262	Floor type: Motor driven brush	59.50
	72	Floor waxer and polisher	7.50
The Hoover Co.	28	Floor type—Motor driven agitator	64.50
	2800	9 piece set of cleaning tools	16.50
Sears, Roebuck & Co.	802-16	16 piece attachment set for use with Model 711	15.95
	800-9	9 piece attachment set for use with Model 710	10.95

[1] 8 F.R. 1682, 2029, 6476, 14349; 10 F.R. 4349, 6802, 9928, 14548.

This amendment shall become effective on the 28th day of February 1946.

Issued this 28th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3210; Filed, Feb. 28, 1946; 11:37 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing in Atlantic County,[1] Amdt. 16]

ATLANTIC COUNTY, N. J., DEFENSE-RENTAL AREA

The Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 4 (f) is amended to read as follows:

(f) *Priority-constructed housing.* For housing accommodations newly constructed with priority rating from the United States or any agency thereof for which the rent is approved by the United States or any agency thereof prior to the maximum rent date or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the rent so approved, but in no event more than the rent on the maximum rent date, or, if the accommodations were not rented on that date, more than the first rent after that date: *Provided, however,* That if, prior to the maximum rent date or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent is approved by such agency on or after March 29, 1944, because of such increased costs of construction, the maximum rent on and after the date of such approval shall be the rent so approved; *And provided further,* That as to housing constructed with priority rating obtained prior to October 15, 1945, and in which initial occupancy occurred on or after that date, the landlord may at his option elect to have the maximum rents therefor determined under section 4 (e).

2. Section 4 (h) is amended by adding the following paragraph to read as follows:

In the event the rents on such housing accommodations cease to be governed by the National Rent Schedule of the War or Navy Departments, the maximum rents shall be determined by the appropriate subsection of section 4. For the purpose of such determination the premises shall be considered as not rented during the period they were operated under such schedule.

3. Section 6 (a) (1) is amended to read as follows:

[1] 9 F.R. 6819, 8054, 10199, 10634, 11349, 12415, 14987; 10 F.R. 330, 1452, 1911, 1973, 2402, 2617, 5090, 11669; 11 F.R. 1773.

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration, or if the lease was for a term of less than one year but more than three months and was non-seasonal in character, for a term of not more than one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

4. Section 6 (c) is amended by adding the following paragraph:

(5) *Relocation of temporary housing by National Housing Agency.* Provisions of this section shall not apply to temporary or movable housing accommodations under the jurisdiction of the National Housing Agency which have been placed in a terminated status by the National Housing Administrator for relocation in another area for the purposes and objectives of Title 5, Public Law 849 (76th Congress), as amended, (Lanham Act.)

5. Section 7 (a) is amended by adding the following unnumbered paragraph:

The provisions of this section shall be applicable to any housing accommodations whose maximum rent is determined under section 4 (g), on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions or any agency of the foregoing, subsection (c) of this section shall continue to be applicable.

This amendment shall become effective March 1, 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 February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3217; Filed, Feb. 28, 1946; 11:38 a. m.]

PART 1388—DEFENSE RENTAL AREAS

[Housing in New York City, Amdt. 23 [1]]

NEW YORK CITY DEFENSE RENTAL AREA

The Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 4 (f) is amended to read as follows:

(f) *Priority-constructed housing.* For housing accommodations newly constructed with priority rating from the United States or any agency thereof for which the rent is approved by the United States or any agency thereof prior to March 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the rent so approved, but in no event more than the rent on March 1, 1943, or, if the accommodations were not rented on that date, more than the first rent after that date: *Provided, however,* That if, prior to March 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent is approved by such agency on or after March 29, 1944, because of such increased costs of construction, the maximum rent on and after the date of such approval shall be the rent so approved: *And provided further,* That as to housing constructed with priority rating obtained prior to October 15, 1945, and in which initial occupancy occurred on or after that date, the landlord may at his option elect to have the maximum rents therefor determined under section 4 (e).

2. Section 4 (h) is amended by adding the following paragraph to read as follows:

In the event the rents on such housing accommodations cease to be governed by the National Rent Schedule of the War or Navy Departments, the maximum rents shall be determined by the appropriate subsection of section 4. For the purpose of such determination the premises shall be considered as not rented during the period they were operated under such schedule.

3. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration, or if the lease was for a term of less than one year but more than three months and was nonseasonal in character, for a term of not more than one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

4. Section 6 (c) is amended by adding the following paragraph:

(5) *Relocation of temporary housing by National Housing Agency.* Provisions of this section shall not apply to temporary or movable housing accommodations under the jurisdiction of the National Housing Agency which have been placed in a terminated status by the National Housing Administrator for relocation in another area for the purposes and objectives of Title 5 Public Law 849 (76th Congress), as amended, (Lanham Act).

5. Section 7 (a) is amended by adding the following unnumbered paragraph:

The provisions of this section shall be applicable to any housing accommodations whose maximum rent is determined under section 4 (g), on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a state of the United States or any of its political subdivisions, or any agency of the foregoing, subsection (c) of this section shall continue to be applicable.

This amendment shall become effective March 1, 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 February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3216; Filed, Feb. 28, 1946; 11:38 a. m.]

PART 1365—HOUSEHOLD FURNITURE

[MPR 548 [1], Amdt. 3]

METAL UPHOLSTERY SPRINGS, CONSTRUCTIONS AND ACCESSORIES

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

Maximum Price Regulation No. 548 is amended in the following respect:

In Section 4, the list of extras with respect to Items 16 and 17 under Type VI is amended to read as follows:

Extras, Items 16 and 17 (add or deduct from base price)	
Each ½ gauge heavier or lighter, all coils, add or deduct	$0.01
Each 1" higher or lower, all coils, add or deduct	.15

This amendment shall become effective on March 5, 1946.

Issued this 28th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3214; Filed, Feb. 28, 1946; 11:37 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing in Miami, [2] Amdt. 19]

MIAMI, FLA., DEFENSE-RENTAL AREA

The Rent Regulation for Housing in the Miami Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 4 (c) is amended to read as follows:

(c) *Priority-constructed housing.* For housing accommodations newly constructed with priority rating from the United States or any agency thereof for

[1] 9 F.R. 14987; 10 F.R. 331, 1452, 1974, 2403, 3014, 5090, 11668; 11 F.R. 1774.

[2] 10 F.R. 7024.

[2] 9 F.R. 14994; 10 F.R. 331, 1973, 2403, 5090, 11670.

which the rent is approved by the United States or any agency thereof prior to September 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the rent so approved, but in no event more than the rent on September 1, 1943, or, if the accommodations were not rented on that date, more than the first rent after that date: *Provided, however,* That if, prior to September 1, 1943, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent is approved by such agency on or after March 29, 1944, because of such increased costs of construction, the maximum rent on and after the date of such approval shall be the rent so approved; *And provided further,* That as to housing constructed with priority rating obtained prior to October 15, 1945, and in which initial occupancy occurred on or after that date, the landlord may at his option elect to have the maximum rents therefor determined under section 4 (b).

2. Section 4 (e) is amended by adding the following paragraph to read as follows:

In the event the rents on such housing accommodations cease to be governed by the National Rent Schedule of the War or Navy Department, the maximum rents shall be determined by the appropriate subsection of section 4. For the purpose of such determination the premises shall be considered as not rented during the period they were operated under such schedule.

3. Section 6 (a) (1) is amended as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration, or if the lease was for a term of less than one year but more than three months and was non-seasonal in character, for a term of not more than one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

4. Section 6 (c) is amended by adding the following paragraph:

(5) *Relocation of temporary housing by National Housing Agency.* Provisions of this section shall not apply to temporary or movable housing accommodations under the jurisdiction of the National Housing Agency which have been placed in a terminated status by the National Housing Administrator for relocation in another area for the purposes and objectives of Title 5, Public Law 849 (76th Congress), as amended, (Lanham Act).

5. Section 7 (a) is amended by adding the following unnumbered paragraph:

The provisions of this section shall be applicable to any housing accommodations whose maximum rent is determined under section 4 (d), on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a state of the United States or any of its political subdivisions, or any agency of the foregoing, subsection (c) of this section shall continue to be applicable.

This amendment shall become effective March 1, 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 February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3215; Filed, Feb. 28, 1946; 11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing,[1] Amdt. 80]

HOUSING

The Rent Regulation for Housing (§ 1388.1181) is amended in the following respects:

1. The first paragraph of section 4 (f) is amended to read as follows:

(f) *Priority-constructed housing.* For housing accommodations newly constructed with priority rating from the United States or any agency thereof for which the rent is approved by the United States or any agency thereof prior to the maximum rent date or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the rent so approved, but in no event more than the rent on the maximum rent date, or, if the accommodations were not rented on that date, more than the first rent after that date: *Provided, however,* That if, prior to the maximum rent date or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent is approved by such agency on or after March 29, 1944, because of such increased costs of construction, the maximum rent on and after the date of such approval shall be the rent so approved; *And provided further,* That as to housing constructed with priority rating obtained prior to October 15, 1945, and in which initial occupancy occurred on or after that date, the landlord may at his option elect to have the maximum rents therefor determined under section 4 (e).

[1] 10 F.R. 13528, 13545, 14399, 11 F.R. 1773.

2. Section 4 (h) is amended by adding the following paragraph to read as follows:

In the event the rents on such housing accommodations cease to be governed by the National Rent Schedule of the War or Navy Departments, the maximum rents shall be determined by the appropriate subsection of section 4. For the purpose of such determination the premises shall be considered as not rented during the period they were operated under such schedule.

3. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration, or if the lease was for a term of less than one year but more than three months and was non-seasonal in character, for a term of not more than one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

4. Section 6 (c) is amended by adding the following paragraph:

(5) *Relocation of temporary housing by National Housing Agency.* Provisions of this section shall not apply to temporary or movable housing accommodations under the jurisdiction of the National Housing Agency which have been placed in a terminated status by the National Housing Administrator for relocation in another area for the purposes and objectives of Title 5 Public Law 849 (76th Congress), as amended (Lanham Act).

5. Section 7 (a) is amended by adding the following unnumbered paragraph:

The provisions of this section shall be applicable to any housing accommodations whose maximum rent is determined under section 4 (g), on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a state of the United States or any of its political subdivisions, or any agency of the foregoing, subsection (c) of this section shall continue to be applicable.

This amendment shall become effective March 1, 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 February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3231; Filed, Feb. 28, 1946; 11:38 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 20—SPECIAL REGULATIONS

SEQUOIA AND KINGS CANYON NATIONAL PARKS, AND NATCHEZ TRACE PARKWAY

Section 20.8 is amended to provide as follows:

§ 20.8 *Sequoia National Park.* * * *

(d) *Fishing; closed waters.* The following waters are closed to fishing to act as holding ponds and feeder streams for restocking main waters:

(1) On the watershed of the North Fork of the Kaweah River:

Cabin Creek from source to junction with Dorst Creek.
Yucca Creek from source to mouth during the period June 16 to October 31, inclusive.
Dorst Creek from Generals Highway above road to the source.

(2) On the watershed of the Marble Fork of the Kaweah River:

Deer Creek from the foot bridge on the Sunset-Village Trail to the source.
Wolverton Creek above the Wolverton Dam where signs are posted.
Silliman Creek from source at Silliman Lake to bridge on the Generals Highway.
That section of the Marble Fork of the Kaweah River between the bridge on the Generals Highway and the log bridge in Lodgepole Camp.

(3) On the watershed of the Middle Fork of the Kaweah River:

Crescent Meadow Creek from source to the High Sierra Trail Bridge at Lower Crescent Meadow.
Middle Fork of the Kaweah River from Buckeye Flats Fish Rearing Ponds to the junction with Paradise Creek.
Granite Creek from source to the junction with Eagle Scout Creek.
Eagle Scout Creek from source to the junction with Middle Fork of the Kaweah River.
Middle Fork of the Kaweah River between the Bearpaw-Redwood Meadow Trail Bridge to Falls on Lone Pine Creek.
Hamilton Lake and all of Hamilton Creek from source to mouth.

(4) The section of the Kern River between Chagoopa Bridge and Rock Creek. (39 Stat. 535 16 U. S. C. sec. 3)

Section 20.35 is amended to provide as follows:

§ 20.35 *Kings Canyon National Park—(a) Stock driveways.* (1) So long as it may be available for such purpose, the present county road extending from the west boundary near Redwood Gap to Quail Flat junction of the Generals Highway and the old road beyond is designated for the movement of stock and vehicular traffic, without charge, to and from national forest lands on either side of the Grant Grove section of the park. Care must be exercised to prevent stock from straying from the right-of-way.

(2) Nooning at Redwood Gap is permitted, provided the stock is first driven beyond the developed area.

(3) In emergencies other stock driveway crossings in the General Grant grove section of the park may be used without charge under special arrangements first made with the superintendent of the park. (54 Stat. 41)

(b) *Fishing; limit of catch.* The limit of catch per person per day shall be 15 fish or 7 pounds of fish and 1 fish. (Regs., Sec. Int., May 10, 1941; 6 F.R. 2484) Possession of more than one day's catch limit by any person at any one time is prohibited.

(c) *Fishing; closed waters.* The following waters are closed to fishing as holding ponds and feeder streams for restocking main waters:

(1) On the watershed of the South Fork of the Kings River:

That section of the South Fork from the sign at the lower end of Paradise Valley up stream one mile to sign.
That section of Bubbs Creek from the mouth of Charlotte Creek one-half mile up stream to sign.
Sheep Creek and its tributaries from source to the park boundary.
That section of Lewis Creek from the upper trail crossing to the park boundary.
Comb Creek, on that section between the junction with Lewis Creek and the trail crossing.

(2) On the watershed of the Middle Fork of the Kings River:

That section of the Middle Fork at Simpson Meadow from the old trail bridge up stream one mile to sign.
That section of the Middle Fork at Crouse Meadow from sign at the lower end of the meadow one-half mile up stream to sign.

(d) *Fishing; closed streams and lakes.* The following parts of all streams and lakes within the park are also closed to fishing:

(1) All lake waters, within 300 feet of an inlet or outlet of the lakes.

(2) All waters or streams connected with any lake, within 300 feet of an inlet or outlet of the lake.

(3) Any stream of one-fourth mile, or less, in length which connects two lakes.

(e) *Fishing; open season.* May 1 to October 31, inclusive.

(f) *Fishing license.* A California State fishing license is required of all persons over 18 years of age fishing in the park. (39 Stat. 535; 16 U.S.C. sec. 3)

A new § 20.54 Natchez Trace Parkway, is added as follows:

§ 20.54 *Natchez Trace Parkway—(a) Animal-drawn vehicles.* No animal-drawn vehicles, sleds, drags, or implements which are not connected with the construction or maintenance of the Parkway shall be permitted on the main Parkway roads.

(b) *Animals.* No animal or animals which are not connected with the construction, operation, or maintenance of the Parkway shall be ridden, led, or driven upon or along the main Parkway roads. (52 Stat. 407; 16 U. S. C. secs. 460, 460a)

Issued this 25th day of February 1946.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 46-3174; Filed, Feb. 28, 1946; 9:38 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 20—GUARDIANSHIP AND LEGAL ADMINISTRATION

FIDUCIARIES

§ 20.5223 *Commitment of mentally incompetent beneficiaries, appointment of guardians for incompetent and minor beneficiaries, and payment of expenses in connection with such appointment.* The chief attorney will render all assistance possible to the courts in commitment cases. To this end authorization is made in procedural instructions of the Veterans' Administration, for production of Veterans' Administration records, in court in such proceedings.

§ 20.5224 *Costs for commitment of insane veterans.* Upon certification by the manager or chief medical officer of a regional office or Veterans' Administration hospital, that commitment of an insane male or female veteran to a Veterans' Administration hospital or to a contract hospital is necessary in order to afford, or continue, authorized care, the chief attorney is hereby delegated authority to authorize in advance court costs and other necessary expenses to accomplish such commitment. Further authority is hereby delegated to the chief attorney to authorize in advance the payment of court costs and other necessary expenses incident to the restoration to sanity of veterans who were committed at the instance of the Veterans' Administration or the costs of whose commitment were paid by the Veterans' Administration. This authority is to be applied in those States, the laws of which require court proceedings for restoration to sanity and in cases in which the veteran is discharged from the hospital upon the premise that further medical care or treatment is not required. Costs or attorney fees will not be reimbursed without authorization of the solicitor.

(a) In those cases where the beneficiary is admitted upon proper authorization from one State to a hospital located in another State, as for example when a patient is sent from Connecticut to the Veterans' Administration hospital, Northampton, Mass., or from Missouri to the Veterans' Administration hospital, Danville, Ill., and commitment is necessary in the State wherein the hospital is located, the chief attorney of the office in whose area the hospital is located will authorize the cost of commitment, and the finance officer in that office will approve and forward for payment, vouchers covering the costs as authorized. In some States such veterans, if insane or incompetent, may be retained for a temporary period only and thereafter must be committed if they are to remain in the hospital. It is intended and desired that the chief attorney within whose area the hospital is located will cooperate fully with the manager of that hospital in all matters pertaining to the commitment of such veterans, and that the chief attorney will authorize the costs thereof, if

same are payable by the Veterans' Administration. In order, however, that he may have sufficient information on which to act it is necessary that the sending office either forward the claims file, unless a guardian has been appointed, so as to be received by the office within whose area the hospital is located within 10 days after the veteran is hospitalized, or that the chief attorney of the sending office notify the chief attorney of the office within whose territory the hospital is located of the fact that the veteran has been transferred for hospitalization and that he is deemed to be incompetent or insane. Upon receipt of file or such information the chief attorney will cooperate with the manager of the hospital in regard to any commitment that may be necessary. In such cases the manager of the hospital will take up the question of commitment with the local chief attorney.

If veteran is committed pursuant to the provisions of the Uniform Veterans' Guardianship Act, or similar statute, by a court of the State in which the veteran is located, to a Veterans' Administration hospital in another State recommitment in the latter State will not be necessary nor will costs thereof be paid by the Veterans' Administration.

(b) In some States the law provides that court costs in connection with adjudication of insanity for commitment should be borne by the State, county, or other municipality in which the insane person resides or is located. Usually it is also provided that the amount thereof may be charged to or recovered from the estate of the incompetent or relatives. If there is any provision of law, or administrative regulation issued pursuant to law, whereby such costs are chargeable to the veteran or may be taxed against his estate, his guardian or legal representative, the Veterans' Administration will pay the amount thereof regardless of his ability to pay such costs. When such costs are legally the liability of the State or municipality and may not be assessed against the veteran the chief attorney will not authorize payment of such costs by the Veterans' Administrattion. Any question arising in such States will be reported to the solicitor.

§ 20.5225 *Services of Veterans' Administration physician in proceedings incident to adjudication of insanity.* When costs are authorized pursuant to §§ 20.5224 or 20.5227 the services of administration physicians will be available for the purpose of testifying in proceedings incident to the adjudication of insanity of veterans who are beneficiaries of the administration, and when required for administration purposes, either for commitment or for appointment of a guardian, or both, subject to the following limitations:

(a) When such testimony is precluded by State law, as where the statute provides that an insane person may not be committed to an institution on the testimony of officials connected with such institution.

No change in (b), (c), (d), or (e), inclusive.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator.

FEBRUARY 18, 1946.

[F. R. Doc. 46-3162; Filed, Feb. 27, 1946; 1:20 p. m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944, PUBLIC LAW 346, 78TH CONGRESS, AS AMENDED BY PUBLIC LAW 268, 79TH CONGRESS

GUARANTY OR INSURANCE OF LOANS TO VETERANS

Sec.

AUTHORITY: §§ 36.4300 to 36.4375, inclusive, issued under 58 Stat. 284 and 59 Stat. 626.

NOTE: Those requirements, conditions, or limitations which are expressly set forth in the act are not restated herein and must be taken into consideration in conjunction with §§ 36.4300 to 36.4375, inclusive.

§ 36.4300 *Applicability of §§ 36.4300 to 36.4375, inclusive.* Sections 36.4300 to 36.4375, inclusive, shall be applicable to each loan entitled to an automatic guaranty, or otherwise guaranteed or insured, on or after March 1, 1946, and shall be applicable to such loans previously guaranteed to the extent that no legal rights vested thereunder are impaired.

§ 36.4301 *Definitions.* Wherever used in the act or §§ 36.4300 to 36.4375, inclusive, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Act"—Public Law 346, 78th Congress (58 Statutes at Large 284), cited as the "Servicemen's Readjustment Act of 1944", as amended by Public Law 268, 79th Congress (59 Statutes at Large 626) (38 U.S.C. 693 et seq.).

