

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 11                      1934                      NUMBER 175

Washington, Saturday, September 7, 1946

*The President*

**EXECUTIVE ORDER 9777**

DESIGNATING THE HONORABLE A. CECIL SNYDER AS ACTING JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO

NOTE: Executive Order 9777, dated September 5, 1946, was filed with the Division of the Federal Register as F. R. Doc. 46-13806 (NP), on September 6, 1946, at 10:16 a. m.

*Regulations*

**TITLE 1—GENERAL PROVISIONS**

Chapter I—Administrative Committee of the Federal Register

PART 2—FEDERAL REGISTER REGULATIONS

Effective September 11, 1946, the Federal Register Regulations approved August 25, 1941, effective August 26, 1941 (1 CFR Cum. Supp., Part 2) are revised to read as follows:

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

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

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1945 Supplement**

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**Book 3:** Titles 15 through 32.

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GENERAL PROVISIONS

§ 2.1 *Meaning of terms.* As used in this part, unless the context otherwise requires:

(a) The term "act" means the Federal Register Act, approved July 26, 1935, as amended by the act of June 19, 1937, and the act of December 10, 1942 (49 Stat. 500, 50 Stat. 304, sec. 202, 53 Stat. 1435, 56 Stat. 1045; 44 U. S. C. and Sup., Chapter 8B).

(b) The term "Administrative Procedure Act" means the Administrative Procedure Act, approved June 11, 1946 (Pub. Law 404, 79th Cong.; 60 Stat. 237).

(c) (1) The term "agency" or "Federal agency" means the President of the United States or any executive department, independent board, establishment, bureau, agency, institution, corporation, commission, or separate office of the administrative branch of the Government of the United States, but not the legislative or judicial branches of the Government.

(2) In connection with material required to be published pursuant to the Administrative Procedure Act the term "agency" shall have the meaning ascribed by that act.

(d) The term "code" means the Code of Federal Regulations of the United States of America prepared and published by the Division pursuant to section 11 of the act, containing all documents of general applicability and legal effect in force on June 1, 1938, as amended.

(e) The term "Committee" or "Administrative Committee" means the Administrative Committee of the Federal

Register established under section 6 of the act.

(f) The term "Director" means the Director of the Division of the Federal Register, the National Archives.

(g) (1) The terms "date of issue" and "distribution day" mean Tuesday through Saturday of each week, excepting any day which immediately follows an official Federal holiday.

(2) The term "working day" means 8:45 a. m. to 5:15 p. m., Monday through Friday of each week, excepting official Federal holidays.

(3) The term "publication day" or "day of publication" means the day designated by the date line of the FEDERAL REGISTER in which a document is published.

(4) The term "filing day" or "day of filing" means the working day, immediately preceding the publication day, on which a document is filed by the Division and made available for public inspection.

(h) The term "Division" means the Division of the Federal Register, the National Archives.

(i) The term "document" means any Presidential proclamation or Executive order, and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency.

(j) The term "document subject to codification" means any regulatory document which has general applicability and legal effect and which is in force and effect and relied upon by the issuing agency as authority for, or invoked or used in the discharge of, any of its functions or activities. The term also includes any material required to be published in the FEDERAL REGISTER pursuant to section 3 (a) of the Administrative Procedure Act.

(k) The term "Federal Register" means the daily issue of the FEDERAL REGISTER.

(l) The term "person" means any individual, partnership, association, or corporation.

(m) The term "regulations" is used in the broad sense and means any material regulatory in character, however designated.

(n) The term "rule" shall have the meaning ascribed in section 2 (c) of the Administrative Procedure Act.

(o) The term "supplements" means the supplements to the code.

(1) An annual supplement includes documents subject to codification which amend, revise, revoke, or in any way supplement the material in the code and which are published in the FEDERAL REGISTER during the calendar year.