(b) "Administrator"—the Administrator of Veterans' Affairs, or any employee of the Veterans' Administration authorized by him to act in his stead.

(c) "Alterations"—any structural changes or additions to existing realty or any modifications that increase the usefulness or efficiency of equipment or machinery used for farm or business purposes.

(d) "Combination loan"—any obligation the proceeds of which are expended for more than one purpose which are severally definable as "real estate loans" and "non-real estate loans".

(e) "Conducted by a veteran" (section 502)—personally performed, directed or operated by him on a full or part-time basis, with or without hired labor, not solely operated by a tenant or an employee who does not receive the direction and supervision of the veteran.

(f) "Cost"—the entire consideration paid or payable for or on account of the application of materials and labor to tangible property.

(g) "Date of first uncured default"—the due date of the earliest payment not fully satisfied by the proper application of available credits or deposits.

(h) "Default"—failure of a borrower to comply with the terms of a loan agreement.

(i) "Designated appraiser"—a person approved in writing by the Administrator to fix the value of property, or a speci-

fied type of property, within a stated area for the purpose of justifying the extension of credit to an eligible veteran for any of the purposes stated in Title III of the act. Such an appraiser is not an agent of the Administrator in any case.

(j) "Dwelling"—any building designed primarily for use as a home consisting of not more than four family units plus an added unit for each veteran if more than one eligible veteran participates in the ownership thereof.

(k) "Economic readjustment"—means rearrangement of an eligible veteran's indebtedness in a manner calculated to enable him to meet his obligations and thereby avoid imminent loss of the property which secures the delinquent obligation.

(l) "Engaging in business" or "pursuing a gainful occupation"—(section 503)—active personal operation or supervision of an enterprise or practice of a profession on a full or part-time basis.

(m) "Farm"—any real estate suitable or adaptable for farming operations.

(n) "Farming operations"—activities justifying capital expenditures which involve production of crops, livestock or other agricultural commodities and the marketing thereof and their products in amounts in excess of the subsistence needs of the operator.

(o) "Federal agency" as used in section 505 (a) of the act, means any Executive Department, administrative agency, or corporate instrumentality of the United States Government the stock of which is wholly owned by the United States.

(p) "Full disbursement"—ultimate payment by a lender of the entire proceeds of a loan for the purposes described in the report of the lender in respect of such loan to the Administrator either (1) by payment to those contracting with the borrower for such purposes, or (2) by payment to the borrower, or (3) by transfer to an account against which he can draw at will, or (4) by transfer to an escrow account, or (5) by transfer to an earmarked account if the amount thereof is not in excess of 10% of the loan.

(q) "Guaranty"—the obligation of the United States, assumed by virtue of Title III of the act, to repay a specified percentage of a loan upon the default of the primary debtor.

(r) "Holder"—the lender or any subsequent assignee or transferee of the guaranteed or insured obligation.

(s) "Home"—place of residence.

(t) "Improvements"—any alteration that improves the property for the purpose for which it is occupied, operated, or employed.

(u) "Indebtedness"—the unpaid principal and interest plus any other amounts allowable under the terms of a loan consistent with §§ 36.4300 to 36.4375, inclusive.

(v) "Insurance"—the obligation assumed by the United States to indemnify a lender to the extent specified in §§ 36.4300 to 36.4375, inclusive, for any loss incurred upon any loan insured under section 508 of the act.

(w) "Insurance account"—the record of the amount available to a lender or purchaser for losses incurred on loans insured under section 508 of the act.

(x) "Lender"—the payee or assignee or transferee of an obligation at the time it is guaranteed or insured.

(y) "Lien"—any interest in, or power over, real or personal property, reserved by the vendor, or created by the parties or by operation of law, chiefly or solely for the purpose of assuring the payment of the purchase price, or a debt, and irrespective of the identity of the party in whom title to the property is vested, including but not limited to mortgages, deeds with a defeasance therein or collaterally, deeds of trust, security deeds, mechanic's liens, lease-purchase contracts, conditional sales contracts, consignments.

(z) "Non-real estate loan"—any obligation incurred for the purchase, alteration, improvement or repair of personal property; or any loan which is not a real estate loan.

(aa) "Purchase price"—the entire legal consideration paid or payable upon or on account of the sale of property, exclusive of acquisition costs, or for the cost of materials and labor to be applied thereto.

(bb) "Real estate loan"—any obligation incurred for the purchase of real property or a leasehold estate as limited in §§ 36.4300 to 36.4375, inclusive, or for the construction of fixtures or appurtenances thereon or for alterations, improvements or repairs thereon required by §§ 36.4300 to 36.4375, inclusive, to be secured by a lien on such property or is so secured.

(cc) "Reasonable value"—that figure which represents the amount a designated appraiser, unaffected by personal interest or prejudice, would recommend as a proper price or cost to a prospective purchaser, whom the appraiser represents in a relationship of trust, as being a fair price or cost in the light of prevailing conditions.

(dd) "Repairs"—any alteration of existing realty, machinery, or equipment which is necessary or advisable for protective, safety, or restorative purposes.

(ee) "Residential property"—(1) any improved real property or leasehold estate therein as limited by §§ 36.4300 to 36.4375, inclusive, the primary use of which is for occupation as a home, consisting of not more than four family units, plus an added unit for each eligible veteran if more than one participates in the ownership thereof; or (2) any land to be purchased out of the proceeds of a loan for the construction of a dwelling, and on which such dwelling is to be erected.

GENERAL PROVISIONS

§ 36.4302 *Computation of guaranties or insurance credits.* (a) The sum of all guaranties and credits to insurance accounts covering loans made to an individual veteran shall not exceed $2,000 for non-real estate loans, nor $4,000 for real estate loans, nor a proper proportion of such maxima on loans of both types or any combination thereof.

(b) Excepting loans fully guaranteeable under section 505 (a), not more than 50% of the original principal amount of any loan may be guaranteed. The maximum credit to the insurance account of a lender relative to any insured loan shall be 15% of the original principal amount of such loan or the amount thereof which could be guaranteed, whichever is less.

(c) The following formula shall govern the ascertainment of the amount of the guaranty benefit which is available to an eligible veteran:

(1) To compute unused guaranty, add to realty guaranty used for prior loans twice the non-realty guaranty used. Subtract this sum from $4,000. The sum remaining is, subject to the limitations of the act, the amount of realty guaranty available. The non-realty guaranty available is one-half of said sum.

(2) To compute the amount of guaranty on combination loans:

Allow not to exceed 50% of the cost of the real estate but not to exceed the maximum real estate guaranty available;

If any real estate guaranty remain available, not to exceed one-half thereof may be allowed on the non-real estate portion of the loan.

(d) For the purpose of computing the remaining guaranty or insurance benefit to which a veteran is entitled, loans guaranteed prior to the effective date of §§ 36.4300 to 36.4375, inclusive, shall be taken into consideration as if made subsequent thereto.

(e) A loan made by an insurable lender may be either guaranteed or insured at the option of the borrower and the lender: *Provided*, That if the Administrator is not advised of the exercise of such option at the time the loan is reported pursuant to §§ 36.4303 (c) or 36.4304 (c) hereof such loan will not be eligible for insurance.

(f) A guaranty is reduced or increased pro rata with any reduction or increase in the amount of the guaranteed indebtedness, but in no event will the amount payable on a guaranty exceed the amount of the original guaranty or the percentage of the indebtedness corresponding to that of the original guaranty.

(g) The amount of any guaranty or the amount credited to a lender's insurance account in relation to any insured loan shall be charged against the original or remainder of the guaranty benefit of the borrower. Complete or partial liquidation, by payment or otherwise, of the veteran's guaranteed or insured indebtedness does not increase the remainder of the guaranty benefit, if any, otherwise available to the veteran. When the maximum amount of guaranty or insurance legally available to a veteran shall have been granted, no further guaranty or insurance is available to him.

§ 36.4303 *Evidence of automatic guaranties; insurance advices.* (a) Evidence of automatic guaranty will be issued by the Administrator by appropriate endorsement on the note or other instrument evidencing the obligation, or by a separate certificate at the option of the lender. Notice of credit to an insurance

account will be afforded by appropriate evidence. No evidence of a guaranty or insurance will be issued on any transaction unless the lender, the veteran and the loan are shown to be eligible. An automatic guaranty must be based upon the original discharge certificate, or a certificate of eligibility issued by the Administrator, and in the event of conflicting loans, or of several loans to the same veteran, the available guaranty or insurance reserve shall be applied to the loans in the order they are reported to the Veterans' Administration.

(b) Certificate of eligibility issued prior to the date of §§ 36.4300 to 36.4375, inclusive, will be void after September 30, 1946, and should therefore be returned immediately to the Veterans' Administration for a new certificate of eligibility, upon which may be endorsed the amount of guaranty benefit used or available. In any event, any certificate issued prior to the date of §§ 36.4300 to 36.4375, inclusive, will be void after September 30, 1946.

(c) (1) Evidence of automatic guaranty or of insurance will be issuable if the loan is reported to the Administrator within 30 days following full disbursement, and upon the certification of the lender that:

(i) The loan has been made in full accordance with the terms and provisions of the act,

(ii) The required security has been obtained,

(iii) There has been full disbursement of the proceeds for an eligible purpose to the veteran borrower, or for his benefit at his direction, and

(iv) There has been no default thereunder;

Provided, That loans eligible for an automatic guaranty which are made between the effective date of the act and the date of issuance of §§ 36.4300 to 36.4375, inclusive, may be so reported for either a guaranty or for insurance at any time within 30 days after the latter date.

(2) Where the report shows that a portion of the proceeds is held in escrow or in an earmarked account for future disbursement there shall be sent with the report a copy of the escrow or other agreement, if any. The amount payable on account of such guaranty or insurance shall be reduced ratably by crediting to the indebtedness, for such purpose the amount of the escrowed or earmarked funds in the event of the failure of the lender to report to the Administrator within 30 days after the payment of such funds out of the escrow or earmarked account:

(i) The purpose for which such funds were expended,

(ii) The identity of any property purchased therewith, if any,

(iii) That such property has been encumbered to the extent required by § 36.4300 to 36.4375, inclusive, and

(iv) To qualify the disbursement by a proper appraisal in the event any change in the identity of the property is involved.

(d) Such evidence of automatic guaranty or of insurance will be issuable upon loans partially disbursed, if the loan is reported to the Administrator within 30 days following such disbursement and upon certification of the lender that:

(1) The loan has been made in full accordance with the terms and provisions of the act and §§ 36.4300 to 36.4375, inclusive.

(2) The required security had been obtained.

(3) The proceeds have been disbursed by the lender for an eligible purpose to the veteran borrower or for his benefit at his direction, and

(i) The lender acted in good faith, and

(ii) A person of reasonable prudence similarly situated would not make further disbursements in the situation presented, and

(4) There has been no default thereunder.

(The provisions of § 36.4305 (c) shall be applicable to all construction loan cases, and the provisions of paragraph (c) (2) of this section shall apply to escrowed or earmarked funds.)

§ 36.4304 *Prior confirmation of eligibility or prior approval of loans.* (a) With respect to loans to be made on a guaranteed or insured basis by a lender specified under section 500 (d), except loans of the type referred to in paragraphs (b) (2) and (3), the lender may, prior to the closing of such loan, request confirmation from the Administrator of:

(1) The veteran's eligibility;

(2) Amount of guaranty or insurance credit available to the veteran and;

(3) Eligibility of the purpose of the loan.

(b) With respect to (1) loans proposed to be made on a guaranteed basis by a lender not within the class of lenders specified in section 500 (d) or (2) loans submitted by any lender for issuance of a certificate of approval on either a guaranty or for insurance prior to full disbursement or (3) loans in excess of $15,000 submitted for insurance, the Administrator upon determining the loan to be eligible for a guaranty, or for insurance in appropriate cases at the election of the parties to the loan, will issue a certificate of approval thereon.

(c) Upon completion of the loan in full compliance with the act, the regulations, and the terms of his contract with the borrower, and full disbursement of the proceeds of the loan, and the reporting thereof to the Administrator, the holder of a certificate of approval shall become entitled to the issuance of a certificate or endorsement of guaranty or an appropriate advice of a credit to the insurance account, as the case may be. With respect to any loan for alterations, improvements or repairs, or for construction, a supplemental appraisal must be submitted in conjunction with such final report to evidence the satisfactory completion of the work in compliance with the terms of the contract.

§ 36.4305 *Deviations; changes of identity.* (a) A deviation of more than 5% between the estimates upon which a certificate of approval has been issued and the report of final payment of the proceeds of the loan or a change in the identity of the property upon which the original appraisal was based will invalidate the certificate of approval unless such deviation or change be approved by the Administrator: *Provided,* That substitution of materials of equal or better quality and value approved by the veteran and the designated appraiser shall not be deemed a "change in the identity of the property" within the purview of this section.

(1) Any such change in the identity of the property or materials upon which the original appraisal was based must be supported by a new or supplemental appraisal of reasonable value.

(2) If any such deviation results from intervening occurrences not within the reasonable control of the lender which preclude the lender from completing disbursement of the proceeds of the loan in full, the lender shall be entitled, except in section 505 (a) cases, subject to the other provisions of this section, to a guaranty or credit to his insurance account computed ratably upon the amount actually and properly disbursed at the same percentage as would have been applicable to the fully disbursed loan as shown on the certificate of approval of:

(i) The lender acted in good faith, and

(ii) A person of reasonable prudence similarly situated would not make further disbursements in the situation presented.

(b) A deviation of less than 5% which increases the amount of a loan will not increase the amount of a guaranty or of an insurance credit above the maximum amount set forth on the certificate of approval. Where a deviation of less than 5% results in a disbursement of a lesser sum than that reported on the application, the difference shall be credited to the principal indebtedness as of the date thereof.

(c) If the loan involved is a construction loan the benefit of this section, within the limitations of §§ 36.4300 to 36.4375, inclusive, shall be available to the lender upon his further certification, or other evidence acceptable to the Administrator as showing that:

(1) The amount disbursed does not exceed 80% of the value of that portion of the construction performed (basing value on the contract price), plus the sum, if any, disbursed by the lender out of the proceeds of the loan for the land on which the construction is situated;

(2) Any amount advanced for land is protected by title or lien as provided in §§ 36.4300 to 36.4375, inclusive; and

(3) No liens exist or can become enforceable for any work done or material furnished with respect to that portion of the construction performed, or upon which payment has been made.

§ 36.4306 *Refunding of outstanding indebtedness.* (a) No obligation incurred more than 60 days prior to the date of application to the lender for a loan to be guaranteed or insured hereunder is eligible to be refinanced through the proceeds of a guaranteed or insured loan, excepting (1) section 507 loans, (2) loans which refinance the balance due on a land sale contract, or (3) the balance due for the purchase of land on which new construction is to be situated.

(b) If any such ineligible obligation is included in the amount of a loan submitted for a guaranty or insurance, that part of the new loan which such obligation serves to refinance shall be excluded in computing the amount of the initial guaranty or the credit to the insurance account of the lender.

§ 36.4307 *Joint loans.* (a) The fact that other parties (1) will have an undivided interest with the veteran in the ownership of property, or (2) have joint and several liability with the veteran on a guaranteed or insured obligation shall not make a loan ineligible, but the amount of the loan upon which the guarantee or insurance shall be based in the case of a real estate loan, shall be proportional to the value of the veteran's interest in the property or estate; or, in the case of a non-real estate loan, shall be the reasonable value to the veteran of his participating share in or on his individual contribution to the enterprise. If the property so purchased is an interest in real property or a leasehold estate, the obligation shall be secured by a first lien (or by a second lien if under section 505) on the entire property or estate, or if an interest in personalty, shall be secured to the extent "legal and practicable."

(b) If two or more eligible veterans are joint-obligors and request a guaranty or credit to an insurance account, the total amount guaranteed or credited shall be charged equally to their respective guaranty benefits, or apportioned otherwise as they may designate. Regardless of the number of eligible veterans who are joint-obligors the maximum guaranty or insurance shall be calculated as if the obligation were several.

(c) Notwithstanding the interest of a veteran's spouse, as such, the full amount of the loan may be the basis for guaranty or insurance. If both spouses be eligible veterans, the maximum proportion of the loan which may be guaranteed or insured will not be increased, but either or both may, within such limitations, utilize available guaranty or insurance entitlement.

§ 36.4308 *Transfer of title by borrower.* The conveyance of, or other transfer of title to property by operation of law or otherwise, after the creation of a lien thereon to secure a loan which is guaranteed or insured in whole or in part by the Administrator, shall not constitute an event of default, elective or otherwise, and shall not terminate or otherwise affect a guaranty or an insurance contract unless (a) the holder by express agreement for that purpose releases or otherwise discharges the veteran from personal liability thereon; or (b) by indulgence of, or by agreement with, the veteran's immediate or remote grantee or transferee contrary to §§36.4300 to 36.4375, inclusive, and without the consent of the Administrator the holder so alters the contract made by the veteran with the lender as to cause discharge of the veteran or his estate by operation of law.

§ 36.4309 *Amortization.* (a) All loans the maturity date of which is beyond five years from date of loan, or date of assumption by the veteran, shall be amortized. The schedule of payments thereon shall require approximately equal periodic payments not less often than annually during the life of the loan; except that such installments may be varied on farm and business loans to allow for seasonal fluctuations of income, and on farm real estate loans to postpone principal repayments for not more than two years from the date of the loan.

(b) Every guaranteed or insured loan shall be repayable within the economic life of the property securing the loan.

§ 36.4310 *Prepayment.* The debtor shall have the right to prepay at any time, without premium or fee, the entire indebtedness or any part thereof not less than the amount of one installment, or $100, whichever is less.

§ 36.4311 *Interest rates.* (a) Excepting non-real estate loans insured under section 508 of the act, the interest rate on any loan guaranteed or insured wholly or in part may not exceed 4% per annum on the unpaid principal balance.

(b) On a non-real estate insured loan the interest rate may not be in excess of an amount equivalent to $3.00 discount per $100.00 of original face amount of a one-year note, payable in equal monthly installments, or in the equivalent simple interest rate of 5.70% per annum.

(c) Interest in excess of the applicable rate specified in the act shall not be payable on any advance, or in the event of any delinquency or default: *Provided*, That a late charge not in excess of an amount equal to 4% on any installment paid more than 15 days after due date shall not be considered a violation of this limitation.

§ 36.4312 *Closing costs.* (a) Any costs or expenses incurred in closing a loan or purchase and normally required to be paid by a purchaser or lienor incident to the making of a loan under local lending customs may be paid out of the proceeds of a guaranteed or insured loan except that no brokerage or service charge or their equivalent may be charged against the debtor or the proceeds of the loan, either initially or periodically: *Provided*, That a lender shall not be precluded from making a customary charge in construction loan cases for supervision and inspection during the course of construction.

(b) Brokerage or other charges shall not be made against the veteran for obtaining any guaranty, or insurance under section 508 of this title, nor shall any premiums for insurance on the life of the borrower be paid out of the proceeds of a loan, except that not to exceed premiums for two years may be paid out of a business nonrealty loan on insurance not in excess of the amount of the loan.

§ 36.4313 *Advances and other charges.* (a) A holder may charge against a guaranteed or insured indebtedness or the proceeds of the security therefor, any reasonable expense necessary and proper for the maintenance or repair of the security or for the payment of accrued taxes, special assessments, ground or water rent, or premiums on fire or other casualty insurance against loss of or damage to such property. Any expenses other than those expressly permitted may be debited against the indebtedness or deducted from the proceeds of the sale of the security if lawfully authorized by the loan agreement: *Provided*, That such other expenses shall not be considered in determining the amount payable by the Administrator, except as provided in paragraph (b) of this section.

(b) The holder may charge against the proceeds of the sale of the security in accounting therefor to the Administrator after a guaranty or insurance claim or in computing the amount of claim filed after incurrence of the expense item,

(1) Any expense which is reasonably necessary for preservation of the security,

(2) Court costs in a foreclosure or other proper judicial proceeding involving the security,

(3) Other expenses actually incurred and reasonably necessary for collecting the debt or repossessing the security,

(4) Statutory or valid contractual trustee's fees not exceeding 5% of the unpaid indebtedness,

(5) Reasonable amount for legal services actually performed not to exceed 10% of the unpaid indebtedness as of the date of the first uncured default, or $250 whichever is less,

(6) Any other expense that is approved in advance by the Administrator.

(c) Nothing in this section shall be construed to authorize any charge against the debtor unless he otherwise be liable therefor.

§ 36.4314 *Extensions.* (a) The terms of repayment of any loan may by written agreement be extended by a holder at the request of the debtor in the event of default, or to avoid imminent default. Except with the prior approval of the Administrator, no such extension shall (1) set a rate of amortization less than that sufficient to fully amortize at least 80% of the loan balance so extended in approximately equal installments or by regular seasonal payments within the maximum maturity prescribed for loans of its class, or (2) be agreed to by a holder if such action will release any obligor from liability.

(b) The holder shall promptly forward to the Administrator an executed duplicate of any such extension agreement.

(c) On receiving notice of a default on any amortized loan having a shorter maturity than the permissible maximum the Administrator may request the holder to grant such an extension up to the maximum term permitted by the act. In the event the holder refuses to grant such request the Administrator may require an assignment of the loan and security pursuant to § 36.4318 (a).

§ 36.4315 *Reporting of defaults.* (a) If the failure of any debtor to comply with the terms of a guaranteed or insured obligation shall have persisted as long as six months or as long as two months on a loan extended under § 36.4314, the holder of the indebtedness must give prompt notice of such failure to the Administrator.

(b) The Administrator may approve the holder's request, if any, to postpone action to press his claim against the debtor, or against the property. Such

postponement, with the consent of the Administrator, shall not operate to void or diminish the ultimate liability of the Administrator or any obligor: *Provided*, That if the holder, failing to obtain such consent, fails to proceed within two months toward liquidation of the security the Administrator in addition to the right to pursue any legal or equitable remedies which may be available, may fix a date beyond which no further charges may be included in the computation of the guaranty claim or an insured loss, or

(c) If the holder does not begin appropriate action within two months after requested in writing by the Administrator, the Administrator shall be entitled to begin and prosecute to completion any action or proceeding, in his name or in the name of the holder, which the Administrator deems necessary or appropriate to liquidate the loan or the security therefor. The Administrator shall advance, or pay, the costs and expenses thereof, but may charge the same, including a reasonable amount for legal services, against the guaranteed or insured indebtedness or the proceeds of the sale of the security to the same extent the holder would be allowed to charge such costs, expenses, and fees against the indebtedness without the consent of the Administrator.

§ 36.4316 *Continued default.* (a) In the event any failure of the debtor to discharge his obligations under the loan continues for a period of three months, or for more than one month on an extended loan or on a term loan, the holder may at his option, then or thereafter, submit a claim for payment of the guaranty. He may also then or thereafter give the notice prescribed in § 36.4317.

(b) A claim for the guaranty, or the notice prescribed in § 36.4317 may be submitted prior to the time prescribed in paragraph (a) in any case where any material prejudice to the rights of the holder or to the Administrator or hazard to the security warrants more prompt action.

§ 36.4317 *Notice of intention to foreclose.* Except upon the express waiver of the Administrator, a holder shall not begin proceedings in court or give notice of sale under power of sale, or otherwise take steps to terminate the debtor's rights in the security until the expiration of 30 days after delivery by registered mail to the Administrator of a notice of intention to take such action: *Provided*, That (a) immediate action may be taken if the property to be affected thereby has been transferred or abandoned by the debtor, or has been or may be otherwise subjected to extraordinary waste or hazard, or if there exist conditions justifying the appointment of a receiver for the property (without reference to any contractual provisions for such appointment), and (b) any right of a holder to repossess personal property may be exercised without prior notice to the Administrator; but notice of any such action taken shall be given by registered mail to the Administrator within 10 days thereafter.

§ 36.4318 *Refunding of loans in default.* (a) Upon receiving a notice of default or a claim for a guaranty or a notice under § 36.4317, the Administrator may within 30 days thereafter require the holder upon penalty of otherwise losing the guaranty or insurance to transfer and assign the loan and the security therefor to the Administrator or to another designated by him upon receipt of payment in full of the balance of the indebtedness remaining unpaid to the date of such assignment. Such assignment may be made without recourse but the transferor shall not thereby be relieved from the provisions of § 36.4325.

(b) If the obligation is assigned or transferred to a third party pursuant to paragraph (a) of this section the Administrator may continue in effect the guaranty or insurance issued with respect to the previous loan in such manner as to cover the assignee or transferee.

§ 36.4319 *Legal proceedings.* (a) When the holder shall have become a party in any legal or equitable proceeding brought on or in connection with the guaranteed or insured indebtedness, or involving title to, or other lien on, the security, such holder, within the time that would be required if the Administrator were a party to the proceeding, shall deliver to the Administrator, by mail or otherwise, by making such delivery to the loan guarantee officer at the office which granted the guaranty or the insurance, or other office to which the holder has been notified the file is transferred, a copy of every procedural paper, except notice of or motions for orders of continuance, filed on behalf of holder, and shall also so deliver, as promptly as possible, copies of all such pleadings served on holder or filed in the cause by any other party thereto.

(b) Copy of any notice of sale served on the holder or of which he has knowledge shall be similarly delivered to the Administrator, including any such notice of sale under tax or other superior lien or other judicial sale.

(c) The procedure prescribed in paragraphs (a) and (b) of this section shall not be applicable in any proceeding to which the Administrator is a party, after his appearance shall have been entered therein by a duly authorized attorney.

(d) In any legal or equitable proceeding (including probate and bankruptcy proceedings) to which the Administrator is a party, original process and any other process prior to appearance, proper to be served on the Administrator, shall be delivered to the loan guarantee officer of the regional office of the Veterans Administration having jurisdiction of the area in which the court is situated. Within the time required by applicable law, or rule of court, the Administrator will cause appropriate special or general appearance to be entered in the cause by his authorized attorney.

(e) After appearance of the Administrator by attorney all process and notice otherwise proper to serve on the Administrator before or after judgment, if served on his attorney of record shall have the same effect as if the Administrator were personally served within the jurisdiction of the court.

§ 36.4320 *Sale of security.* (a) If any security for a guaranteed or insured loan is to be disposed of through a private sale, the amount to be realized therefrom shall be reported in the notice required under § 36.4317, or by subsequent written advice at least 10 days in advance of the sale, and the Administrator may thereupon either assent to such sale, or upon agreement to indemnify the holder to the extent of any increased or resultant loss consequent thereon, may establish an upset price which shall govern in adjusting the rights and liabilities of the holder and the Administrator.

(b) Upon receipt of notice of a public sale to liquidate any security for a guaranteed or insured loan the Administrator may appraise such security and notify the holder in advance of the sale of the amount required to be credited to the indebtedness on account of the sale thereof, subject to the following alternatives:

(1) If a third party acquires the security at the sale the holder shall credit against the indebtedness the net proceeds of the sale, or the amount specified by the Administrator, whichever is the greater.

(2) If the holder acquires the security at the sale he shall credit the indebtedness for the purpose of accounting to the Administrator, the amount specified by the Administrator, paying over to the Administrator, the excess if any by which such credit exceeds the sum required to satisfy the indebtedness and may further dispose of the security in accordance with the rights he derived through the sale, or he may within 15 days after the date of the sale advise the Administrator of his election to transfer or convey the security, or the rights therein derived through the sale, to the Administrator in return for payment of the specified amount required to be credited to the indebtedness, or the amount required to satisfy the indebtedness, whichever is the less.

(3) Upon receiving repayment in full of all payments made on the guaranty or insurance, or upon such other terms as may be agreed, the Administrator shall deliver appropriate release of all rights in the property accruing by reason of the guaranty or insurance of the loan.

(c) When a debtor proposes to transfer or convey any security or other property to a holder to avoid foreclosure or other judicial, contractual, or statutory disposition or relinquishment of the obligation or of the security the consent of the Administrator to the terms of such proposal shall be obtained in advance of such transfer or conveyance. Prior to giving such consent the Administrator shall appraise the property which is to be transferred or conveyed and shall fix the amount which the holder shall be required to allow for the value of any such property in any subsequent accounting to the Administrator for a surplus resultant after payment of a guaranty, or in computing the net loss on a loan insured under section 508. The holder shall be entitled to elect to transfer or convey the property to the Administrator upon payment by the Administrator of the stated valuation up to the

amount thereof required to satisfy in full the remaining balance of the indebtedness. Such election must be exercised by the holder within 15 days after receiving the transfer or conveyance of the property or he will be deemed to have elected to retain the property and to allow the required credit.

(d) If under the applicable State law, or decree of foreclosure or order of sale a minimum acceptable bid is provided, and the maximum bid for the property fails to equal such amount at the sale or if the court refuses to confirm a foreclosure sale, the creditor may submit to the Administrator a proposal for an agreement as to value of such property for purposes of a claim for guaranty, or insurance, or for accounting to the Administrator in respect of the property pursuant to §§ 36.4321 (b) and 36.4321 (c). The Administrator thereupon shall proceed in the manner provided in paragraph (c) and fix the value of the property. The value so fixed by the Administrator shall govern as between the Administrator and the creditor if the creditor elects to proceed with further sale of such property pursuant to said decree or order. If the creditor does not so elect the rights and liabilities of all parties will remain unaffected by such submission.

§ 36.4321 *Computation of guaranty claims.* (a) Subject to the limitation that the total amount payable shall in no event exceed the amount originally guaranteed, the amount payable on a claim for the guranty shall be the percentage of the loan originally guaranteed applied to the indebtedness computed as of the date of claim but not later than (1) the date of judgment or of decree of foreclosure, or (2) in non-judicial foreclosures the date of publication of the first notice of sale, or (3) in cases in which the security is repossessed without a judgment, decree or foreclosure the date the holder repossesses the security, or (4) if no security is available or no repossession takes place, the date of claim but not more than six months after the first uncured default. Deposits or other credits or setoffs legally applicable to the indebtedness on the date of computation shall be applied in reduction of the indebtedness on which the claim is based. Any escrowed or earmarked funds not subject to superior claims of third persons must likewise be so applied.

(b) Credits accruing from the proceeds of a sale or other disposition of the security subsequent to the date of computation, and prior to the submission of the claim, shall be reported to the Administrator incident to such submission, and the amount payable on the claim shall in no event exceed the remaining balance of the indebtedness.

(c) The claimant shall be deemed to have received as trustee for the benefit of the United States any amounts received on account of the indebtedness after the date of the claim, from the proceeds of a sale of the security or otherwise, to the extent such credits exceed the balance of the indebtedness unsatisfied by the payment of the guaranty. He shall forthwith pay such amounts to the Administrator to the extent of the debtor's liability to the Administrator as guarantor.

(d) Interest, and any allowable expenditures or costs, accruing subsequent to the date of the claim, may be deducted by the holder from the proceeds of the sale of the security, and may be included in any subsequent accounting to the Administrator for a surplus or in connection with a transfer of the loan under § 36.4318 (a).

§ 36.4322 *Computation of indebtedness.* In computing the indebtedness for the purpose of filing a claim for payment of a guaranty or for payment of an insured loss, or in the event of a transfer of the loan under § 36.4318 (a), or other accounting to the Administrator, the holder shall not be entitled to treat repayments theretofore made as liquidated damages, or rentals, or otherwise than as payments on the indebtedness, notwithstanding any provision in the note, or mortgage, or otherwise, to the contrary.

§ 36.4323 *Subrogation and indemnity.* (a) The Administrator shall be subrogated to the contract and the lien or other rights of the holder to the extent of any sum paid on a guaranty or on account of an insured loss, which right shall be junior to the holder's rights as against the debtor or the encumbered property until the holder shall have received the full amount payable under his contract with the debtor. No partial or complete release by a creditor shall impair the rights of the Administrator with respect to the debtor's obligation.

(b) The holder, upon request, shall execute, acknowledge and deliver an appropriate instrument tendered him for that purpose, evidencing any payment received from the Administrator and the Administrator's resulting right of subrogation.

(c) The Administrator shall cause the instrument required by paragraph (b) of this section to be filed for record in the office of the recorder of deeds, or other appropriate office of the proper county, town or State, in accordance with the applicable State law. The filing or failure to file such instrument for record shall have the legal results prescribed by the applicable law of the State where the real or personal property is situated, with respect to filing or failure to so file mortgages and other lien instruments and assignments thereof.

The references herein to "filing for record" include "registration" or any similar transaction, by whatever name designated when title to the encumbered property has been "registered" pursuant to a Torrens or other similar title registration system provided by law.

(d) As a condition to paying a claim for an insured loss the Administrator may require that the loan, including any security or judgment held therefor, be assigned to the extent of such payment, and if any claim has been filed in bankruptcy, insolvency, probate, or similar proceedings such claim may likewise be required to be so assigned.

(e) Any amounts paid by the Administrator on account of the liabilities of any veteran guaranteed or insured under the provisions of the act shall constitute a debt owing to the United States by such veteran.

§ 36.4324 *Release of security.* (a) Except upon full payment of the indebtedness the release of a lien or other right in or to real property held as security for a guaranteed or insured loan shall not be effective without joinder therein by the Administrator. Joinder may be obtained in proper cases upon terms to be agreed upon.

(b) Paragraph (a) of this section shall not apply to any release, or grant of the fee in any part of or any interest in, the realty which in the opinion of the holder does not involve a decrease in the value of the security of more than 5% of the indebtedness, or $300, and consent is hereby given for such releases or grants without joinder by the Administrator.

(c) Holder may release from the lien personal property including crops without joinder by the Administrator.

(d) It shall be the duty of the holder to apply the consideration received for a release pursuant to paragraphs (a), (b), or (c) of this section to the unpaid indebtedness, or if encumbrance on other property is accepted in lieu of that released, it shall be holder's duty to acquire such lien on property of substantially equal value, and to refrain from substitution of security on any other basis except with prior consent of the Administrator.

(e) Any loss due to failure of the holder to comply with the provisions of this section shall pro tanto reduce any liability under the guaranty or insurance but such failure shall not in itself affect the validity of the title to the property released as to any purchaser for value without knowledge thereof.

(f) The holder shall notify the Administrator of any such release or substitution of security within 10 days after completion of such transaction.

(g) The release of the personal liability of any obligor on a guaranteed or insured obligation resultant from the act or omission of any holder without the prior approval of the Administrator shall release the obligation of the Administrator as guarantor or insurer.

(h) Nothing herein shall be construed to restrict the expenditure of working capital, the processing of materials, or the sale of merchandise or inventory in the ordinary course of business.

(i) Increase derived from livestock which constitutes security is not required to be included in the lien, and when so included may be disposed of by agreement between holder and debtor without advising the Administrator of such disposition.

§ 36.4325 *Partial or total loss of guaranty or insurance.* (a) There shall be no liability on account of a guaranty or insurance with respect to a transaction in which a signature to either the note, the mortgage, or any other loan papers, or the application for guaranty or insurance is a forgery; or in which the discharge or certificate of eligibility is counterfeited, or falsified, or is not issued by the Government.

Except as to a claimant on a negotiable instrument who acquired same before maturity, for value, and without notice, any material misrepresentation or fraud by the lender, or by the holder, or the agent of either, in procuring the guaranty, the insurance credit, or a transfer thereof, shall relieve the Administrator of liability.

(b) If any holder fails to comply with the act and §§ 36.4300 to 36.4375, inclusive, with respect to:

(1) Obtaining and retaining a lien of the dignity required on all property reported as being encumbered to secure a loan,

(2) Inclusion of power to substitute trustees (§ 36.4327),

(3) The procurement and maintenance of insurance coverage (§ 36.4326),

(4) Advice to Administrator as to default (§ 36.4315),

(5) Notice of intention to begin action (§ 36.4317),

(6) Notice to the Administrator in any suit or action, or notice of sale (§ 36.4319),

(7) The release, conveyance, substitution or exchange of security, except as provided in §§ 36.4300 to 36.4375, inclusive,

(8) Lack of legal capacity of a party to the transaction incident to which the guaranty or the insurance is granted (§ 36.4328),

(9) Failure of the lender to see that any escrowed or earmarked account is expended in accordance with the agreement,

no claim on the guaranty or insurance shall be paid on account of the loan with respect to which such failure occurred until the loss, if any, resulting from such failure is determined. The burden shall be upon the holder to establish that such loss or any part thereof is not attributable to such failure. If so established, the amount payable, if any, shall be calculated as though the amount of the loss attributable to such failure had been paid on the indebtedness. If after the payment of a guaranty or an insurance loss, or after a loan is transferred pursuant to § 36.4318 (a), the failure to comply with the regulations as provided in this paragraph is discovered and the Administrator claims that a loss resulted the transferor or person to whom such payment was made shall reimburse the Administrator except as to so much of the loss as such person or transferor establishes was not attributable to such failure.

§ 36.4326 *Hazard insurance.* The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. All monies received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

§ 36.4327 *Substitution of trustees.* In jurisdictions in which valid, any deed of trust or mortgage securing a guaranteed or insured loan, if it names trustees, or confers a power of sale otherwise, shall contain a provision empowering any holder of the indebtedness to appoint substitute trustees, or other person with such power to sell, who shall succeed to all the rights, powers and duties of the trustees, or other person, originally designated.

§ 36.4328 *Capacity of parties to contract.* Nothing in §§ 36.4300 to 36.4375, inclusive, shall be construed to relieve any lender of responsibility otherwise existing, for any loss caused by the lack of legal capacity of any person to contract, convey, or encumber, or caused by the existence of other legal disability or defects invalidating, or rendering unenforceable in whole or in part, either the loan obligation or the security therefor.

§ 36.4329 *Geographical limits.* Any real property purchased, constructed, altered, improved, or repaired with the proceeds of a guaranteed or insured loan, and the principal place of business of any enterprise in connection with which a loan is obtainable under sections 503 or 507 of the act, shall be situated within the United States, defined in the act as the several States, territories and possessions and the District of Columbia.

§ 36.4330 *Accounting records.* (a) The holder shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof. Any holder who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim for default, and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such holder.

(b) The Administrator has the right to inspect, examine, or audit, at a reasonable time and place, the records or accounts of a holder pertaining to loans guaranteed or insured by the Administrator.

§ 36.4331 *Disqualification of lenders.* Whenever a loan guarantee officer finds with respect to loans guaranteed or insured under the act that any lender or holder has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of veterans or of the Government, he may temporarily suspend the right of such lender or holder to secure guaranty or insurance on loans under Title III of the act pending reference of the matter to the central office for investigation or action as may be necessary and apropriate. Upon a proper hearing at which the lender or holder shall have an opportunity to appear in person or by counsel, or both, and to introduce evidence, the Administrator, if he deems sufficient cause has been shown therefor, may decline for a specified period to issue further evidence of guaranty or insurance.

§ 36.4332 *Delivery of notice.* Any notice required by §§ 36.4300 to 36.4375, inclusive, to be given the Administrator must be in writing, and delivered, by mail or otherwise, to the Veterans' Administration office at which the guaranty or insurance was issued, or to any changed address of which the holder has been given notice. Such notice must plainly identify the case by setting forth the name of the original veteran obligor and the file number assigned to the case by the Administrator, if available, or otherwise the name and serial number of the veteran. If mailed, the notice shall be by registered mail when so provided by §§ 36.4300 to 36.4375, inclusive. This section does not apply to legal process (see § 36.4319).

§ 36.4333 *Satisfaction of indebtedness.* Upon full satisfaction of a guaranty or insured loan by payment or otherwise it shall be the duty of the holder to cancel the endorsement, if any, of the Administrator; and forthwith inform the Administrator of such cancelation. In the event the Administrator's liability is evidenced by an instrument separate from the instrument evidencing the debtor's obligation, the instrument evidencing the obligation of the Administrator shall be returned to the Veterans' Administration office issuing same, or to the central office, with the holder's cancelation or endorsement of release thereon.

§ 36.4334 *Incorporation by reference.* Regulations issued under the act, and in effect on the date of any loan which is submitted and accepted or approved for a guaranty or for insurance thereunder shall govern the rights, duties and liabilities of the parties to such loan and any provisions of the loan instruments inconsistent with such regulations are hereby amended and supplemented to conform thereto.

§ 36.4335 *Supplementary administrative action.* Notwithstanding any requirement, condition or limitation stated in or imposed by §§ 36.4300 to 36.4375, inclusive, the Administrator, within the limitations and conditions prescribed in the act, may take such action as may be necessary to relieve any undue prejudice to a debtor or holder which might otherwise result, provided such action shall not impair the vested rights of any person affected thereby.