(2) The Cumulative Supplement of June 1, 1943, contains documents filed with the Division during the period from June 2, 1938, to June 1, 1943, inclusive, which supplement the regulations in the original edition of the code and which were still in force and effect on June 1, 1943. The Cumulative Supplement presents the entire code structure as it existed on June 1, 1943. However, those regulations appearing in the original edition of the code, which were still in force and effect on June 1, 1943,

are carried by reference only in the Cumulative Supplement.

§ 2.2 *Designation of liaison officers.* (a) Every agency shall designate a responsible liaison officer to act as the representative of the agency in all matters concerning the Division and to see that the regulations in this part are understood and complied with by the agency he represents.

(b) Every agency shall notify the Director of the Division in writing of the name, title, address, and telephone extension of the officer designated. Whenever a change of liaison officers is made by an agency, prompt notification thereof shall be given in writing to the Director.

§ 2.3 *Publication of Federal Register Regulations.* The regulations in this part shall be published in the FEDERAL REGISTER.

DOCUMENTS REQUIRED OR AUTHORIZED TO BE FILED IN THE OFFICE OF THE DIRECTOR

§ 2.5 *Classes.* There shall be filed in the office of the Director and published in the FEDERAL REGISTER:

(a) In accordance with section 5 (a) of the act:

(1) All Presidential proclamations and all Executive orders except such as have no general applicability and legal effect or are effective only against agencies or persons in their capacity as officers, agents, or employees thereof.

(2) Every document prescribing a penalty or a course of conduct, conferring a right, privilege, authority or immunity, or imposing an obligation, and relevant or applicable to the general public, the members of a class, or the persons of a locality, as distinguished from named individuals or organizations. Such documents, issued under proper authority, are hereby determined pursuant to section 5 (a) (2) of the act to have general applicability and legal effect. Currently effective authorities for the issuance of such documents shall from time to time be published in the FEDERAL REGISTER as an appendix to the regulations in this part.

(3) Such documents or classes of documents as may be required so to be published by act of Congress.

(b) In accordance with section 5 (b) of the act:

(1) Executive orders establishing, amending, or revoking Civil Service Rules.

(2) Executive orders and other documents which the President of the United States directs to be published in the FEDERAL REGISTER.

§ 2.6 *Examination of documents submitted.* All documents submitted to the Division shall be examined and the Director shall cause to be filed and published in the FEDERAL REGISTER those determined to come within the purview of § 2.5. Documents not coming within the purview of § 2.5 shall be returned to the submitting agency.

GENERAL PROVISIONS FOR THE PREPARATION OF DOCUMENTS

§ 2.11 *Provisions applicable to all documents.* All documents required or authorized to be filed in the office of the Director or forwarded to the Division shall be prepared as follows:

(a) Punctuation, capitalization, orthography, and other matters of style shall conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(b) The spelling of geographic names shall conform to the most recent official decisions of the United States Board of Geographical Names made pursuant to E.O. 27-A of September 4, 1890, E.O. 399 of January 23, 1906, and E.O. 6680 of April 17, 1934.

(c) Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," published under the supervision of the Director of the Bureau of the Budget.

(d) All documents shall be typewritten on paper approximately 8 by 12½ inches, shall have a left-hand margin of approximately 2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, descriptions of land or excerpts from statutes may be single-spaced. No documents in the form of letters, except those issued by the President, shall be accepted.

(e) Where it is the established practice of an agency to cause the originals of its documents to be put in print before they are signed, such printed originals and duplicates thereof may be received if the style and form have been approved in writing by the Director: *Provided, however,* That when it is desired to submit mimeographs or other reproductions as original documents, written approval shall first be obtained from the Director. Such approved mimeographs or other reproductions shall be on white bond paper and completely legible. The Director reserves the right to refuse to accept unsatisfactory reproductions for filing and to return such documents to the issuing agency.

(f) Three certified copies shall be attached to the original or confirmed copy of all documents except Executive orders and other Presidential documents. All copies shall be clear and legible.