§ 36.4336 *Eligibility of loans; reasonable value requirements.* No loan is guaranteeable or insurable the proceeds of which have been expended or will be expended for property, or for construction, alterations, repairs or improvements, the purchase price or cost of which is in excess of the reasonable value of the same as determined by a proper appraisal made by an appraiser designated by the Administrator. Nor in any case in which a lien is required by §§ 36.4300 to 36.4375, inclusive, may such purchase price or cost when added to the amount remaining unpaid on obligations secured by prior liens, be in excess of the reasonable value of the subject property as so improved.

§ 36.4337 *Security; non-real estate loans.* To the extent legal and practicable under customary business practice, all loans made for the purchase, alteration, improvement, repair or production of tangible personal property will be secured by such property in the usual legal form employed in the locality in

transactions where rights in personal property are reserved as security for the payment of its purchase price or for the cost of work done or materials applied thereto.

§ 36.4338 *Death or insolvency of holder.* (a) Immediately upon the death of the holder and without the necessity of request or other action by the debtor or the Administrator, all sums then standing as a credit balance in a trust, or deposit, or other account to cover taxes, insurance accruals, or other items in connection with the loan secured by the encumbered property, whether stated to be such or otherwise designated, and which have not been credited on the note shall, nevertheless, be treated as a set-off and shall be deemed to have been credited thereon as of the date of the last debit to such account, so that the unpaid balance of the note as of that date will be reduced by the amount of such credit balance: *Provided*, That any unpaid, taxes, insurance premiums, ground rents, or advances may be paid by the holder of the indebtedness, at his option, and the amount which otherwise would have been deemed to have been credited on the note reduced accordingly. This paragraph shall be applicable whether the estate of the deceased holder is solvent or insolvent.

(b) The provisions of paragraph (a) of this section shall also be applicable in the event of:

(1) Insolvency of holder;

(2) Initiation of any bankruptcy or reorganization, or liquidation proceedings as to the holder, whether voluntary or involuntary;

(3) Appointment of a general or ancillary receiver for the holder's property; or in any case

(4) Upon the written request of the debtor if all secured and due insurance premiums, taxes, and ground rents have been paid, and appropriate provisions made for future accruals.

(c) Upon the occurrence of any of the events enumerated in paragraphs (a) or (b) of this section, interest on the note and on the credit balance of the deposits mentioned in paragraph (a) shall be set off against each other at the rate payable on the principal of the note, as of the date of last debit to the deposit account. Any excess credit of interest shall be treated as a set-off against the unpaid advances, if any, and the unpaid balance of the note.

(d) The provisions of paragraphs (a), (b) and (c) of this section shall apply also to corporations. The dissolution thereof by expiration of charter, by forfeiture, or otherwise shall be treated as is the death of an individual as provided in paragraph (a).

§ 36.4339 *Qualification for designated appraisers.* (a) To qualify for approval as a designated appraiser, an applicant must show to the satisfaction of the Administrator that his character, experience, and the type of work in which he has had experience for at least five years, qualifies him competently to appraise and value within a prescribed area the type of property to which the approval relates.

(b) Subject to the provision of § 36.4340 a lender shall have the right to select any appraiser from the panel of designated appraisers.

§ 36.4340 *Restriction on designated appraisers.* A designated appraiser shall not make an appraisal, excepting of alterations, improvements or repairs to real property entailing a cost of not more than $1,000, if such appraiser is an officer, director, trustee, employer or employee of the lender, contractor, or vendor: *Provided*, That appraisals of non-real estate loans may be made by an officer, director, trustee, employer or employee of a lender of a class specified under sections 500 (d) or 508 of the act.

§ 36.4341 *Suspension or removal of appraisers.* Upon it appearing that an appraiser designated by the Administrator is not qualified to make appraisals of the type for which he was appointed, or has engaged in any practice detrimental to the interests of the veteran, the lender, or the Government, he may be suspended or removed by the Administrator: *Provided*, That such action shall not prejudice the guaranty or insurance right of a lender who has in good faith acted in reliance upon a designation of such appraiser prior to receiving notice of such suspension or removal.

§ 36.4342 *Delegation of authority to loan guarantee officers.* The several loan guarantee officers are hereby delegated authority to exercise the statutory power of the Administrator with respect to the guaranty, and the insurance, of loans in accordance with the act and §§ 36.4300 to 36.4375, inclusive, including, but not limited to, the execution and delivery of releases, conveyances, bills of sale, and assignments of real or personal property or any interests therein or liens thereon.

REAL ESTATE LOANS

§ 36.4350 *Eligibility for guaranty or insurance.* (a) No loan for the purchase of an interest in residential, farm, or business realty, or for the cost of any construction, repairs, alterations or improvements thereon shall be eligible for a guaranty or insurance unless the veteran has or will become vested with a merchantable title to an estate in the subject property not less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien, or

(3) A life estate, provided that the remainder and reversionary interests are subjected to the lien.

(b) Any such property or estate will not be ineligible by reason of encroachments, easements, servitudes, reservations for water, timber, or subsurface rights, or building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter: *Provided*, That such limitations on the quantum or quality of the estate or property, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by the act.

§ 36.4351 *Loans, first, second or unsecured.* Loans for the purchase of real property or a leasehold estate as limited in §§ 36.4300 to 36.4375, inclusive, or for the alteration, improvement or repair thereof costing more than $1,000 and more than 40% of the reasonable value of such property or estate prior thereto shall be secured by a first lien on the property or estate. Loans for such alteration, improvement or repair costing more than $1,000 but less than 40% of the prior reasonable value of the property shall be secured by either a first or second lien. Those costing less than $1,000 need not be secured, and in lieu of title examination the lender may accept a statement from the borrower that he has an interest in the property not less than that prescribed in § 36.4350 (a).

§ 36.4352 *Tax or special assessment.* Tax or special assessment liens or ground rents shall be disregarded with respect to any requirement that loans shall be secured by a lien of a specified dignity.

§ 36.4353 *Combination loans, residential and business property.* If otherwise eligible a loan for the purchase or construction of a combination of residential property and business property which the veteran proposes to occupy in part as a home will not be ineligible under section 501 of the act if not more than two business units are included. A loan for the purchase or construction of residential property containing more than four separate family units plus an added unit for each veteran participating in the ownership thereof, or more than two business units, must be classed as a business loan and satisfy the requirements of eligibility prescribed under section 503 of the act.

SECTION 505 (A) LOANS

§ 36.4354 *Concurrent with primary loan.* A second loan is eligible for guaranty or insurance under section 505 (a) only if the proceeds thereof are used concurrently with and as part of the same transaction which is partially financed through the proceeds of the primary loan, or by continuing the primary loan in effect by assumption or otherwise.

REFINANCING—SECTION 507

§ 36.4355 *Indebtedness eligible for refinancing.* (a) No loan shall be made to refinance delinquent indebtedness less than 60 days in default without a written statement from the holder of the delinquent obligation or other evidence satisfactory to the Administrator that it is delinquent.

(b) Any loan proposed to be made to refinance a delinquent obligation which was incurred within one year of the date of the application for refinancing shall be referred in advance to the Administrator with a report of the proposed borrower's income and expenses, and his affidavit stating the purchase price of the property purchased with the proceeds of the delinquent loan. The Administra-

tor may hold any such case to be ineligible if it appears the guaranty or insurance of such refinancing would effect an evasion of any of the limitations imposed by the act.

(c) No loan guaranteed or insured by the Administrator under Title III may be refinanced under section 507 of that title.

SECTION 508 LOANS

§ 36.4370 *Insured loan and insurance account.* (a) Loans otherwise eligible may be insured when purchased by a lender eligible under section 508 if the purchaser (lender) submits with the loan report evidence of an agreement, general or special, made prior to the closing of the loan, to purchase such loan subject to its being insured.

(b) A current account shall be maintained in the name of each insured lender or purchaser. The account shall be credited with the appropriate amounts available for the payment of losses on insured loans made or purchased. The account shall be debited with appropriate amounts on account of transfers, purchases under § 36.4318, or payment of losses. The Administrator may on six months notice close any lender's insurance account. Such account after expiration of the six months period shall be available only as to loans embraced therein.

§ 36.4371 *Amount payable by administrator for credit on loan.* The amount payable by the Administrator for credit on the loan in accordance with section 508 (c) of the act will be 4% of the amount credited to the lender's insurance account for the particular loan.

§ 36.4372 *Transfer of insured loans.* (a) In cases involving the transfer from one insured financial institution to another insured institution of loans which are transferred without recourse, guaranty, or repurchase agreement, if no payment on any loan included in the transfer is past due more than one calendar month at the time of transfer there shall be transferred from the insurance account of the transferor to the insurance account of the transferee an amount equal to the original percentage credited to the insurance account in respect to each loan being transferred applied to the unpaid balance of such loans, or to the purchase price, whichever is the lesser.

(b) Transfers between insurance accounts in a manner or under conditions not provided in paragraph (a) of this section must have the prior approval of the Administrator.

(c) Where loans are transferred with recourse or under a guaranty or repurchase agreement no insurance credit will be transferred or insurance account affected and no reports will be required.

(d) In all cases of transfer of loans from one insured financial institution to another insured institution, except as provided in paragraph (c) of this section, a report on a prescribed form executed by the parties and showing their agreement with regard to the transfer of insurance credits shall be made to the Administrator.

§ 36.4373 *Debits and credits to insurance account under § 36.4318.* In the event that an insured loan is transferred under the provisions of § 36.4318, there shall be charged to the insurance account of the transferor a sum equal to the amount paid transferor on account of the indebtedness less the current market value of the property transferred as security therefor as determined by an appraiser designated by the Administrator, or the amount chargeable to such insurance account in the event of a transfer under § 36.4372, whichever sum is the greater. The credit to the insurance account of the transferee will be computed in accordance with § 36.4372 (a).

§ 36.4374 *Payment of insurance.* (a) In the event that pursuant to notice under § 36.4317 the holder forecloses or otherwise liquidates and applies the proceeds of security toward reduction of an insured loan, the net loss shall be reported to the Administrator with proper claim, whereupon the holder shall be entitled to payment of the claim within the amount then available for such payment under the payee's related insurance account. Subject to the provisions of paragraph (b) of this section and to § 36.4370 (b) a supplemental claim for any balance of an insurance loss may be filed at any time within five years after the date of the original claim.

(b) The basis of the claim for an insurance loss shall consist in the unrealized principal or the amount paid for the obligation, if less, plus unrealized interest, subject to the applicable dates specified in § 36.4321 (a), and those expenses, if any, allowable under § 36.4313, but subject to proper credits because of payments, set-off, proceeds of security, or otherwise.

§ 36.4375 *Reports of insured institutions.* An insured financial institution shall make such reports respecting its insurance accounts as the Administrator may from time to time require, not more frequently than semiannually.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator.

[F. R. Doc. 46-3161; Filed, Feb. 27, 1946; 1:20 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 315]

UTAH

AIR-NAVIGATION SITE WITHDRAWAL NO. 228

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, and section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 228:

SALT LAKE MERIDIAN

T. 27 S., R. 11 E.,
Sec. 27, W½SE¼;
Sec. 33, NE¼SE¼;
Sec. 34.
T. 28 S., R. 11 E.,
Sec. 13, NE¼NW¼.

The areas described aggregate 805.17 acres.

This order shall take precedence over, but shall not modify, the withdrawal of lands containing radio-active mineral substances, and all deposits of such substances, made by Executive Order No. 9613 of September 13, 1945, and the withdrawals for Utah Grazing Districts No. 5 and No. 7, made by the orders of the Secretary and Acting Secretary of the Interior dated May 7, 1935, and May 15, 1944.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

FEBRUARY 20, 1946.

[F. R. Doc. 46-3172; Filed, Feb. 28, 1946; 9:38 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL, OR PERIODICAL REPORTS

SUPPLEMENT TO FORM PRESCRIBED FOR LARGE AND MEDIUM STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of February A. D. 1946.

The matter of waiving the provisions of the order of December 18, 1941, and amendments thereof, relating to the filing of consolidated statistical statements by steam railway companies which have annual railway operating revenues of $10,000,000 or more, being under consideration.

And it appearing, that due to shortage of experienced personnel necessary for the preparation of such consolidated statistical statements and the heavy work load in the accounting departments resulting from war conditions, requests has been received from the Accounting Division, Association of American Railroads, that the filing of such statements be waived for the year ended December 31, 1945:

It is ordered, That the requirements of the order of December 18, 1941, § 120.11a *Supplement to form prescribed for large and medium steam roads,* and amendments thereof, relating to the filing of consolidated statistical statements are hereby waived for the year ended December 31, 1945.

And it is further ordered, That said order of December 18, 1941, and amendments thereof, shall in all other respects remain in full force and effect.

(24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)–(8))

By the Commission, Division 1.

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

[F. R. Doc. 46-3232; Filed, Feb. 28, 1946; 11:56 a.m.]

Notices

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

[Docket No. AO 103-A8]

NEW ORLEANS, LA., MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq., 10 F.R. 11791), notice is hereby given of a public hearing to be held at the Monteleone Hotel, New Orleans, Louisiana, beginning at 10:00 a. m., c. s. t., March 6, 1946, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the New Orleans, Louisiana, milk marketing area (10 F.R. 1077). These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the proposed amendments which are hereinafter set forth.

The following amendments have been proposed:

In § 942.1:

By the Dairy Branch, Production and Marketing Administration:

1. Delete the provisions of § 942.1 (b) and substitute therefor the following:

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

2. Delete the term "War Food Administrator" wherever it appears and substitute therefor the term "Secretary."

3. Add at the end of § 942.1 a new paragraph reading as follows:

(m) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk: *Provided,* That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

In § 942.2:

By the Dairy Branch, Production and Marketing Administration:

1. Add at the end of § 942.2 (b) a new subparagraph reading as follows:

(3) Make rules and regulations to effectuate the terms and provisions hereof.

In § 942.4:

By Brown's Velvet Ice Cream Company; Cloverland Dairy Products Company; Gold Seal Creamery; Muller's Sanitary Dairy; Roemer Dairy & Producers Creameries; St. Charles Dairy; and Southern Dairy Products, Inc. (Hereinafter referred to as Brown's Velvet Ice Cream Company, et al.)

1. Amend § 942.4 (e) (9) to provide that the amount of actual plant shrinkage not in excess of 2 percent of receipts of skim milk and butterfat from producers remain as Class III skim milk and butterfat, respectively, irrespective of any skim milk or butterfat purchased from other sources.

By the Dairy Branch, Production and Marketing Administration:

2. Delete the provisions of § 942.4 (c) and substitute therefor the following:

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if found by the market administrator to have been used or disposed of (whether in original or other form) by such handler or by any other person in another class in accordance with such use or disposition.

3. Amend § 942.4 (d) by inserting the number "(1)" immediatley after the heading thereof, and by adding a new subparagraph following said subparagraph (1) reading as follows:

(2) No allocation relative to transfers provided for in this paragraph shall operate to deter the prior subtraction of skim milk or butterfat from other sources pursuant to (f) (1) [(e) (9) (i) in present order] of this section. Any quantity reported for allocation to a particular class but not eligible therefor because of (f) (1) [(e) (9) (i) in present order] of this section shall be allocated by the market administrator as Class I skim milk or Class I butterfat pending his verification.

4. Delete the provisions of § 942.4 (e) (9) and substitute therefor a new subparagraph immediately following § 942.4 (e) reading as follows:

(f) *Allocation of classified skim milk and butterfat.* Classified skim milk and butterfat shall be allocated as follows:

(1) Subtract, respectively, from the total pounds of skim milk and butterfat in each class, in series beginning with the lowest available class, the pounds of skim milk and butterfat received from other sources;

(2) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and used in each class; and

(3) Subtract from the remaining pounds of skim milk and butterfat in each class, in series beginning with the lowest available class, the pounds of skim milk and butterfat by which the total pounds, respectively, in all classes exceed the pounds received from producers. The respective resulting amounts in each class shall be known as "net pooled Class I skim milk," "net pooled Class I butterfat," "net pooled Class II skim milk," "net pooled Class II butterfat," "net pooled Class III skim milk," and "net pooled Class III butterfat"; the sum of the "net pooled Class I skim milk," "net pooled Class II skim milk," and "net pooled Class III skim milk" shall be known as the "net pooled skim milk" and the sum of the "net pooled Class I butterfat," "net pooled Class II butterfat," and "net pooled Class III butterfat" shall be known as the "net pooled butterfat."

In § 942.5:

By the Dairy Farmers' Cooperative Association, Inc., Kentwood, Louisiana:

1. Amend § 942.5 (b) (1) to establish a schedule of prices for skim milk and butterfat which will increase the Class I milk price 40 cents per hundredweight.

2. Amend the provisions of § 942.5 (b) (1) to provide for an increase in the price for Class I milk in addition to that proposed under 1. hereof when the subsidy is discontinued, in the same amount as the subsidy, with a sufficient differential between summer and winter prices to encourage more winter production.

By the United Milk Producers of America, Amite, Louisiana:

3. Amend § 942.5 so as to provide for the following:

(a) Change the Class I price from a formula basis to a price for 4 percent whole milk of $4.00 per hundredweight.

(b) Change the Class II price from a formula basis to a price for 4 percent whole milk of $3.50 per hundredweight.

(c) Change the Class III price from a formula basis to a price for 4 percent whole milk of $2.50 per hundredweight.

By the Dairy Branch, Production and Marketing Administration:

4. Delete from § 942.5 (a) the phrase "(1) and (2) of this paragraph" and substitute therefor the following "(1), (2), and (3) of this paragraph," and add at the end of § 942.5 (a) (2) a new subparagraph reading as follows:

(3) The price per hundredweight computed by the market administrator in accordance with the following formula: from the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period during which such milk was re-

ceived, subtract 3 cents, add 20 percent, and multiply the amount by 3.5: *Provided*, That such price shall be increased by the amount resulting from the following computation: from the average of the carlot prices per pound of nonfat dry milk solids, roller and spray process, f. o. b. manufacturing plants, as published by the Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period, deduct 4 cents, multiply by 8½, and multiply such net amount pursuant to this proviso by 0.965.

5. Amend the provisions of § 942.5 (b) (1) so as: (a) to clarify the language in the headings of the schedule contained therein; (b) to extend the brackets set forth in such schedule upward and downward, at 25-cent intervals, from a minimum of "under $1.75" to a maximum of "$3.25 and over"; and (c) to provide for appropriate prices for skim milk, butterfat, and 4 percent milk within each bracket to correspond with such prices as may be adopted.

6. Amend the provisions of § 942.5 (c) so as: (a) to clarify the language in the heading of the schedule contained therein; and (b) to extend the appropriate prices specified therein for skim milk, butterfat, and 4 percent milk upward and downward to correspond with the brackets set forth in § 942.5 (b) (1) as proposed.

In § 942.6:

By the Dairy Branch, Production and Marketing Administration:

1. Delete the provisions of § 942.6 and substitute therefor the following:

§ 942.6 *Application of provisions*—(a) *Exemption.* (1) Sections 942.5, 942.7, 942.8, and 942.9 shall not apply to handlers (i) whose sole source of supply are from other handlers (except producer-handlers) or (ii) who are producer-handlers pursuant to § 942.1 (m) as verified by the market administrator in the manner provided in (2) of this paragraph.

(2) Producer-handlers shall furnish the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as such pursuant to § 942.1 (m) as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualifications as producer-handlers. Such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(b) *Payment for excess skim milk or butterfat.* If a handler after subtracting receipts from other sources, and receipts from other handlers has disposed of skim milk and butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been purchased or received from them, the market administrator in computing the net pool obligation of such handler pursuant to § 942.7 (a) shall add an amount equal to the value of such skim milk and butterfat in accordance with its value at the price for the class from which such skim milk or butterfat was subtracted pursuant to § 942.4 (f) [now § 942.4 (e) (9)].

(c) *Skim milk and butterfat disposed of in bulk by a producer-handler.* A producer-handler shall be considered as a producer with respect to skim milk and butterfat disposed of in bulk to a handler (including another producer-handler).

In § 942.7:

By the United Milk Producers of America, Amite, Louisiana:

1. Amend the provisions of §§ 942.7 and 942.8 so as to provide for an individual-handler pool, instead of for a market-wide pool.

2. Amend the provisions of § 942.7 (c) so as to change the amount of the butterfat differential for milk containing above or below 4 percent butterfat;

3. Amend the provisions of § 942.7 to provide for the establishment of a seasonal-adjustment plan of payment to producers, or the incorporation in such order of the provisions for payment to new producers set forth in section 8c (5) (d) of the Agricultural Marketing Agreement Act of 1937, as amended.

By Meibaum Bros. Dairy, Roseland Dairy, Morning Call Dairy, Oakdale Dairy, and Estelle Dairy:

4. Amend the provisions of § 942.7 and § 942.8 so as to provide for an individual-handler pool, instead of for a market wide pool.

By Brown's Velvet Ice Cream Co., et al.:

5. Amend the provisions of § 942.7 (b) by renumbering subparagraphs (4), (5), and (6) so as to read, respectively, (6), (7), and (8), and by adding immediately after § 942 7 (b) (3) new subparagraphs reading as follows:

(4) Subtract for each of the delivery periods of March, April, May, June, July, and August an amount representing 20 cents per hundredweight of milk received from producers by the handlers whose milk values are included under (1) of this paragraph;

(5) Add for each of the delivery periods of September, October, November, December, January, and February one-sixth of the total amount subtracted pursuant to (4) of this paragraph;

6. Amend the provisions of § 942.7 (b) (6) [now § 942.7 (b) (4)] by deleting the semicolon at the end thereof and by adding immediately thereafter the following: ", except moneys deposited in such fund pursuant to the provisions of (4) of this paragraph."

By the Dairy Branch, Production and Marketing Administration:

7. Delete the provisions of § 942.7 (b) (1) and substitute therefor the following:

(1) Combining into one total the values computed pursuant to (a) of this section for all handlers except those who did not make the payments required pursuant to § 942.8 (a) (2) for the previous delivery period.

In § 942.8:

By Brown's Velvet Ice Cream Co., et al:

1. Amend the provisions of § 942.8 (b) to provide that the location differentials be pooled in order to effect a standard uniform price for all producers regardless of location.

By the Dairy Branch, Production and Marketing Administration:

2. Amend the provisions of § 942.8 (a) (2) by deleting the period at the end thereof and by adding immediately thereafter a proviso reading as follows:

Provided, That if by such date such handler has not received full payment for such delivery period pursuant to (c) of this section, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

In § 942.10:

By Brown's Velvet Ice Cream Co., et al:

1. Renumber §§ 942.10, 942.11, and 942.12 so as to read, respectively, §§ 942.11, 942.12, and 942.13; and add a new section immediately following § 942.9 to provide for marketing services to producers as authorized by section 8c (5) (e) of the Agricultural Marketing Agreement Act of 1937, as amended.

In § 942.14:

By the Dairy Branch, Production and Marketing Administration:

1. Add a new section at the end of the order reading as follows:

§ 942.14 *Separability of provisions.* If any provision hereof, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

General proposals:

By the Dairy Branch, Production and Marketing Administration:

1. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331

South Building, Washington 25, D. C., or may be there inspected.

Dated: February 27, 1946.

G. T. PEYTON,
Acting Assistant Administrator for Regulatory and Marketing Service Matters, Production and Marketing Administration.

[F. R. Doc. 46-3166; Filed, Feb. 27, 1946; 4:31 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 2002]

ESSAIR, INC.

NOTICE OF HEARING

In the matter of the compensation for transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over route No. 64.

Notice is hereby given, pursuant to the provisions of sections 406 and 1001 of the Civil Aeronautics Act of 1938, as amended, that the above-entitled matter is assigned to be heard on March 7, 1946 at 10 a. m. (Eastern Standard Time) in Room 1851, Department of Commerce Building, Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., February 26, 1946.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 46-3177; Filed, Feb. 28, 1946; 10:18 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 7307, 7308]

LANCASTER TELEVISION CORP. AND WGAL, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits for television broadcast stations in Lancaster, Pennsylvania: Lancaster Television Corp., Docket No. 7307, File No. B2-PCT-145; WGAL, Inc., Docket No. 7308, file No. B2-PCT-138.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of February 1946;

The Commission having under consideration the above-entitled applications for construction permits for new television broadcast stations in the Lancaster, Pennsylvania, metropolitan area;

Whereas, the Commission in its report of November 21, 1945, indicated that a possible maximum of one community channel might be available in the vicinity of Lancaster, Pennsylvania;

It is ordered, That the above-entitled applications be designated for consolidated hearing upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary,

[F. R. Doc. 46-3082; Filed, Feb. 26, 1946; 11:53 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-457]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

FEBRUARY 27, 1946.

Notice is hereby given that on March 18, 1943, an application was filed with the Federal Power Commission by Panhandle Eastern Pipe Line Company, Applicant, a Delaware corporation having its principal offices at 1221 Baltimore Avenue, Kansas City 6, Missouri, and 135 South LaSalle Street, Chicago 3, Illinois, for a temporary and permanent certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of certain facilities hereinafter described.

The proposed project consists of a 2-inch pipeline approximately 4,600 ft. in length extending from a point on Applicant's "Michigan North" line to the plant of the Michigan Seamless Tube Company situated in Sections 29 and 30, T. 1 North, R. 7 East, Oakland County, Michigan, together with valves, regulators and other appurtenant facilities necessary for the operation of the line.

The application recites the estimated total over-all cost of the project to be $9,110. The Commission on May 27, 1943, issued a temporary certificate of public convenience and necessity authorizing the construction and operation of the facilities herein described without prejudice to the authority of the Commission with respect to its disposition of Panhandle Eastern Pipe Line Company's application for a permanent certificate.

Any interested state commission is requested to notify the Federal Power Commission whether it considers the application one which should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to said application for a permanent certificate should, on or before March 15, 1946, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-3169; Filed, Feb. 28, 1946; 9:37 a. m.]

[Docket No. G-508]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

FEBRUARY 26, 1946.

Notice is hereby given that on February 8, 1946, an application was filed with the Federal Power Commission by the New York State Natural Gas Corporation, a New York corporation having its principal place of business at 30 Rockefeller Plaza, Borough of Manhattan, City, County, and State of New York, requesting modification of paragraph (c) of the Commission's order of April 26, 1944, issuing to Applicant a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, In the Matters of Hope Natural Gas Company, et al., Docket Nos. G-507, G-508, G-510, G-516 and G-519, Opinion No. 114.

The order of April 26, 1944, among other things, imposes a limitation of the amount of natural gas which New York State Natural Gas Corporation may sell and deliver to the Central New York Power Corporation for resale in the State of New York.

Central New York Power Corporation is presently engaged in the transportation and sale of natural, mixed, and manufactured gas in the State of New York. The natural gas used in these operations is purchased pursuant to the provisions of New York State Natural Gas Corporation Rate Schedule FPC No. 20, as limited by said order of April 26, 1944.

Central New York Power Corporation proposes to substitute straight natural gas for the mixed gas now sold in its Syracuse-Oswego Division and for the manufactured gas sold in its Utica and Watertown Divisions; and, on February 11, 1946, filed with the Federal Power Commission an application for a certificate of public convenience and necessity for the construction and operation of facilities necessary to effect this substitution (Docket No. G-702).

New York State Natural in its application requests that the above-mentioned order of April 26, 1944, be revised to eliminate all limitation of volumes to permit sale and delivery of natural gas to Central New York Power Corporation to meet proposed increased demands as provided in an agreement between these parties dated November 13, 1945.

The application states that it will not be necessary for Applicant to install any additional facilities to meet its con-

tractual obligations to Central New York Power Corporation.

Any interested state commission is requested to notify the Federal Power Commission whether it considers the application one which should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of March, 1946, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-3168; Filed, Feb. 28, 1946; 9:37 a. m.]

[Docket No. G-702]

CENTRAL NEW YORK POWER CORP.

NOTICE OF APPLICATION

FEBRUARY 26, 1946.

Notice is hereby given that on February 11, 1946, an application was filed with the Federal Power Commission by Central New York Power Corporation, a New York corporation having its principal place of business at Syracuse, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of certain facilities hereinafter described:

(1) A 12-inch or 14-inch main gas transmission line approximately 9¾ miles in length extending from the northwesterly boundary of the city of Syracuse, New York, northerly to the town of Cicero, New York.

(2) A 6-inch main gas transmission line approximately 61½ miles in length extending from the western boundary of the town of Cicero northerly to the city of Watertown, New York.

(3) A 12-inch or 14-inch main gas transmission line approximately 26¼ miles in length extending from the eastern boundary of the town of Cicero easterly to the village of Verona, New York, and thence approximately 8½ miles to the city of Rome, New York.

(4) A compressor station to be located in the city of Syracuse, New York, with a total initial installed horsepower of 1,200 (active and reserve) and an initial capacity of approximately 600,000 cubic feet per hour.

The new facilities will be connected to existing facilities of Applicant to enable it to substitute straight natural gas service for all customers in Applicant's Syracuse-Oswego Division in which a mixed gas is now served to consumers in Oswego, Onondaga, and Madison Counties; and in Utica and Watertown Divisions in which a manufactured gas is now served to consumers in Jefferson, Oneida, Madison, Herkimer, and Fulton Counties.

Applicant proposes to obtain its natural-gas requirements from the New York State Natural Gas Corporation, pursuant to an agreement entered into on November 13, 1945. Natural gas presently used for mixing with manufactured gas and for sale to industrial consumers is obtained from New York State Natural Gas Corporation.

The application states that it is planned to retain in operation the Applicant's existing carbureted water gas plants in Syracuse and Utica, which are now, or will be, equipped to produce gas with a high heating value as a substitute for natural gas up to a quantity believed sufficient to protect the service against any reasonable expectation of shortage or interruption in the proposed natural-gas supply.

It is estimated that the total cost of the proposed facilities will be about $1,415,000. Applicant proposes to finance the construction out of its own funds.

The introduction of straight-natural gas service, it is said, will reduce the cost of gas to consumers, and will provide them with an assured source of supply. Further, it will enable applicant to meet anticipated demands of its consumers for house heating and other gas services which were curtailed during the war emergency. Applicant states that, if it is required to continue mixed gas and manufactured gas service, substantial maintenance and capital expenditures will be required and it appears economic to effect a substitution of straight-natural gas at this time.

The following are communities in New York now served by applicant in which straight-natural gas service is proposed to be introduced:

SYRACUSE DIVISION

Baldwinsville.	Lysander.
Camillus.	Manlius.
Chittenango.	Minetto.
Cicero.	North Syracuse.
Clay.	Onondaga.
Dewitt.	Oswego.
Fayetteville.	Salina.
Fulton.	Solvay.
Geddes.	Sullivan.
Granby.	Syracuse.
Liverpool.	Van Buren.

UTICA DIVISION

Canastota.	Manheim.
Clinton.	Mohawk.
Dolgeville.	New Hartford (Town of).
Frankford (Town of)	New Hartford (Village of).
Frankfort (Village of).	Yorkville.
German Flats.	Orlskany.
Herkimer (Town of).	Rome.
Herkimer (Village of).	Schuyler.
New York Mills.	Utica.
Ilion.	Wampsville.
Kirkland.	Westmoreland (including Clark Mills).
Lenox.	Whitesboro.
Little Falls (City of).	Whitestown.
Little Falls (Town of).	

WATERTOWN DIVISION

Oppenheim. Pamelia. Watertown.

The application is filed in the alternative requesting: (1) A certificate of public convenience and necessity for the operation of existing facilities; and (2) for the construction and operation of proposed facilities; or (3) a dismissal of the application after the making of a finding that Applicant is not a natural-gas company within the meaning of the Natural Gas Act and will not so become by reason of construction of the proposed facilities.

Applicant states that it has concurrently filed with the Public Service Commission of New York an application for approval of the proposed substitution of straight-natural gas for the service now rendered in the affected areas.

Any interested state commission is requested to notify the Federal Power Commission whether it considers the application one which should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of March, 1946, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-3170; Filed, Feb. 28, 1946; 9:37 a. m.]

[Docket Nos. IT-5974, IT-5975]

EASTERN OREGON LIGHT AND POWER CO. AND CALIFORNIA-PACIFIC UTILITIES CO.

NOTICE OF APPLICATIONS

FEBRUARY 25, 1946.

In the matter of Eastern Oregon Light and Power Company, Docket No. IT-5974; California-Pacific Utilities Company, Docket No. IT-5975.

Notice is hereby given that on February 18, 1946, applications were filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Eastern Oregon Light and Power Company (hereinafter called "Eastern Oregon"), a corporation organized under the laws of the State of Oregon, and doing business therein with its principal business office at Baker, Oregon, and California-Pacific Utilities Company (hereinafter called "Cal-Pac"), a corporation organized under the laws of the State of California, and doing business in the States of Arizona, California, Idaho, Nevada, Oregon, Washington, and Wyoming, with its principal business office at San Francisco, California, seeking orders authorizing the sale of all of the facilities of Eastern Oregon, subject to the jurisdiction of the Commission, and the acquisition thereof by Cal-Pac. Cal-Pac also seeks, in the alternative, an order of the Commission dis-

claiming jurisdiction over the proposed transaction.

The consideration is stated in the applications to be a base price of approximately $2,277,395 (exclusive of certain adjustments), payable as follows: Cal-Pac will assume Eastern Oregon's outstanding 3½% bonds in the principal amount of $1,800,000; will make a cash payment of $444,595; and will deliver to Eastern Oregon 1640 of its new 4½% Cumulative Preferred Shares ($20 par value) for exchange with the latter's outstanding preferred stock; all appearing more fully in the applications on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said applications should on or before the 12th day of March, 1946, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-3171; Filed, Feb. 28, 1946; 9:38 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 500A-179]

COPYRIGHTS OF UNIVERSAL FILM A. G.

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:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof [the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the rights and copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights] are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: 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 and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the rights and copyrights, if any, described in said Exhibit A;

b. Every right or copyright, claim of right or copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number; including motion picture rights.

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. 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;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. 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 payable or held with respect to rights and copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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. 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 said Executive order.

Executed at Washington, D. C., on December 5, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners or potential owners of copyrights and/or rights	Column 5 Identified persons whose interests are being vested
Unknown	Karl und Anna as a novel and play	Leonhard Frank (nationality not established).	Universal Film A. G. (nationality, German).	Owner.

[F. R. Doc. 46-3143; Filed, Feb. 27, 1946; 11:15 a. m.]

[Vesting Order 500A-180]

COPYRIGHTS OF 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:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof [the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights,

the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights] are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: 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 and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. 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;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. 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 payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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. 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 said Executive Order.

Executed at Washington, D. C., on December 18, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Handbuch der wissenschaftlichen und angewandten Photographie. Ergänzungswerk. Bd. 1. 698 p. 1943.	Unknown	Julius Springer Wien, Germany (nationality German).	Owner.
A for. 5724	Das buch vomgesunden und kranken menschen, 19 aufl. (C. E. Bock), 1929.	Wilhelm Cammerer of Germany (nationality German).	Union Deutsche Verlagsgesellschaft Cottastr. 13 Stuttgart, Germany (nationality German).	Author and owner.
A for. 44942	Reelle Funktionen, Bd. 1, 1939	Constantin Caratheodory of Germany (nationality German).	B. G. Teubner Poststr. 3-5 Leipzig, Germany (nationality German).	Author and owner.

[F. R. Doc. 46–3144; Filed, Feb. 27, 1946; 11:15 a. m.]

[Vesting Order 5463]

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:

1. Finding that each person whose name, nationality, and last known address where 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;

2. Finding that the persons listed in said Exhibit A jointly or severally own or control the property hereinafter described in subparagraph 3;

3. Determining that the property described as follows: 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, where established, is designated at the top of each page of said Exhibit A 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 works 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.

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. 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 interest 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 December 6, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Vesting Order No. 5463, executed by the Alien Property Custodian 12/6/45 was filed with the Copyright Office on December 12, 1945, and with the Division of the Federal Register. The vesting order vests in the Alien Property Custodian certain copyrights, copyright applications and rights relating thereto or interests therein of the German nationals, or in or relating to the works, named in the list attached hereto, all as more particularly set forth in the said vesting order which is available for public inspection at the Copyright Office, Library of Congress, at the Division of the Federal Register, and at the Office of the Secretary, Office of Alien Property Custodian. The German nationals whose interests are vested and the names of the works involved (together with the author of the work or other appropriate identification in certain cases), are listed below:

Insel-Verlag; Letters of Rainer Maria Rilke (Rilke, author; Mary Dows Herter Norton and Jane Bannard Greene, translators; W. W. Norton & Company, Inc., registered copyright owner)

———; Briefe und Tagebucher aus der Fruhzeit (Rilke, author; Insel-Verlag, registered copyright owner)

———; Briefe aus den Jahren (Rilke, author; Insel-Verlag, registered copyright owner)

———; Briefe aux Muzot (Rilke, author; Insel-Verlag, registered copyright owner)

Hensel & Company; Tolstoy and His Wife (Tikhon Polner, author; Nicholas Wreden, translator)

Drei Masken Verlag A. G.; Madame Pompadour (Leo Fall, composer; Von Rudolph Schanzer and Ernst Welisch, authors; Drei Masken Verlag, A. G., registered copyright owner)

Estate of Fritz Lohner-Beda; Ball Im Savoy (Paul Abraham, Alfred Gruenwald and Fritz Lohner-Beda, composers; Doremi Musikverlag, A. G., registered copyright owner)

———; Ball Im Savoy (Paul Abraham, Alfred Gruenwald and Fritz Lohner-Beda, composers; Alrobi Musikverlag, registered copyright owner).

[F. R. Doc. 46-3142; Filed, Feb. 27, 1946; 11:16 a. m.]

[Vesting Order 5910]

SCHROEDER GEBRUEDER & CO.

In re: Bank account owned by Schroeder Gebrueder & Co.

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 Schroeder Gebrueder & Co., the last known address of which is Brodschrangen 35, Hamburg 11, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Schroeder Gebrueder & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar checking account, entitled Schroeder Gebr. & Co., 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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-3145; Filed, Feb. 27, 1946; 11:18 a. m.]

[Vesting Order 5911]

SEILER & CO.

In re: Bank accounts owned by Seiler & Co.

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 Seiler & Co., the last known address of which is Lowengrube 18–20, Muenchen, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Seiler & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a foreign drafts outstanding account, entitled Seiler & Co., and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation owing to Seiler & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an old checks outstanding account, entitled Seiler & Co., and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Seiler & Co., by The Chase

National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar checking account, entitled Seiler & Co., 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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3146; Filed, Feb. 27, 1946; 11:18 a. m.]

[Vesting Order 5912]

G. J. H. SIEMERS & CO.

In re: Bank accounts owned by G. J. H. Siemers & Co.

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 G. J. H. Siemers & Co., the last known address of which is Dornbusch 12, Hamburg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to G. J. H. Siemers & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar checking account, entitled Messrs. G. J. H. Siemers & Co., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to G. J. H. Siemers & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Messrs. G. J. H. Siemers & Co., and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to G. J. H. Siemers & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an old checks outstanding account, entitled Messrs. G. J. H. Siemers & Co., 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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3147; Filed, Feb. 27, 1946; 11:18 a. m.]

[Vesting Order 5913]

B. SIMONS & CO.

In re: Bank account owned by B. Simons & Co.

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 B. Simons & Co., the last known address of which is Dusseldorf, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to B. Simons & Co., by Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Messrs. B. Simons & Co., 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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3148; Filed, Feb. 27, 1946; 11:18 a. m.]

[Vesting Order 5914]

SIMON, EVERS & CO., G. M. B. H.

In re: Bank account owned by Simon, Evers & Co., G. m. b. H.

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 Simon, Evers & Co., G. m. b. H., the last known address of which is Moenckebergstrasse 13, Hamburg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Simon, Evers & Co., G. m. b. H., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a Dollar Checking Account, entitled Messrs. Simon, Evers & Co., G. m. b. H., 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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3149; Filed, Feb. 27, 1946; 11:18 a. m.]

[Vesting Order 5915]

FRIEDRICH STRUSCH

In re: Bank account owned by Friedrich Strusch.

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 Friedrich Strusch, whose last known address is Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Friedrich Strusch, by The Marine Midland Trust Company of New York, 120 Broadway, New York, New York, arising out of a checking account, entitled Friedrich Strusch, maintained at the branch office of the aforesaid bank located at 17 Battery Place, New York, New York, 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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3150; Filed, Feb. 27, 1946; 11:18 a. m.]

[Vesting Order 5916]

FUMIO TAKAGI

In re: Bank account owned by Fumio Takagi.