(g) There shall be affixed to the original and certified copies of all documents submitted for filing in the office of the Director, except Executive orders and other Presidential documents, the seal, if any, of the agency issuing the documents.

(h) Every original document shall be signed in ink. Initials and impressed signatures shall not be accepted. The name and title of the official signing the document shall be typed beneath his signature.

(i) A suitable title shall be provided for all documents as prescribed in § 2.42 or § 2.61 (d).

(j) Authority for the issuance of documents shall be cited as provided for in § 2.53 or § 2.61 (e).

(k) The inclusion of illustrations, maps, forms, excessive tabular material, and similar material as part of the documents results in delay in publication and should be avoided wherever possible. Where it is necessary to publish maps and illustrations they shall be reduced to a size not greater than 7 by 10 inches and be line cuts only. In such cases original drawings must be forwarded to the Division three working days in advance of submission of the text of the documents to which they pertain. Tabular material comprising more than two legal typewritten pages must be forwarded at least three working days in advance of the regular submission day as set forth in § 2.81.

§ 2.12 *Certification.* The copies of all documents required to be filed in the office of the Director except Executive orders and other Presidential documents, shall be certified substantially as follows: "Certified to be a true copy of the original," and each such certification shall be signed by the officer signing the original or by an officer or employee designated by him: *Provided,* That notice of such designation shall be submitted in writing to the Director.

§ 2.13 *Documents issued outside the District of Columbia.* In the case of documents issued, prescribed, or promulgated outside the District of Columbia which are required to be filed in the office of the Director there may be filed, in lieu of the original, a confirmed copy of such document. There shall be on such copy so filed the notation "Confirmed," which notation shall be signed by an officer or employee designated for that purpose by the head of the agency concerned: *Provided,* That notice of such designation shall be submitted in writing to the Director.

PREPARATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

§ 2.15 *Proposed Executive orders and proclamations.* The preparation, presentation, filing and distribution of Executive orders and Presidential proclamations shall conform to the requirements of Executive Order 7298 dated February 18, 1936, which provides:

"(a) Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

"(1) A suitable title for the order or proclamation shall be provided.

"(2) The authority under which the order or proclamation is promulgated shall be cited in the body thereof.

"(3) Punctuation, capitalization, orthography, and other matters of style shall conform to the most recent edition of the Style Manual of the United States Government Printing Office.

"(4) The spelling of geographic names shall conform to the most recent official decisions made pursuant to Executive Orders No. 27-A, of September 4, 1890, No. 399, of January 23, 1906, and No. 6680, of April 17, 1934.

"(5) Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the 'Specifications for Descriptions of Tracts of

Land for Use in Executive Orders and Proclamations,' published by the Federal Board of Surveys and Maps.<sup>1</sup>

"(6) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 by 12½ inches, shall have a left-hand margin of approximately 2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, or descriptions of land may be single-spaced.

"(b) The proposed Executive order or proclamation shall first be submitted to the Director of the Bureau of the Budget. If the Director of the Bureau of the Budget approves it, he shall transmit it to the Attorney General for his consideration as to both form and legality. If the Attorney General approves it, he shall transmit it to the Director of the Division of the Federal Register, The National Archives. If it conforms to the requirements of paragraph (a) hereof, the Director of the Division of the Federal Register shall transmit it and three copies thereof to the President. If it is disapproved by the Director of the Bureau of the Budget or the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by the statement of the reasons for such disapproval.

"(c) If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Division of the Federal Register for appropriate action in conformity with the provisions of the Federal Register Act: *Provided, however,* That the seal of the United States shall be affixed to the originals of all proclamations prior to such forwarding. The Division of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations the following notation, to be signed by the Director or by some person authorized by him: 'Certified to be a true copy of the original.' The Division of the Federal Register shall number and shall supervise the promulgation, publication, and distribution of all Executive orders and proclamations.