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 Fumio Takagi, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Fumio Takagi, by Irving Trust Company, New York, New York, arising out of a checking account, entitled Mr. Fumio Takagi, maintained at the branch office of the aforesaid bank located at 350 Fifth Avenue, New York, New York, 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 (Japan);

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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3151; Filed, Feb. 27, 1946; 11:19 a. m.]

[Vesting Order 5917]

BUNICHIRO TANABE

In re: Bank account owned by Bunichiro Tanabe.

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 Bunichiro Tanabe, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Bunichiro Tanbe, by Empire Trust Company, 120 Broadway, New York, New York, arising out of a special checking account, account number 18256, entitled Bunichiro Tanabe, 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 (Japan);

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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3152; Filed, Feb. 27, 1946; 11:19 a. m.]

[Vesting Order 5918]

FRED TAYLOR

In re: Bank account owned by Fred Taylor.

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 Fred Taylor, whose last known address is c/o Director Heinrich Kohler, I. G. Farbenindustrie, A. G., Frankfurt a/m, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Fred Taylor, by The National City Bank of New York, New York, New York, arising out of a checking account, entitled Fred Taylor, maintained at the branch office of the aforesaid bank located at 22 William Street, New York, New York, 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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3153; Filed, Feb. 27, 1946; 11:19 a. m.]

[Vesting Order 5919]

HEINR. AD. TEEGLER

In re: Bank account owned by Heinr. Ad. Teegler.

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 Heinr. Ad. Teegler, the last known address of which is Spitalerstrasse 16, Hamburg 1, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Heinr. Ad. Teegler, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar checking account, entitled Heinr. Ad. Teegler, 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 February 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3154; Filed, Feb. 27, 1946; 11:19 a. m.]

[Vesting Order 5930]

HYALSOL EXPORT CORP.

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:

1. Having found and determined in Vesting Order Number 2173, dated September 10, 1943, that Deutsche Hydrierwerke A. G. and Bohme Fettchemie G. m. b. H. are nationals of a designated enemy country (Germany);

2. Finding that Henkel & Cie. G. m. b. H., whose principal place of business is Dusseldorf, Germany, is a business enterprise organized under the laws of Germany and is a national of a designated enemy country (Germany);

3. Finding that all of the issued and outstanding capital stock of Hyalsol Export Corporation, a corporation organized under the laws of the State of Delaware and doing business in the State of New York and a business enterprise within the United States, consisting of 2,000 shares of common stock of no par value, is registered in the names of the persons listed below in the number appearing opposite each name and is beneficially owned by Henkel & Cie. G. m. b. H., either directly or through its wholly-owned subsidiaries, Duetsche Hydrierwerke A. G. and/or Bohme Fettchemie G. m. b. H., and is evidence of ownership and control of Hyalsol Export Corporation:

	Shares
Lewis H. Marks	1,000
Nelson Littell	1,000
Total	2,000

and determining:

4. That Hyalsol Export Corporation is controlled by Henkel & Cie. G. m. b. H., either directly or through its wholly-owned subsidiaries, Deutsche Hydrierwerke A. G. and/or Bohme Fettchemie G. m. b. H., and is a national of a designated enemy country (Germany);

5. 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 2,000 shares of the common stock of no par value of Hyalsol Export Corporation more particularly described in subparagraph 5 hereof, together with all declared and unpaid dividends thereon, and all right, title and interest of whatsoever kind or nature of each and all other nationals, whomsoever they may be, of Germany and Japan in and to said property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any name or nature whatsoever situated within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

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 vary the extent of or terminate such direction, management, supervision or control, or 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–3155; Filed, Feb. 27, 1946; 11:20 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 46 under 3 (c)]

NASH-KELVINATOR CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.3 (c) of the General Maximum Price Regulation; *It is ordered:*

(a) The maximum net delivered prices, excluding federal excise taxes for sales to consumers by any person of the following electric water heaters distributed by the Nash-Kelvinator Corpo-

ration of Detroit, Michigan under the trade names Kelvinator or Leonard, shall be:

Model numbers:	
KS 30 or LS 30—30 gallon electric water heater—single element	$76.20
KS 50 or LS 50—50 gallon electric water heater—single element	95.35
KS 80 or LS 80—80 gallon electric water heater—single element	123.95
KS 30D or LS 30D—30 gallon electric water heater—double element	85.75
KS 50D or LS 50D—50 gallon electric water heater—double element	104.75
KS 80D or LS 80D—80 gallon electric water heater—double element	133.20

(b) The maximum net prices, excluding federal excise taxes, for sales to "servicing dealers" by any person of the following electric water heaters, shall be:

Model numbers	On shipments of—	
	1 to 4 heaters, inclusive	5 or more heaters
KS 30 or LS 30	$49.82	$46.62
KS 50 or LS 50	62.37	57.37
KS 80 or LS 80	81.07	74.57
KS 30D or LS 30D	56.07	52.47
KS 50D or LS 50D	68.56	62.97
KS 80D or LS 80D	87.02	80.02

(c) The maximum net prices set forth in (b) above are f. o. b. point of shipment. When, however shipment is made directly by the manufacturer to the dealer, the maximum net prices set forth in (a) above are f. o. b. dealer's city.

(d) The maximum net delivered prices, excluding federal excise taxes, for sales to distributors in carload quantities by any person of the following electric water heaters, shall be:

Model numbers:	
KS 30 or LS 30	$40.89
KS 50 or LS 50	49.37
KS 80 or LS 80	64.17
KS 30D or LS 30D	45.27
KS 50D or LS 50D	54.17
KS 80D or LS 80D	68.82

(e) The maximum net delivered prices, excluding federal excise taxes for sales to distributors in less than carload-quantities by any person of the electric water heaters covered by this order shall be the maximum net billing price on sales to distributors in carload quantities plus 3 percent.

(f) The maximum prices for sales of the commodities covered by this order on an installed basis shall be determined in accordance with the provisions of Revised Maximum Price Regulation 251.

(g) Each seller, except on sales to consumers, shall notify, in writing, each of his purchasers at or before the time of the first invoice after the effective date of this order of the maximum prices established by this order for sales to such purchasers as well as the purchasers, except a dealer, maximum price upon resale.

(h) The Nash-Kelvinator Corporation or its agent shall attach to each of the electric water heaters covered by this order a tag containing the following:

(1) The model number of the water heater.

(2) The OPA maximum retail price including federal excise tax.

(3) A statement that the maximum price shown includes the federal excise tax actually paid, delivery, and one year warranty.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 28, 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3128; Filed, Feb. 27, 1946; 11:11 a. m.]

[Rev. SO 119, Order 95]

KITSON CO.

AUTHORIZATION OF MAXIMUM PRICES

Revised Supplementary Order No. 119, Order No. 95. Authorization of maximum prices for sales of brass bath traps manufactured by the Kitson Co., 1500 Walnut St., Philadelphia, Pa. Docket No. 6075-SO 119-11.

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 Revised Supplementary Order No. 119; *It is ordered:*

(a) The Kitson Company of Philadelphia, Pennsylvania, may determine its maximum prices for its line of brass bath traps by increasing by 19.6 percent its prices in effect on October 1, 1941 to each class of purchaser.

(b) Since the provisions of this order are not intended to reduce properly established maximum prices, the Kitson Company may continue to use as its maximum prices to each class of purchaser its properly established prices under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect on October 1, 1941 to each class of purchaser plus the increase provided for in (a) above.

(c) The Kitson Company shall notify each purchaser, in writing, at or before the issuance of the first invoice after the effective date of this order of the actual dollars-and-cents increase in its selling price for each bath trap over its prices to each purchaser in effect on February 27, 1946.

(d) The maximum price for sale by any reseller of the brass bath traps manufactured by the Kitson Company shall be his maximum price to each purchaser in effect on February 27, 1946, plus the actual dollars-and-cents increase in present acquisition cost resulting from the increase granted the manufacturer under paragraph (a).

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 28, 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3126; Filed, Feb. 27, 1946; 11:11 a. m.]

[Rev. SO 119, Order 94]

UTICA PRODUCTS, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Utica Products, Inc., 1101 Burrstone Road, Utica, New York, may compute its adjusted ceiling prices for all articles of sheet steel cabinets for paper towels, which it manufactures as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 4.7 per cent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, in effect before the effective date of this order, the adjusted ceiling price is the articles properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the precentage determined in accordance with Note 3 in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereinafter properly determined or established in accordance with Maximum Price Regulation No. 188 and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order in his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Reseller's ceiling prices.* A reseller shall calculate his ceiling price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method

the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or thereafter properly established under OPA regulation.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) All requests for adjustment of maximum prices not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on February 28, 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3125; Filed, Feb. 27, 1946; 11:11 a. m.]

[SO 142, Order 39]

AMERICAN BRAKE SHOE CO.

ADJUSTMENT OF MAXIMUM PRICES

Supplementary Order No. 142, Order No. 39. Adjustment provisions for sales of industrial machinery and equipment. Docket No. 6083-136.21-632.

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) After December 18, 1945, the maximum prices for sales by resellers of the railway trackwork products listed below which are produced and sold by the manufacturer, Ramapo Ajax Division of the American Brake Shoe Company, New York, New York, shall be determined as follows: For the following railway trackwork products covered by Revised Maximum Price Regulation 136, the reseller shall add to the maximum net prices he had in effect to a purchaser of the same class, just prior to December 18, 1945, the applicable amount, in dollars and cents, by which his net invoiced cost has been increased by reason of Order No. L-4, issued to the manufacturer on December 18, 1945, under Supplementary Order No. 142:

Specialties:
Switch stands and parts.
Rail lubricators and parts.
Switch paint locks and parts.
Manganese guard rails.
Specialties—Continued.
Guard rail clamps and parts.
Gauge rods and parts.
Arched bottom guard rail plates.
Standard items:
Switches and parts.
Frogs and parts.
Carbon steel guard rails and parts.
Crossings and parts.

(b) The Ramapo Ajax Division of the American Brake Shoe Company shall notify each purchaser who buys any of the above described products for resale of the amount, in dollars and cents, 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.

(c) All requests not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 28, 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.
Acting Administrator.

[F. R. Doc. 46-3127; Filed, Feb. 27, 1946; 11:11 a. m.]

[MPR 188, Order 122 Under Order A-2]

EMPIRE PLOW CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register and pursuant to section (a) (16) of Order A-2 under Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Empire Plow Company, Cleveland, Ohio, may increase its net maximum prices for sales to all classes of purchasers of the following garden tools which it manufactures by the dollar-and-cents amount set forth below opposite each model:

Article	Model No.	Amount of adjustment
Boy scout garden plow with turn shovel only		$0.43
Boy scout garden plow	1	.30
	2	.42
	3	.22
Paragon garden plow	1	.75
	2	1.16
Little winner cultivator with 14" steel wheel, pair side hoes, turn shovel, 3 duckfeet and wrench		.35

(b) *Maximum prices of purchasers for resale.* A reseller shall calculate his maximum prices by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established maximum price. For this purpose the "most comparable article" is the one that meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a maximum price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for on OPA Form 620-759 with regard to how he determined his maximum price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a maximum price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* The adjusted maximum prices authorized by this order apply to all sales and deliveries made after the effective date of this order. They are subject to each seller's customary terms, discounts, allowances, and other price differentials on sales of similar articles in effect during March 1942 or thereafter properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to the first invoice to each purchaser for resale after the effective date of this order the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) *Effective date.* This order shall become effective on the 28th day of February 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3124; Filed, Feb. 27, 1946; 11:10 a. m.

[MPR 591, Order 333]

TUMPANE CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum list price, f. o. b. point of shipment, for sales by any person to plumbing and heating contractors, installers and commercial and industrial users of the following chrome plated swing spout sink faucet manufactured by the Tumpane Company of 37-21 32d St., Long Island City, New York,

and described in its application dated February 7, 1946, shall be:

No. 103 Special chrome plated brass swing spout faucet with soap tray, wall type, with replaceable brass valve cylinder	$9.60

(b) The maximum net price, f. o. b. point of shipment, for sales by any person to jobbers shall be the maximum list price specified in (a) above less successive discounts of 25 and 5 per cent.

(c) The maximum prices specified in (a) and (b) above for sales by the Tumpane Company shall be f. o. b. point of manufacture with full freight allowed on shipments of 150 pounds or more.

(d) The maximum prices established by this order shall be subject to such further discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(e) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(f) The Tumpane Company shall notify each of its purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for sales by the Tumpane Company, as well as the maximum prices established for purchasers upon resale.

(g) The maximum prices approved under this order include all price increases authorized by section 2.6 of Order 48 under Maximum Price Regulation No. 591 to date and may not be further increased pursuant to the provisions of that order as are in effect as of the date of this order.

(h) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective February 28, 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3134; Filed, Feb. 27, 1946; 11:13 a. m.]

[MPR 591, Order 334]

BEN BAR SALES, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following food freezers manufactured by Ben Bar Sales, Inc., 1025 North Third Street, Milwaukee 3, Wis., and as described in the application dated January 15, 1946, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—		
	Distributors	Dealers	Consumers
14 cu. ft. ¼ hp. condensing unit	$245	$294	$490
14 cu. ft. ½ hp. condensing unit	260	312	520

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation charges.

(f) The Ben Bar Sales, Inc., of Milwaukee, Wisconsin, shall stencil on the lid or cover of the food freezers covered by this order, substantially the following:

OPA Maximum Retail Price—$_____

Plus freight and crating as provided in Order No. 334 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 28, 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3135; Filed, Feb. 27, 1946; 11:13 a. m.]

[MPR 591, Order 335]

CARL-CRAFT CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following Model No. 116DBL2 Freezer manufactured by the Carl-Craft Company, 4113 West Jefferson Blvd., Los Angeles 16, California, and as described in the application dated January 15, 1946, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model No. 116DBL2:	
On sales to dealers	$616
On sales to consumers	$925

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a dealer the following charges may be added to the maximum prices established in (a) above.

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Carl-Craft Company of Los Angeles, California, shall stencil, on the lid or cover of the Model No. 116DBL2 Freezer covered by this Order, substantially the following:

OPA Maximum Retail Price—$925.00

Plus freight and crating as provided in Order No. 335 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 28, 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3136; Filed, Feb. 27. 1946; 11:13 a. m.]

[MPR 591, Order 336]

IGLOO FOODS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register

and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following frozen food cabinets manufactured by the Igloo Products, Division of Igloo Foods, Inc., 210 Walnut Street, Cincinnati 2, Ohio, and as described in the application dated December 27, 1945 which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—		
	Distributors	Dealers	Consumers
10 cu. ft. frozen food cabinet	$205	$246	$410
20 cu. ft. frozen food cabinet	340	408	680

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Igloo Products, Division of Igloo Foods Inc., shall stencil on the lid or cover of the frozen food cabinets covered by this order, substantially the following:

OPA Maximum Retail Price—$_____

Plus freight and crating as provided in Order No. 336 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 28, 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3137; Filed, Feb. 27, 1946; 11:14 a. m.]

No. 42——5

[MPR 591, Order 337]

UNIVERSAL REFRIGERATION CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following Freezer M-75 manufactured by the Universal Refrigeration Company, 1954 South Western Avenue, Los Angeles, Calif., and as described in the application dated January 15, 1946, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to—		
	Distributors	Dealers	Consumers
No. M-75: 20.5 cu. ft. ½ hp. condensing unit	$329	$395	$658

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Universal Refrigeration Company of Los Angeles, California, shall stencil on the lid or cover of Model No. M-75 freezer covered by this order, substantially the following:

OPA Maximum Retai Price—$658.00

Plus freight and crating as provided in Order No. 337 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 28, 1946.

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3138; Filed, Feb. 27, 1946; 11:14 a. m.]

[MPR 591, Order 338]

TRAULSEN & CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following stainless steel refrigerators manufactured by Traulsen and Company, Inc., 45-15 Thirty-seventh Street, Long Island City 1, N. Y., and as described in the application dated January 22, 1946, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to—		
	Distributors	Dealers	Consumers
RHT-16: Stainless steel refrigerator	$385	$450	$750

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) Traulsen and Company, Inc., of Long Island City, New York, shall stencil on the lid or cover of the stainless steel

refrigerator covered by this order, substantially the following:

OPA Maximum Retail Price $750.00

Plus freight and crating as provided in Order No. 338 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 28, 1946

Issued this 27th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3139; Filed, Feb. 27, 1946; 11:14 a. m.]

[MPR 594, Order, 13]

CHRYSLER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 8 of Maximum Price Regulation 594, it is ordered:

(a) *Company sales to direct dealers.* Chrysler Corporation, Detroit, Michigan, hereinafter called Company, is authorized to sell and deliver at factory, Detroit, Michigan, to distributors, direct dealers at wholesale, and direct dealers at retail each of the Chrysler 8 cylinder new passenger automobiles listed in subparagraph (1) at a price not to exceed the total of the following charges:

(1) *Charge for new automobile.* A charge for the new automobile not to exceed the applicable net wholesale price in the following schedule less a wholesale delivery payment of $45.00 and the applicable retroactive car volume payment in subparagraph (i) below, when the distributors, direct dealers at wholesale or direct dealers at retail, are entitled to such payments under their Company-distributor or dealer agreements:

Model	Description	Net wholesale price
C-39-K Saratoga (8 cylinders).	3-passenger coupe	$1,104.13
	2-door sedan	1,155.92
	Club coupe	1,172.08
	Sedan, 4-door	1,182.23
C-39-N New Yorker (8 cylinders).	3-passenger coupe	1,175.33
	2-door sedan	1,227.45
	Club coupe	1,229.44
	Sedan, 4-door	1,239.55

(i) *Car volume payment:*

Quantity of new automobiles:	*Payment per automobile*
For distributors and direct dealers at wholesale:	
151–500	$7.50
501 and up	15.00
For direct dealers at retail:	
26–75	7.50
76–150	15.00
151–300	22.50
301–500	30.00
501 and up	37.50

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment listed in the following schedule when installed at the factory not to exceed the applicable net wholesale price in the schedule:

Description	*Net wholesale price*
"A" cooling system	$3.62
Antennae:	
50" Skyway type	3.13
Long skyway type	3.74
Header type	5.24
Bumper buffer bars	3.62
Export tool kit	4.82
Extreme duty springs	2.41
Heaters:	
All weather air controlled system complete with defroster and air intake	43.55
Underseat twin unit with fresh air duplicate intake and defroster	34.05
Hydraulic transmission—overdrive	43.19
Leather trim, full, instead of cloth:	
All models except 3-passenger coupe	31.67
3-passenger coupe	15.84
Shock absorber stone shields	.84
Shock absorbers, 1⅜" oversize	.60
Special body colors	24.10
Tires: four 700 x 15—6 ply	12.00
Tubes: four 700 x 15—lifeguard	31.29
Two-tone paint	9.04

(3) *Charge for advertising.* A charge for cooperative advertising not to exceed $10.00 when the distributor, direct dealer at retail, direct dealer at wholesale, or the latter's applicable associate dealer, whichever the case may be, agrees to participate in the cooperative advertising program.

(4) *Charge for transportation.* A charge to cover transportation expense, if any, from Detroit, Michigan, to the point at which delivery is made to the purchaser, computed in accordance with the method the company had in effect on October 15, 1941, including transportation tax at the current legal rate.

(5) *Charge for Federal excise taxes.* A charge to provide for Federal excise taxes at the current legal rates computed in accordance with the method the company had in effect on October 15, 1941.

(6) *Charge for delivery of automobile for transportation by boat or drive-away.* A charge not to exceed $3.00 when less than three automobiles are delivered to carrier for transportation by boat or drive-away.

(7) *Charge for retail delivery record.* A charge not to exceed $5.00 for a retail delivery record which shall be refunded when the record is prepared and furnished in accordance with the purchaser's agreement with the Company.

(8) *Charge for manufacturer's certificate of title or origin.* A charge not to exceed twenty-five cents for preparing and furnishing a manufacturer's certificate of title or origin when requested by the purchaser.

(9) *Charge for preparing and conditioning.* A charge not to exceed $15.00 when the company performs its customary preparing and conditioning operations on the new automobile to make it ready for operation by a consumer.

(10) *Charge for anti-freeze.* A charge for anti-freeze furnished with the automobile not to exceed the applicable maximum price.