"(d) The Division of the Federal Register shall cause a limited number of copies of the Executive orders and proclamations not required or authorized to be filed and published under the provisions of the Federal Register Act to be made available in slip form to the appropriate agencies of the Government.

"(e) The Division of the Federal Register shall file in the National Archives the originals of all Executive orders and proclamations.

"(f) The signed originals and copies of all Executive orders and proclamations heretofore promulgated and now in the custody of the Department of State shall be transferred to the National Archives.

"(g) Nothing in this order shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

"(h) This order shall become effective on March 12, 1935, and shall thereupon supersede Executive Order No. 6247, of August 10, 1933."

#### PREPARATION OF DOCUMENTS SUBJECT TO CODIFICATION

##### GENERAL

CROSS REFERENCE: For definition of documents subject to codification, see § 2.1 (j).

§ 2.21 *General provisions.* (a) All documents subject to codification, except Executive orders and other Presidential documents, shall be prepared in accordance with the provisions of §§ 2.11-2.13 and §§ 2.22-2.58 prior to being submitted to the Division for filing and publication in the FEDERAL REGISTER.

(b) Where regulations expire after a specified period by their own terms or by operation of law, notification of such expiration shall be given by the filing of a document in the office of the Director.

§ 2.22 *Letter of transmittal.*—(a) *Contents.* Accompanying each document subject to codification shall be a letter of transmittal addressed to the Director. There shall be set forth in this letter (1) specific identification of the document, (2) the desired publication date (see § 2.83), (3) the category or categories specified in § 2.23 under which the document is considered to fall, (4) any additional information the agency deems necessary and appropriate.

(b) *Copies.* The original of the transmittal letter shall be attached to the original and a copy to each copy of the document submitted.

§ 2.23 *Categories under Administrative Procedure Act.* (a) For purposes of publication in the FEDERAL REGISTER, the material specified in sections 3 (a) and 4 (a) of the Administrative Procedure Act is divided into the following categories:

- (1) Organization.
- (2) Procedure.
- (3) Substantive rules, policy statements, or interpretations.
- (4) Proposed rules.

(b) The particular parts of the Administrative Procedure Act to which the various categories refer are as follows:

- Category (1)—Section 3 (a) (1).
- Category (2)—Section 3 (a) (2).
- Category (3)—Section 3 (a) (3).
- Category (4)—Section 4 (a).

§ 2.24 *Statements of general policy and interpretations.* (a) Where a statement of general policy or interpretation, submitted pursuant to section 3 (a) (3) of the Administrative Procedure Act, applies to an entire part it should be appended to that part. Similarly, where a statement of policy or interpretation applies to a specific section it should be appended to that section. All such statements and interpretations should be numbered in a manner conducive to facility of citation and amendment.

(b) Statements of policy and interpretations of broader scope should be assigned to a part or group of parts within the chapter affected.

§ 2.25 *Code structure.* The normal divisions of the code are titles, chapters, parts, and sections. Other breakdowns, used where necessary, are subtitles, subchapters, and subparts.

(a) *Titles.* The major divisions of the code are 50 titles closely paralleling the titles in the United States Code.

(b) *Chapters.* The normal divisions of titles are chapters, which are assigned to the various agencies within titles descriptive of the subject matter covered by the agencies' rules and regulations.

(c) *Parts.* The normal divisions of chapters are parts. A part should consist of a unified body of rules or regulations applying to a specific function of the issuing agency or devoted to specific subject matter under control of the issuing agency. For example:

##### PART 1—ORGANIZATION

##### PART 301—INSURANCE OF ACCOUNTS

##### PART 256—RIGHTS-OF-WAY OVER INDIAN LANDS

Parts are normally assigned to chapters as follows: Chapter I, Parts 1 to 199; Chapter II, Parts 200 to 299; Chapter III, Parts 300 to 399; etc.

(d) *Sections.* The normal divisions of parts are sections.