(b) *Company sales to United States.* The company and its wholly-owned subsidiaries, except its wholly-owned dealerships, are authorized to sell and deliver at factory, Detroit, Michigan, to the United States, its agencies and wholly-owned corporations, for the use of the United States each of the Chrysler 8 cylinder new passenger automobiles listed in subparagraph (1) of paragraph (a) at a price not to exceed the total of the following charges:

(1) *A charge for the new automobile.* A charge for the new automobile not to exceed the amount of the applicable net wholesale price in subparagraph (1) of paragraph (a) less the amount of average wholesale payment included in such price for payment to distributors and direct dealers at wholesale.

(2) *A charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) of paragraph (a) when installed at the factory not to exceed the applicable net wholesale price in subparagraph (2) of paragraph (a).

(3) *Charge for servicing the new automobile.* A charge for servicing the new automobile subsequent to delivery to the purchaser not to exceed the amount the company had in effect on January 1, 1941, as a payment for the furnishing of such services.

(4) *Other charges.* Charges permitted by subparagraphs (4), (5), (6), (8), (9) and (10) of paragraph (a) when applicable to the sale.

(c) *Company sales to users.* The company and its wholly-owned retail dealerships, may sell and deliver to users at the factory, Detroit, Michigan, each of the Chrysler 8 cylinder new passenger automobiles listed in subparagraph (1) of paragraph (e) at a price not to exceed the total of the following charges:

(1) *Charge for new automobile.* A charge for the new automobile not to exceed the applicable factory retail price in subparagraph (1) of paragraph (e) less 90% of the allowances in effect on January 1, 1941, to the class of purchaser.

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) of paragraph (e) when installed at the factory not to exceed the amount of the applicable factory retail price in subparagraph (2) of paragraph (e) less 90% of the allowance in effect on January 1, 1941, to the class of purchaser.

(3) *Charge for State and local taxes.* A charge for State and local taxes on the sale or delivery of the new automobile and extra or optional equipment not to exceed the amount of such taxes.

(4) *Charge for preparing and conditioning.* A charge not to exceed $15.00 for preparing and conditioning the new automobile for delivery.

(5) *Other charges.* Charges permitted by subparagraphs (4), (5), (6), (8) and (10) of paragraph (a) when applicable to the sale.

(d) *Sales by distributors and direct dealers at wholesale to associate dealers.* Distributors and direct dealers at wholesale of Chrysler 8 cylinder new passenger automobiles may sell and deliver to associate dealers each of the new passen-

ger automobiles listed in subparagraph (1) of paragraph (a) at a price not to exceed the total of the following charges:

(1) *Charge for new automobile.* A charge for the new automobile not to exceed the amount of the applicable net wholesale price in subparagraph (1) of paragraph (a) less the applicable car volume payment in subparagraph (i) below:

(i) *Car volume payment.* When an associate dealer shall have purchased one of the quantities of new automobiles listed in the following schedule, the distributor or direct dealer at wholesale shall pay to that associate dealer, or credit him with, the amount in the schedule applicable to the quantity purchased:

Quantity:	*Amount per automobile*
26–75	$7.50
76 and up	15.00

These car volume payments are nonretroactive.

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in the following schedule when installed at the factory not to exceed the amount of the applicable net wholesale price in that schedule:

Description	*Net wholesale price*
"A" cooling system	$3.80
Antennae:	
50" Skyway type	3.29
Long skyway type	3.93
Header type	5.50
Bumper buffer bars	3.80
Export tool kit	5.06
Extreme duty springs	2.53
Heaters:	
All weather air controlled system complete with defroster and air intake	45.73
Underseat twin unit with fresh air duplicate intake and defroster	35.75
Hydraulic transmission—overdrive	45.35
Leather trim, full, instead of cloth:	
All models except 3-passenger coupe	33.25
3-passenger coupe	16.63
Shock absorber stone shields	0.88
Shock absorbers, 1⅜" oversize	0.63
Special body colors	25.31
Tires: Four 700 x 15—6-ply	12.60
Tubes: Four 700 x 15—lifeguard	32.85
Two-tone paint	9.49

(3) *Charge for advertising.* A charge for cooperative advertising not to exceed $10.00 when the purchasing associate dealer agrees to participate in the cooperative advertising program.

(4) *Charge for transportation.* A charge to cover the transportation expense of the distributor or direct dealer at wholesale not to exceed the following:

(i) *When the transportation charge to distributor or direct dealer at wholesale is prepaid.* A charge not to exceed the average net invoice transportation charge to the distributor or direct dealer at wholesale for the new automobile and extra or optional equipment being sold including transportation tax; or

(ii) *When the transportation charge to distributor or direct dealer at wholesale is not prepaid.* A charge to cover transportation expense not to exceed the rail freight charge at carload rate, by the most direct route, for the transportation of the new automobile and extra or optional equipment from Detroit, Michigan, to the place at which delivery is made to the purchaser including transportation tax at the current legal rate, except that where the new automobile and extra or optional equipment is transported by truck-away, and the distributor or direct dealer at wholesale pays the truck-away charge, the charge may be the truck-away charge, at truckload rate, for the most direct route from Detroit, Michigan, to the place at which delivery is made to the purchaser including transportation tax at the current legal rate.

(5) *Charge for Federal excise taxes.* A charge to cover Federal excise taxes not to exceed the amount of the charge the selling distributor or dealer at wholesale is billed for this expense.

(6) *Charge for preparing and conditioning.* A charge not to exceed $15.00 when the distributor or direct dealer at wholesale prepares and conditions the automobile for delivery to the person to whom the purchasing associate dealer sells the automobile or to the agent of such person.

(7) *Company charge for delivery of automobile for transportation by boat or drive-away.* The company's charge to the selling distributor or direct dealer at wholesale for delivery of automobile to carrier for transportation by boat or drive-away.

(8) *Charge for retail delivery record.* A charge not to exceed $5.00 for a retail delivery record which shall be refunded when the record is prepared and furnished in accordance with the associate dealer agreement.

(9) *Charge for manufacturer's certificate of title or origin.* A charge not to exceed twenty-five cents for the preparing and furnishing of a manufacturer's certificate of title or origin when requested by the associate dealer.

(10) *Charge for anti-freeze.* A charge for anti-freeze furnished with the automobile not to exceed the applicable maximum price.

(e) *Sales by resellers in continental United States.* A reseller may sell and deliver at its place of business each of the Chrysler 8 cylinder new passenger automobiles listed in subparagraph (1) below at a price not to exceed the total of the following charges:

(1) *Charge for automobile.* A charge for the new automobile not to exceed the applicable factory retail price in the following schedule:

Model	Description	Factory retail price
C-39-K Saratoga (8 cylinders).	3-passenger coupe	$1,428
	2-door sedan	1,495
	Club coupe	1,516
	Sedan, 4-door	1,529
C-39-N New Yorker (8 cylinders).	3-passenger coupe	1,520
	2-door sedan	1,587
	Club coupe	1,590
	Sedan, 4-door	1,603

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in the following schedule when installed at the factory not to exceed the applicable factory retail price in the schedule:

Description	*Factory retail price*
"A" cooling system	$4.85
Antennae:	
50" Skyway type	4.40
Long skyway type	5.35
Header type	7.20
Bumper buffer bars	5.80
Export tool kit	6.40
Extreme duty springs	3.20
Heaters:	
All weather air controlled system complete with defroster and air intake	56.05
Underseat twin unit with fresh air duplicate intake and defroster	44.90
Hydraulic transmission—overdrive	57.55
Leather trim, full, instead of cloth:	
All models except 3-passenger coupe	41.95
3-passenger coupe	21.00
Shock absorber stone shields	1.15
Shock absorbers, 1⅜" oversize	.80
Special body colors	33.65
Tires: Four 700 x 15—6 ply	16.05
Tubes: Four 700 x 15—lifeguard	50.00
Two-tone paint	11.65

(3) *Charge for transportation*—(i) *When transportation charge to reseller is prepaid.* A charge not to exceed the average net invoice transportation charge for the new automobile and extra or optional equipment being sold including transportation tax at the current legal rate; or

(ii) *When transportation charge to reseller is not prepaid.* A charge to cover transportation expense not to exceed the rail freight charge at carload rate, by the most direct route, for the transportation of the new automobile and extra or optional equipment from Detroit, Michigan, to the place at which delivery is made to the purchaser, including transportation tax at the current legal rate, except that where the new automobile and extra or optional equipment is transported by truck-away and the reseller pays the truck-away charge, the charge may be the truck-away charge, at truckload rate for the most direct route from Detroit, Michigan, to the place at which delivery is made to the purchaser including transportation tax at the current legal rate.

(4) *Charge for Federal excise taxes.* A charge not to exceed the charges made by his supplier to provide for Federal excise taxes on the new automobile and extra or optional equipment.

(5) *Charge for State and local taxes.* A charge for State and local taxes on the sale or delivery of the new automobile and extra or optional equipment not to exceed the amount of such taxes.

(6) *Charge for preparing and conditioning.* A charge for preparing and conditioning the new automobile for delivery not to exceed $35.00.

(7) *Gasoline, oil and anti-freeze.* A charge for gasoline, oil and anti-freeze furnished with the automobile not to exceed applicable maximum prices.

(f) *Sales by distributors, direct dealers at wholesale, direct dealers at retail or other resellers in territories and possessions.* A distributor, direct dealer at wholesale, direct dealer at retail, associate dealer or other reseller may sell and deliver in a territory or possession of the United States each of the Chrysler 8 cylinder new passenger automobiles listed in subparagraph (1) of paragraph (e) at a price not to exceed the maxi-

mum price it may charge under paragraph (d) or (e), whichever is applicable, to which he may add a sum equal to the expense incurred by or charged to him for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new automobile and extra or optional equipment in the territory or possession, when not charged under paragraph (d) or (e); export premiums; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage and terminal operations; ocean freight; freight to port of embarkation when not charged under paragraph (d) or (e).

(g) *Definitions*—(1) *Reseller.* A reseller is:

(i) A dealership, including company owned dealerships, when not selling under a distributor or direct dealer at wholesale agreement for resale; or

(ii) A person who purchased the new automobile at retail.

(2) *User.* A user is:

(i) A fleet account; or

(ii) The United States, or its agencies, or its wholly-owned corporations, when purchasing new automobiles for resale to buyers outside the United States; or

(iii) Any purchaser at retail.

(h) All requests not granted herein are denied.

(j) This order may be amended or revoked by the Administrator at any time.

This order shall become effective February 26, 1946.

Issued this 26th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3105; Filed, Feb. 26, 1946; 4:14 p. m.]

[MPR 188, Amdt. 1 to Order 1470]

NEW METAL COTS AND DOUBLE DECK BEDS

MANUFACTURERS' AND JOBBERS' MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered:* That Order No. 1470 under § 1499.159b of Maximum Price Regulation No. 188 be, and the same hereby is, amended in the following respects:

1. Paragraph (f) is amended to read as follows:

(f) *Maximum prices which cannot be established under another paragraph of this order (such as other models and other classes of purchasers).* After March 5, 1946, a manufacturer shall not sell, offer to sell, deliver or offer to deliver any article covered by this order for sales of which maximum prices have not been established under paragraph (d) of this order, or under an order of the Office of Price Administration, until he has applied to the Office of Price Administration, Washington 25, D. C., for the establishment of his maximum prices for such sales, and until such maximum prices have been established by an order of the Office of Price Administration, or the waiting period referred to below has terminated, and the manufacturer has received no notification from the Office of Price Administration. The application shall set forth (unless the information has already been furnished to the Office of Price Administration, in which case the date and the office to which it was furnished, shall be stated):

(1) The identifying number or trade name of the article to be priced.

(2) The reasons why the article to be priced cannot be priced under any other paragraph of this order.

(3) The detailed specifications and an illustration of the article to be priced.

(4) An itemized breakdown of the manufacturer's current unit direct cost of the article to be priced, showing separately, according to his own system of accounts or regularly prepared operating statements, all major component unit direct cost factors. For the purpose of this order, unit direct costs include direct labor and direct material costs but do not include factory burden (sometimes called factory overhead or indirec manufacturing expenses), packaging and crating costs, royalties and patterns, tool and die cost and items of administrative, general and selling expenses. Also, state the number of units of production upon which the unit direct costs were based.

(5) An itemized breakdown of the manufacturer's current unit direct cost (as described in (4) above) of the basic model in paragraph (d) of this order which is most nearly comparable to the article being priced.

(6) Price lists in effect during March 1942 showing:

(i) The article most nearly comparable to the article being priced, with illustrations:

(ii) The article most nearly comparable to the basic model mentioned in (4), with illustrations;

(iii) All price differentials covering variations in these constructions.

If the manufacturer was not making and selling new metal cots and double deck beds in March 1942, send the first price list which was in effect after March 1942, together with illustrations.

(7) A statement of the manufacturer's customary discounts, allowances and other price differentials to different classes of purchasers in effect for sales of new metal cots and double deck beds during March 1942, or if the manufacturer was not making and selling new metal cots and double deck beds during March 1942, the same information for the first period after March 1942 during which the manufacturer was engaged in this business.

(8) The proposed maximum prices to each class of purchaser for the article to be priced, and a statement of why the manufacturer believes those prices to be in line with the level of maximum prices established by this order.

Those proposed maximum prices shall be calculated as follows:

Step 1: The manufacturer shall determine the "unit direct cost" for the article being priced.

Step 2: The manufacturer shall select from the comparables for which maximum prices to retailers have already been established, in paragraph (d), the comparable which has a unit direct cost closest to the unit direct cost of the article being priced.

Step 3: The manufacturer shall determine the percentage markup over unit direct cost for the comparable selected.

Step 4: The manufacturer shall apply to the unit direct cost of the article being priced that percentage markup. The resulting price shall be the f. o. b. factory, l. c. l. maximum price for sales of the new article to retailers.

(ii) In the absence of a contrary direction from the Office of Price Administration within 15 days after mailing his application, the manufacturer may offer the article in question for sale at the proposed maximum prices stated therein. If such proposed maximum prices are correctly computed they shall be subject to adjustment (but not retroactively) at any time by order of the Office of Price Administration if it appears that the maximum prices so established are out of line with the general level of prices established by this order. If the prices are incorrectly computed, the maximum prices for a sale, offer to sell, or delivery of an article made pursuant to the incorrect report shall be the maximum prices which are properly computed under the formula contained in this paragraph.

2. Paragraph (i) is added, to read as follows:

(i) *Establishment of maximum prices in certain cases.* If any seller subject to this order fails to make the application for price approval which this order requires in certain instances, the Office of Price Administration may, either upon application, or upon its own motion, issue orders under this paragraph establishing maximum prices which are in line with the level of maximum prices established by this order. Maximum prices, so established, shall be effective as of the date of first sale.

This amendment shall become effective on March 5, 1946.

NOTE: The reporting provisions 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 February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3218; Filed, Feb. 28, 1946; 11:39 a. m.]

[RMPR 499, Order 32]

KINGSTON WATCH CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation 499, it is ordered:

(a) *Effect of this order.* This order establishes maximum prices for sales of the imported watches specified below imported by the Kingston Watch Company, 48 West 48th Street, New York 19, New York, hereinafter called the "Importer."

(b) *Maximum prices for sales to retailers and at retail.* The maximum

prices for sales by the importer to retailers and at retail of the Kingston watches identified below are as follows:

LAPEL—LADIES' WATCHES

Description	Importer's maximum prices to retailers	Maximum retail prices excluding Federal excise tax.
#8005, 7 jewel, 8¾ ligne, round rolled gold plate case, plain dial, 1/20 gold filled bow attachment, synthetic rubies, box	$14.75	$32.50
#8089, 7 jewel, 8¾ ligne, round rolled gold plate attached case, 1/20 gold filled spray, synthetic colored stones, box	15.75	35.00
#8092, 7 jewel, 8¾ ligne, round rolled gold plate case, plain dial, 1/20 gold filled two tone fancy attachment, box	16.25	35.00
#8059, 7 jewel, 9/4 ligne, rolled gold plate rectangular case, high curved crystal, ruby dot dial, 1/20 gold filled bow attachment, synthetic rubies, box	16.28	35.00
#8091, 7 jewel, 8¾ ligne, rolled gold plate square case, crystal top, 1/20 gold filled fancy attachment, box	14.45	32.50
#8026, 7 jewel, 8¾ ligne, rolled gold plate square case, 1/20 gold filled bar attachment, box	14.25	29.75
#8000, 7 jewel, 8¾ ligne, 1/20 gold filled flower spray, two tone round attached rolled gold plate, case, box	14.50	32.50
#8094, 7 jewel, 8¾ ligne, square rolled gold plate case, crystal top, 1/20 gold filled fancy attachment, box	13.75	29.75
#8012, 7 jewel, 8¾ ligne, rolled gold plate nautical wheel case, fancy metal attachment, box	10.25	22.50
#8016, 7 jewel, 8¾ ligne, large square ice cube case crystal top and back, sterling silver or rolled gold plate, attachment, box	14.24	29.75
#9904, 17 jewel, 9/4 ligne, 14K solid gold case, high curved crystal, ruby dot dial with diamond cut numerals, 14K solid gold link attachment, box	42.56	85.00
#9900, 17 jewel, 6/8 ligne, 14K solid gold case, high curved crystal, ruby dot dial with diamond cut numerals, 14K solid gold bow attachment, box	38.45	85.00
#9920, 17 jewel, 5 ligne, 14K solid gold case, high curved crystal, ruby dot dial, 14K solid gold bow attachment, box	40.61	85.00

WRIST

#7600, 7 jewel, 6/8 ligne, rolled gold plate case, steel back, plain dial, cord, box	$10.95	$22.50
#7600, 17 jewel, 6/8 ligne, rolled gold plate case, steel back, plain dial, cord, box	12.95	27.50
#9315, 17 jewel, 6/8 ligne, 14K solid gold case, high curved crystal ruby dot dial, cord, box	19.50	42.50
#9317, 17 jewel, 9/4 ligne, 14K solid gold case, high curved crystal, ruby dot dial, cord, box	18.10	39.50
#9591, 17 jewel, 5 ligne, 14K solid gold case, high curved crystal, ruby dot dial, cord, box	26.00	47.50
#6000, 17 jewel, 8¾ ligne, silver top steel back, case, sweep second hand radium dial, strap, box, waterproof	15.00	32.50

MEN'S WATCHES

#7804, 7 jewel, 8¾ ligne, rolled gold plate square or rectangular case, plain dial, strap, box	$9.95	$19.50
#7804, 17 jewel, 8¾ ligne, rolled gold plate square or rectangular case, plain dial, strap, box	12.75	27.50
#7901, 7 jewel, 10½ ligne, rolled gold plate case with steel back, plain dial, strap, box	9.00	19.50
#7901, 17 jewel, 10½ ligne, rolled gold plate case, steel back, plain dial, strap, box	11.25	24.75
#7905, 7 jewel, 11½ ligne, rolled gold plate curved case, steel back, plain dial, strap, box	8.75	19.50
#7905, 17 jewel, 11½ ligne, rolled gold plate curved case, steel back, plain dial, strap, box	10.75	22.50

MEN'S WATCHES—Continued

Description	Importer's maximum prices to retailers	Maximum retail prices excluding Federal excise tax.
#9151, 17 jewel, 8¾ ligne, 14K solid gold rectangular case, high curved crystal, diamond cut dial, strap, box	$30.75	$65.00
#9154, 17 jewel, 8¾ ligne, 14K solid gold rectangular or square case, plain dial, high curved crystal, strap, box	28.10	62.00
#9158, 17 jewel, 8¾ ligne, 14K solid gold white, yellow or pink case, high flat crystal, special dial with 14K gold bars and dots, lizard or alligator strap, box	56.04	120.00
#9159, 17 jewel, 8¾ ligne, 14K solid gold white, yellow or pink case, high flat crystal, special dial with 14K gold bars & dots, lizard or alligator strap, box	57.50	120.00
#9160, 17 jewel, 8¾ ligne, 14K white gold case, rectangular, high curved crystal, plain dial, strap, box	32.95	65.00
#9161, 17 jewel, 8¾ ligne, 14K white, yellow or pink gold case, high curved crystal, special dial with 14K gold bars & dots, lizard or alligator, strap, box	46.60	100.00
#9162, 17 jewel, 8¾ ligne, 14K white, yellow or pink gold case, high curved crystal, special dial with 14K gold dots, lizard or alligator strap, box	42.07	85.00
#9163, 17 jewel, 8¾ ligne, 14K white, yellow or pink gold case, high curved crystal, special dial with 14K gold bars and dots, lizard or alligator, strap, box	48.11	100.00
#6010, 17 jewel, 11½ ligne, silver top steel back case, incabloc radium dial, sweepseeond, waterproof, strap, box	15.82	32.50
#9206, 17 jewel, 10½ ligne, 14K solid gold case, thin model, sweep second, incabloc, radium dial, strap, box	46.40	100.00
#9208, 17 jewel, 11½ ligne, 14K solid gold case, thin model, incabloc, sweep second, radium dial, strap, box	49.35	110.00

The importer's maximum prices set forth above are subject to its customary March 1942 terms and allowances. The above maximum retail prices listed above are exclusive of the Federal excise tax of 10%, 20% in the case of watches selling at retail for more than $65.00.