(e) *Subtitles.* Subtitles may be used to distinguish between material emanating from the office of the head of an agency, and the material issued by the various bureaus of the agency.

(f) *Subchapters.* Where it is desirable to group related parts within a chapter under a common head subchapters may be used for the purpose of such grouping.

(g) *Subparts and undesignated center heads.* Where it is desirable to group related sections within a part under a common head, subparts or undesignated center heads may be used for the purpose of such grouping. Undesignated center heads may also be used to group sections within a subpart.

##### NUMBERING

§ 2.31 *Major divisions of the code.*—(a) *Titles.* Titles are numbered consecutively in Arabic from 1 to 50.

(b) *Chapters.* Chapters are numbered consecutively throughout each title in Roman capitals.

(c) *Parts.* (1) Parts are numbered serially in Arabic throughout each title.

(2) If the necessity arises for introducing a new part between existing parts the new part shall be designated by the addition of a lower case letter to the preceding part number. Thus a part introduced between Parts 31 and 32 would be numbered Part 31a.

(d) *Sections.* The method of section numbering is prescribed in §§ 2.33 and 2.34.

(e) *Subtitles, subchapters and subparts.* Subtitles, subchapters, and subparts are lettered consecutively in capitals throughout the title, chapter and part, respectively.

§ 2.32 *Method of grouping related parts and related sections.* Where related parts or related sections are grouped as provided for in § 2.25 (f) and (g) sufficient unused numbers should be allocated at the end of each group or between units within the group for probable future expansion.

§ 2.33 *Section numbering.*—(a) *Normal method.* The numbers assigned to individual sections within a part shall include (1) the number of the part in which the section is placed followed by

<sup>1</sup> Now published under the supervision of the Director of the Bureau of the Budget.

a decimal point, and (2) the serial number following the decimal point assigned to the section within the part. Such serial number may consist of one or more digits in Arabic as may be required. Thus, the section number to be given section 15 within Part 30 would be § 30.15.

(b) *Keying system.* In cases where it is desired or requested by the agency, the serial numbers following the decimal point may correspond with a particular section numbering system which is in use by the agency: *Provided*, That written approval for the use of such system shall be obtained from the Director. For example, assuming that Part 29 embraces Regulations 111 of the Bureau of Internal Revenue, the section numbering of the Bureau of Internal Revenue which corresponds with the articles and sections of the Internal Revenue Code, could be followed. Thus, the section relating to section 113 (b) (1)-3 would be numbered § 29.113(b) (1)-3.

(c) *Addition of new material.* When it is necessary to add new sections to an existing part, which, because of their subject matter, must be inserted between two existing sections, such sections should be numbered by adding lower-case letters as part of the section numbers. Thus, if it is found necessary to insert a section or sections between two existing sections bearing the numbers § 30.5 and § 30.6, the first of the new sections would be numbered § 30.5a, and each succeeding new section § 30.5b, § 30.5c, etc. Later if it is found necessary to add a new section between two of these sections, an Arabic number should be added, separated from the lower-case letter by a dash. Thus, a new section to be added between § 30.5a and § 30.5b would be numbered § 30.5a-1.

§ 2.34 *Internal numbering of sections.* (a) Sections should be internally numbered whenever the lack of such numbering would result in difficulty or ambiguity of citation. In internal numbering, sections may be subdivided into paragraphs, designated by lower-case letters in parentheses; paragraphs into subparagraphs, designated by Arabic numerals in parentheses; subparagraphs into subdivisions, designated by lower-case Roman numerals in parentheses; and subdivisions into inferior subdivisions, designated by lower-case italic letters in parentheses; thus:

<i>Term nology</i>	<i>Illustrative symbol</i>
Paragraph.....	(a)
Subparagraph.....	(1)
Subdivision.....	(i)
Inferior subdivision.....	(a)

This internal numbering system is to be applied in all cases to indicate necessary breakdowns within a section. Consequently, the first breakdown, of whatever character, is represented as a paragraph by using a lower-case letter in parentheses. Further breakdowns which may be necessary are designated as subparagraphs, etc., and represented by the appropriate alphabetical or numerical symbols indicated in this section.