No charge may be added to the above maximum retail prices for the extension of credit except under the conditions specified and to the extent permitted by section 12a of Revised Maximum Price Regulation No. 499.

(c) *Notification.* Any person who sells the above watches to a purchaser for resale shall, at the time of or prior to the first invoice, furnish the purchaser with a copy of this order or a price list incorporating the above prices to retailers and to consumers and containing a certification that they are maximum prices established by the Office of Price Administration. In addition, he shall include on every invoice covering a sale of these watches the following statement:

OPA Order No. 32 under RMPR 499 establishes prices at which you may sell these watches.

This notification on requirement supersedes the notification requirement in section 12 of Revised Maximum Price Regulation 499 with respect to the watches covered by this order.

(d) *Tagging.* The importer shall include with every watch covered by this order delivered to a purchaser for resale after its effective date, a tag or label setting forth the maximum retail price of the particular watch. This tag or label must not be removed until the watch is sold to an ultimate consumer.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Unless the content otherwise requires the definitions set forth in section 12 of Revised Maximum Price Regulation No. 499 shall apply to the terms used herein.

This order shall become effective on the 5th day of March 1946.

Issued this 28th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3222; Filed, Feb. 28, 1946; 11:40 a. m.]

[RMPR 357, Order 13]

CERTAIN INDIA TANNED GOATSKINS

MAXIMUM PRICES FOR IMPORTATION AND RESALE AFTER ARRIVAL IN THE UNITED STATES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 6 of Revised Maximum Price Regulation 357; *It is ordered:*

(a) The maximum prices at which any person may purchase, sell or deliver the selections of R. H. H. mark or D. H. D. mark East India tanned goatskins enumerated below shall be prices computed as though such selections were listed in section 4, table 1 of Revised Maximum Price Regulation 357 as follows:

Mark	Selection		Average weight in lbs. per dozen skins	Price
	Grades	Percent in each grade		
R. H. H.	I-II	40-60	8-9	$1.1425
D. H. D.	I-II	40-60	13-14	1.0425

(b) This order may be amended or revoked at any time by the Office of Price Administration.

(c) This Order No. 13 shall become effective March 5, 1946.

Issued this 28th day of February 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-3221; Filed, Feb. 28, 1946; 11:39 a. m.]

Regional and District Office Orders.

[Region VI Order G-77 Under SR 15, Amdt. 2]

FLUID MILK IN ONEIDA, VILAS AND FOREST COUNTIES, WIS.

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-77 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation is amended in the following respects:

1. Paragraph (a) is amended by striking out the following sentence: "On and after April 1, 1946 Crandon, Wisconsin shall again be excepted from the provisions of this order."

2. Paragraph (c) is amended by striking out the following sentence: "On and after April 1, 1946 Crandon, Wisconsin shall again be excepted from the provisions of this order."

This amendment to Order No. G–77 shall become effective February 27, 1946.

This amendment has been approved by the Secretary of Agriculture.

Issued this 27th day of February 1946.

R. E. WALTERS,
Regional Administrator.

Approved: February 26, 1946.

T. G. STITTS,
Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture.

[F. R. Doc. 46–3165; Filed, Feb. 27, 1946; 4:30 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register Feb. 21, 1946.

Region II

Baltimore Order 49, Amendment 2, covering dry groceries in the Baltimore, Maryland area. Filed 9:47 a. m.

Baltimore Order 2–C and 7–O, Amendment 4, covering poultry and eggs in the Baltimore, Maryland area. Filed 9:48 a. m.

Newark Order 3–C and 1–O, covering poultry and eggs in Mercer county, New Jersey. Filed 9:48 a. m.

Newark Order 5–C, covering poultry in Hudson, Essex, Union, Bergen and the Borough of North Plainfield in Somerset county. Filed 9:48 a. m.

Philadelphia Order 13–F, Amendment 4, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:48 a. m.

Philadelphia Order 14–F, Amendment 3, covering fresh fruits and vegetables in the city and county of Philadelphia. Filed 9:48 a. m.

Philadelphia Order 15–F, Amendment 3, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:49 a. m.

Philadelphia Order 16–F, Amendment 3, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:49 a. m.

Pittsburgh Order 9–F, Amendment 4, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:49 a. m.

Pittsburgh Order 10–F, Amendment 3, covering fresh fruits and vegetables in Allegheny county, Pennsylvania. Filed 9:49 a. m.

Pittsburgh Order 11–F, Amendment 3, covering fresh fruits and vegetables in all of Erie and Warren county, Pennsylvania. Filed 9:50 a. m.

Pittsburgh Order 12–F, Amendment 3, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:50 a. m.

Wilmington Orders 2–C and 4–O, covering poultry and eggs in Delaware North of the Delaware & Chesapeake Canal. Filed 9:43 a. m.

Region III

Cincinnati Order 4–F, Amendment 57, covering fresh fruits and vegetables in Hamilton county, Ohio. Filed 9:43 a. m.

Cincinnati Order 8–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Ohio. Filed 9:43 a. m.

Indianapolis Order 39, Amendment 8, covering dry groceries in certain areas in Indiana. Filed 9:46 a. m.

Indianapolis Order 40, Amendment 9, covering dry groceries in certain areas in Indiana. Filed 9:46 a. m.

Indianapolis Order 5–O, Amendment 6, covering eggs in certain counties in Indiana. Filed 9:46 a. m.

Indianapolis Order 6–O, Amendment 6, covering eggs in certain counties in Indiana. Filed 9:46 a. m.

Indianapolis Order 19–W, Amendment 8, covering dry groceries in certain areas in Indiana. Filed 9:42 a. m.

Indianapolis Order 38, Amendment 8, covering dry groceries in certain areas in Indiana. Filed 9:43 a. m.

Indianapolis Order 20–W, Amendment 8, covering dry groceries in certain areas in Indiana. Filed 9:41 a. m.

Region IV

Birmingham Order 6–F, Amendment 8, covering fresh fruits and vegetables in certain counties in Alabama. Filed 9:41 a. m.

Birmingham Order 5–F, Amendment 19, covering fresh fruits and vegetables in Jefferson county. Filed 9:41 a. m.

Birmingham Order 25–F, Amendment 6, covering fresh fruits and vegetables in certain counties in the Birmingham area. Filed 9:42 a. m.

Birmingham Order 26–F, Amendment 18, covering fresh fruits and vegetables in Mobile county, Alabama. Filed 9:42 a. m.

Birmingham Order 27–F, Amendment 20, covering fresh fruits and vegetables in Montgomery county, Alabama. Filed 9:42 a. m.

Birmingham Order 28–F, Amendment 18, covering fresh fruits and vegetables in Houston county, Alabama. Filed 9:42 a. m.

Birmingham Order 29–F, Amendment 18, covering fresh fruits and vegetables in Dallas county, Alabama. Filed 9:39 a. m.

Birmingham Order 25, Amendment 1, covering dry groceries for Groups 1 and 2 stores in the Birmingham area. Filed 9:39 a. m.

Columbia Order 8–F, Amendment 16, covering fresh fruits and vegetables in the entire State of South Carolina. Filed 9:35 a. m.

Columbia Orders 21 and 22, Amendment 1, covering dry groceries in the South Carolina area. Filed 9:36 a. m.

Columbia Orders 23–C and 24–C, Amendment 3, covering poultry in the South Carolina area. Filed 9:36 a. m.

Columbia Order 25–C, Amendment 3, covering dry groceries in the South Carolina area. Filed 9:37 a. m.

Columbia Order 26–C, Amendment 3, covering poultry sold by Groups 3 and 4 stores in the South Carolina area. Filed 9:37 a. m.

Columbia Order 27–C, Amendment 3, covering poultry in Richland and Lexington counties. Filed 9:37 a. m.

Columbia Orders 23–O and 24–O, Amendment 4, covering eggs sold by Groups 1 and 2 and 3 and 4 stores in the South Carolina area. Filed 9:37 a. m.

Columbia Orders 25–O and 26–O, Amendment 4, covering eggs sold by Groups 1 and 2 and 3 and 4 stores in the South Carolina area. Filed 9:38 a. m.

Columbia Order 27–O, Amendment 8, covering eggs in Richland and Lexington counties. Filed 9:35 a. m.

Columbia Order 7–W, Amendment 1, covering dry groceries in the South Carolina area. Filed 9:35 a. m.

Memphis Order 2–O, Amendment 9, covering eggs sold by Groups 1 and 2 stores in Memphis and Shelby counties, Tennessee. Filed 9:39 a. m.

Raleigh Order 13–F, Amendment 16, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 9:40 a. m.

Raleigh Order 14–F, Amendment 4, covering fresh fruits and vegetables in certain areas in North Carolina. Filed 9:41 a. m.

Raleigh Order 11–C, Amendment 2, covering poultry in certain counties in North Carolina. Filed 9:40 a. m.

Raleigh Order 10–O, Amendment 4, covering eggs in certain counties in North Carolina. Filed 9:40 a. m.

Raleigh Order 11–O, Amendment 4, covering eggs in certain counties in North Carolina. Filed 9:40 a. m.

Raleigh Order 12–O, Amendment 4, covering eggs in certain counties in North Carolina. Filed 9:40 a. m.

Region V

Dallas Order 4–F, Amendment 30, covering fresh fruits and vegetables in Dallas county, Texas. Filed 9:34 a. m.

Dallas Order 6–F, Amendment 19, covering fresh fruits and vegetables in McLennan county, Texas. Filed 9:33 a. m.

Dallas Orders 4–C and 10–O, covering poultry and eggs in the cities of Dallas and University Park and town of Highland Park, Texas. Filed 9:30 a. m.

Dallas Orders 28 and 29, Amendment 3, covering dry groceries sold by Groups 1 and 2 and 3 and 4 stores. Filed 9:29 and 9:30 a. m.

Dallas Order 29, Amendment 4, covering dry groceries sold by Groups 3A and 4A stores. Filed 9:30 a. m.

Dallas Order 7–W, Amendment 2, covering dry groceries. Filed 9:30 a. m.

Fort Worth Order 18, Amendment 5, covering dry groceries sold by Groups 1 and 2 stores. Filed 9:31 a. m.

Fort Worth Order 19, Amendment 4, covering dry groceries sold by Groups 1 and 2 stores. Filed 9:31 a. m.

Fort Worth Order 19, Amendment 5, covering dry groceries in certain counties in Texas. Filed 9:31 a. m.

Fort Worth Order 20, Amendment 4, covering dry groceries sold by Groups 3 and 4 stores. Filed 9:32 a. m.

Fort Worth Order 3–W, Amendment 4, covering dry groceries. Filed 9:32 a. m.

Fort Worth Order 4–W, Amendment 5, covering dry groceries in certain counties in Texas. Filed 9:32 a. m.

Houston Order 4–F, Amendment 30, covering fresh fruits and vegetables in certain cities and towns in Texas. Filed 9:32 a. m.

Houston Order 5–F, Amendment 30, covering fresh fruits and vegetables in Jefferson and Orange counties, Texas. Filed 9:33 a. m.

Houston Order 6–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:33 a. m.

Houston Orders 2–C and 4–O, covering poultry and eggs in Harris county, Texas. Filed 9:39 and 9:38 a. m.

Houston Orders 3–C and 5–O, covering poultry and eggs in Orange and Jefferson counties, Texas. Filed 9:38 and 9:39 a. m.

Houston Orders 4–C and 6–O, covering poultry and eggs in Galveston county, Texas. Filed 9:38 and 9:39 a. m.

Kansas City Order 4–F, Amendment 31, covering fresh fruits and vegetables in Johnson and Wyandotte counties, Kansas; Jackson county, Missouri and the city of North Kansas City, Missouri. Filed 9:29 a. m.

Kansas City Order 9–F, Amendment 15, covering fresh fruits and vegetables in Buchanan county, Missouri. Filed 9:29 a. m.

Kansas City Order 10–F, Amendment 5, covering fresh fruits and vegetables in Greene county, Missouri. Filed 9:29 a. m.

Kansas City Order 11–F, Amendment 15, covering fresh fruits and vegetables in Jasper county, Missouri. Filed 9:29 a. m.

New Orleans Order 3–F, Amendment 30, covering fresh fruits and vegetables in Louisiana, Parishes of Orleans, St. Bernard and Jefferson except Grand Isle. Filed 9:35 a. m.

New Orleans Order 5–F, Amendment 21, covering fresh fruits and vegetables in the cities of Shreveport, Bossier City, Monroe and West Monroe, Louisiana. Filed 9:35 a. m.

New Orleans Order 6–F, Amendment 21, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 9:35 a. m.

St. Louis Order 23, Amendment 3, covering dry groceries sold by Groups 1 and 2 stores. Filed 9:34 a. m.

St. Louis Order 24, Amendment 3, covering dry groceries sold by Groups 1 and 2 stores. Filed 9:34 a. m.

St. Louis Order 25, Amendment 3, covering dry groceries sold by Groups 3 and 4 stores. Filed 9:34 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46–3102; Filed, Feb. 26, 1946; 4:14 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 63–5]

OGDEN CORP.

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 26th day of February A. D. 1946.

Notice is hereby given that Ogden Corporation ("Ogden"), a registered holding company, has filed an application with this Commission pursuant to 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:

Ogden proposes to use all or any portion of its cash resources, amounting to approximately $3,000,000, which it states are not needed for any of the company's corporate purposes, to acquire, purchase, invest and reinvest, from time to time, in any securities, assets or real or personal property of any sort and description and wheresoever situated, other than any securities of a "public utility company", and other than "utility assets" as such terms are defined in the act, for the purpose of receiving a reasonable return. Ogden further proposes to make such acquisitions or purchases of such securities, assets or property from any person, firm or corporation, other than a person, firm or corporation who or which is an "associate company", or an "affiliate" of Ogden, or an "affiliate" of a company in Ogden's holding company system as such terms are defined in the act.

Applicant requests that it be permitted to carry out the investment program hereinabove described through an exemption under sections 3 (a) (5), 9 (c) (2) or 9 (c) (3) of the act.

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, and that said application should not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on said application under the applicable provisions of the act and rules of the Commission thereunder be held on March 12, 1946 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of this Commission designated by it for that purpose shall preside at the hearing on such matters. 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 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, particular attention be directed at said hearing to the following matters and questions:

1. Whether the provisions of section 3 (a) (5) of the act are applicable to Ogden and, if so, whether the requested exemption of Ogden pursuant to section 3 (a) (5) should be granted.

2. Whether, under the rules and regulations promulgated by the Commission pursuant to sections 9 (c) (2) and 9 (c) (3) of the act, the provisions of section 9 (a) of the act are applicable to the proposed acquisitions by Ogden.

3. Whether the proposed acquisitions by Ogden would be of such commercial paper and other securities as the Commission should prescribe, by order, as appropriate in the ordinary course of business of Ogden and as not detrimental to the public interest or the interest of investors or consumers.

4. Whether the proposed acquisitions would satisfy the requirements of section 10 of the act.

5. Generally, whether the proposed transactions comply, and whether the requested exemptions are consistent, with all the applicable provisions and requirements of the act and of the rules and regulations promulgated thereunder, and whether it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions in respect thereof.

It is further ordered, That notice of this hearing is hereby given to Ogden and to all interested persons, said notice to be given to Ogden 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 the 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 these proceedings shall file with the Secretary of the Commission on or before March 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] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–3228; Filed, Feb. 28, 1946; 11:40 a. m.]

[File No. 7–873]

NEW YORK CURB EXCHANGE AND NORTHERN STATES POWER CO.

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

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 February, A. D. 1946.

In the matter of application by the New York Curb Exchange to extend unlisted trading privileges to Northern States Power Company (Minnesota) common stock, without par value, File No. 7–873.

The New York Curb Exchange, pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934, and Rule X-12F–1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which

all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Tuesday, March 12, 1946, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Paul MacDonald, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-3227; Filed, Feb. 28, 1946; 11:40 a. m.]

[File No. 70-1237]

PENNSYLVANIA EDISON CO.

NOTICE OF 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 February 1946.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, by Pennsylvania Edison Company, a subsidiary of Associated Electric Company, a registered holding company;

Notice is further given that any interested person may, not later than March 11, 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request 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 such application or declaration (or both), as filed or as amended, may be granted or permitted to become effective (or both), as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application or declaration (or both) which is on file in the offices of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Pennsylvania Edison Company filed a general claim on the proceedings for reorganization pursuant to Chapter X of the Bankruptcy Act of Associated Gas and Electric Company and Associated Gas and Electric Corporation, in the amount of $59,946.28, which claim was allowed in full by order entered July 27, 1945 by the United States District Court for the Southern District of New York having jurisdiction over the reorganization proceedings. Since, under the joint Plan of Reorganization of the two debtor companies, holders of general claims allowed against the estates of the above-named debtors are to receive 2.14 shares of common stock of the surviving company (which is General Public Utilities Corporation) for each $100 principal amount of their allowed claim, Pennsylvania Edison Company is, upon the above basis, entitled to receive 1,282 shares and scrip representing 85/100 of a share of the common stock of General Public Utilities Corporation. Such shares constitute less than 0.02% of the total number of shares of common stock to be issued pursuant to the plan. Upon acquisition, Pennsylvania Edison Company proposes to sell such stock on the New York Stock Exchange, and to sell such scrip through the Scrip Agent provided by the plan as soon as practicable, or in any event within 30 days after the receipt of the same.

Sections 9 (a) and 10, and possibly section 12 (d) have been designated as applicable to the proposed transactions. The filing requests that, if the Commission deems that section 12 (d) and Rule U-44 are applicable to the sale of such stock and scrip, the 15 days' notice of intention required by Rule U-44 (b) (2) be waived.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-3229; Filed, Feb. 28, 1946; 11:41 a. m.]

[File No. 70-1211]

STANDARD GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of February 1946.

Standard Gas and Electric Company, a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a), 7, and 12 (d) of the Public Utility Holding Company Act of 1935, regarding the issuance and sale to certain banks of $51,000,000 principal amount of bank loan notes and the application of the proceeds of such notes together with treasury cash to the redemption of Standard Gas and Electric Company's outstanding 6% notes and debentures in the total principal amount of $58,601,000; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings herein;

It is ordered, That said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the following further conditions:

(a) That all monies to be paid to Standard Power and Light Corporation because of the redemption of the notes and debentures of Standard Gas and Electric Company, owned by Standard Power and Light Corporation, shall be held in escrow until the further order of this Commission, the terms and conditions of said escrow agreement to be subject to the approval of this Commission; and

(b) That jurisdiction is hereby reserved over the amount of the commitment fee paid to the various lending banks.

The declarant having requested that the order of the Commission herein conform to the requirements specified in section 1808 (f) of the Internal Revenue Code, as amended, and contain recitals and specifications described therein; and it appearing to the Commission that the declarant's request in this regard should be granted;

It is further ordered and recited, That the transactions proposed in the aforesaid declaration and amendments thereto to be effected by Standard Gas and Electric Company including particularly those hereinafter described and recited, are hereby approved and found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The issuance and sale of $51,000,000 aggregate principal amount of secured promissory notes bearing interest at the rate of 2½% per year, notes in the principal amount of $7,140,000 maturing six months from their date, notes in the principal amount of $18,360,000 maturing one year from their date, and the remaining $25,500,000 maturing three years from their date;

(b) The pledge or transfer to secure the loan of all the holdings of Standard Gas and Electric Company in the common stocks of Pacific Gas and Electric Company, Oklahoma Gas and Electric Company, The California Oregon Power Company, Mountain States Power Company, Wisconsin Public Service Corporation, Louisville Gas and Electric Company (Delaware), Louisville Gas and Electric Company (Kentucky), and Philadelphia Company;

(c) The use of the proceeds of this sale together with approximately $9,000,000 of treasury cash for the redemption as soon as possible of $58,601,000 principal amount of 6% notes and debentures of Standard Gas and Electric Company now outstanding.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-3230; Filed, Feb. 28, 1946; 11:41 a. m.]