(b) When it is necessary to add material which would constitute a new in-

ternal division of a section, paragraph, etc., the entire section, paragraph, etc., shall be amended unless the new material is to be added following the existing internal divisions of the section, paragraph, etc. It is not desirable to add new material by giving it a former internal division number, thus necessitating a change in all other internal division numbers.

#### HEADINGS

§ 2.41 *Required headings.* The proper title, chapter, and part designation, in that order, shall be set forth in full on separate lines at the head of each document. Subtitles, subchapters and subparts also shall be set forth if used. Agencies using regulation numbers or other identifying symbols shall place them in brackets centered immediately above the part designation.

§ 2.42 *Additional summary of contents.* A brief title more specifically setting forth the scope of a document constituting a partial amendment of the material within a part shall be provided immediately below the part head.

§ 2.43 *Use of tables of contents.* Tables of contents shall be used when a new part is introduced or an existing part is completely revised, and when a group of sections is revised and set forth as a subpart or otherwise separately grouped. These tables shall be set forth preceding the text of the rules or regulations and shall list the headnotes for the sections to which they are applicable. Headnotes for paragraphs and other internal divisions of sections ordinarily should not be included in the tables of contents.

§ 2.44 *Composition and use of headnotes—(a) Parts.* A part head should indicate briefly the general subject matter of the material appearing in the part. The use of phrases such as "Regulations under the act of July 26, 1935" or other expressions which do not describe the subject matter should be avoided in part heads.

(b) *Sections.* (1) All sections shall be given headnotes which adequately and briefly describe the contents of the sections.

(2) Headnotes are not required for internal divisions of sections but may be used if they add to the sense or clarity of the text. If a headnote is used for one internal division, headnotes shall also be supplied for all other internal divisions of the same rank. Thus, if a headnote is used for one paragraph, subparagraph, etc., all paragraphs, subparagraphs, etc., within the section shall be given headnotes.

#### CITATIONS

§ 2.51 *References to Federal Register.* Without prejudice to any other mode of citation, the contents of the Federal Register may be cited by volume and page number. The approved short form is "F.R." Thus 11 F.R. 1248 refers to material beginning on page 1248 of volume 11 of the daily issues.

§ 2.52 *References to code—(a) Form of citation.* (1) The code shall be cited CFR. Thus the citation 1 CFR 2.1 refers to § 2.1 of Title 1, as amended.

(2) Where it is desired to cite to material appearing in a specific supplement the following form shall be used: 1 CFR, 1941 Supp., 2.1, or 1 CFR, Cum. Supp., 2.1.

(3) If a group of regulations are referred to by subject matter or popular name, the appropriate code citation shall also be given. For example, "In accordance with the International Rules for preventing collisions at sea (33 CFR Part 301)."

(b) *References within a title.* (1) Although the mode of citation prescribed in paragraph (a) of this section may be used in all cases, when it is necessary to refer in the text of regulations to other chapters, parts, or sections within a title, the following forms of citation should be used:

<i>Reference</i>	<i>Citation</i>
Chapter.....	Chapter II of this title.
Part.....	Part 30 of this chapter.
Section.....	§ 30.19 of this chapter.
Paragraph.....	§ 30.19 (a) of this chapter.
Subparagraph.....	§ 30.19 (a) (2) of this chapter.
Multiple.....	§§ 30.19, 30.21-30.25 of this chapter.

(2) Where reference is made to another section in the same part, such reference shall be made by section number only.

(3) In cases of internal reference within a section, paragraph, etc., the following forms shall be used:

(i) Where the internal reference is to a specific paragraph or subdivision thereof:

of (or in) paragraph (a) of this section.  
of (or in) paragraph (a) (1) of this section.  
of (or in) subparagraph (1) of this paragraph.  
of (or in) subparagraph (1) (1) of this paragraph.  
of (or in) subdivision (i) of this subparagraph.

(ii) Where the internal reference is to an entire section, paragraph, etc., in which the reference occurs:

of (or in) this section.  
of (or in) this paragraph, etc.

(4) The use of the term "these regulations" within a codified body of regulations is often ambiguous. In place thereof the following shall be used: "The regulations in this chapter (subchapter, part, subpart, section)" according to the specific meaning.

§ 2.53 *Citation of authority, general.* There shall be cited for all rules and regulations the authority, statutory or otherwise, under which they are issued. These citations shall be carried at the end of completed sections as provided in § 2.57 or as a blanket citation in accordance with the provisions of § 2.58. In statutory citation, the exact page or pages on which the language referred to begins, and the section or sections in which the language appears, should be given. If the entire act is to be cited, the first page of the act should be cited.

§ 2.54 *Statutory authority; form; parallel United States Code citation.* (a) Where statutes or particular sections of statutes are cited as authority, such citations shall be in the following form:

Revised Statutes..... R. S. 161.  
 Statutes at Large, entire act. 38 Stat. 586.  
 Statutes at Large, specific section. Sec. 1, 38 Stat. 586.

(b) The statutory citation shall be followed by the parallel United States Code citation wherever possible. In citing the United States Code, citations of titles and sections shall be as follows:

- (1) Where language cited is in the 1940 edition. 46 U. S. C. 1242.
- (2) Where language cited is in supplements. 46 U. S. C., Sup., 1242.
- (3) Where language cited is in both 1940 edition and supplement. 46 U. S. C. and Sup., 1242.

The number of the particular supplement need not be used except in unusual cases where the language cited is contained only in a particular supplement. In such case, the form is: 46 U. S. C., Sup. I, 1242.

(c) The form for a full citation of authority is:

**SINGLE CITATION**

Sec. 1, 44 Stat. 752; 48 U. S. C. 221.  
 Sec. 1, 49 Stat. 500; 44 U. S. C., Sup., 301.  
 Sec. 5, 56 Stat. 770; 50 U. S. C. App., Sup., 525.

**MULTIPLE CITATION**

In citing more than one statute or more than one section, the statutory citations should be grouped together and followed by the corresponding United States Code citations grouped together, thus:

Sec. 23, 29 Stat. 892, sec. 24, 43 Stat. 162; 8 U. S. C. 102, 122.

Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App., Sup., 5 (b).

(d) As indicated, citations shall be to the volume and page numbers of the Statutes at Large, and acts of Congress should not be cited by Public Law numbers alone. However, where reference is made to a recently enacted statute, it is desirable to cite the public law number as well as the Statutes at Large when the bound volumes of the Statutes at Large have not yet been made available for distribution. For example (Pub. Law 374, 79th Cong.; 60 Stat. 160).

§ 2.55 *Statutes interpreted or applied.* Where in addition to the statutes delegating the rule-making power, it is desired to cite statutes interpreted or applied, the citation of the rule-making power should precede as in the following example:

Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 162; 8 U. S. C. 102, 222; interprets (or applies) sec. 18, 39 Stat. 887; 8 U. S. C. 154.

§ 2.56 *Authority other than statutory; form; parallel citation.* (a) Where Presidential or agency documents are cited as authority for issuance of rules or regulations, such citations shall be in the following form:

Executive orders.... E. O. 9017, Jan. 12, 1942, 7 F. R. 237.  
 Proclamations..... Proc. 2523, Nov. 14, 1941, 6 F. R. 5921.  
 Agency document... Policy Directive, Office of Economic Stabilization, May 12, 1943, 8 F. R. 6490, Administrative Order, War Manpower Commission, Dec. 5, 1942, 7 F. R. 10512.

(b) The Presidential or agency document citation shall be followed by the parallel Code of Federal Regulations citation, where available, as in the following example:

E.O. 9017, Jan. 12, 1942, 7 F. R. 237; 3 CFR, Cum. Supp. Regulations, Office of Economic Stabilization, Oct. 27, 1942, 7 F. R. 8748; 32 CFR, Cum. Supp., Part 4001.

§ 2.57 *Authority where blanket citation is not used.* When it is not feasible to use a blanket citation as prescribed in § 2.58, the citation of authority should be carried in parentheses at the end of completed sections and in the forms prescribed in § 2.54 and § 2.55.

§ 2.58 *Blanket citation of authority—(a) Purpose.* The purpose of the blanket citation, i. e., a single citation covering a group of sections, is to eliminate the necessity of repeating a full citation of authority, as provided in § 2.57, at the end of each section in the group.

(b) *Requisites for use; exceptions.* Blanket citations should be used for groups of three or more complete sections having identical citations. Blanket citations should be used also for a large group of sections the majority of which are issued under the same authority. The exceptions should be shown as provided in paragraph (d) (2) of this section.

(c) *Placement of blanket citation.* A blanket citation of authority shall be inserted immediately preceding the first section in the series which the citation covers.

(d) *Form—(1) No exceptions.* Where all sections covered by a blanket citation have an identical citation, the form for the citation is as follows:

AUTHORITY: §§ ---- to ----, inclusive, issued under sec. 6, 49 Stat. 501; 44 U. S. C. 306.

(2) *Exceptions.* Where certain sections within the group covered by a blanket citation are issued under authority other than that cited in the blanket, the form is:

AUTHORITY: §§ ---- to ----, inclusive (with the exceptions cited in parentheses following sections affected), issued under sec. 6, 49 Stat. 501; 44 U. S. C., Sup., 306.

(3) *More specific or additional authority; sections interpreted or applied.* Where more specific or additional authority for the issuance of rules or regulations is cited, or statutes interpreted or applied, are cited for particular sections in the group covered by the blanket, appropriate language shall be added to the language prescribed in subparagraphs (1) and (2) of this paragraph. For example:

AUTHORITY: §§ ---- to ----, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 162; 8 U. S. C. 192, 222. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

**PREPARATION OF DOCUMENTS NOT SUBJECT TO CODIFICATION**

§ 2.61 *Documents for notices section.* Except documents subject to codification all documents required to be filed in the office of the Director and published in the FEDERAL REGISTER shall, after confirmation to the provisions of §§ 2.11 and 2.12, be further prepared as follows:

(a) The name of the issuing agency shall be carried at the head of the document.

(b) Where a document is issued by or for a specific bureau or similar unit within a Department, the name of such bureau or similar unit shall be carried on a separate line immediately below the heading required in paragraph (a) of this section.

(c) Agencies using file numbers, docket numbers, or similar identifying symbols, shall place them in brackets on a separate line immediately following the headings required by paragraphs (a) and (b) of this section.

(d) A suitable short title shall be provided beginning on a separate line immediately following the other required heading or headings. In addition to the short title, the submitting agency shall include, wherever practicable, a brief headnote or similar indicia of contents, briefly summarizing or otherwise setting forth the scope of the document. Where a table of contents is used, all references therein shall be made to paragraph or section numbers throughout the document.

The following examples illustrate suitable short titles and headnotes for documents not subject to codification:

- (1)  
 SEABOARD POWER & LIGHT CO.  
 NOTICE OF AND ORDER FOR HEARING
- (2)  
 UNITED CLAY PRODUCTS CO.  
 ADJUSTMENT OF MAXIMUM PRICES
- (3)  
 ROCHESTER, N. Y., AREA  
 NOTICE OF HEARING ON HANDLING OF MILK
- (4)  
 COLORADO  
 TRANSFER OF LANDS FROM SAN ISABEL NATIONAL FOREST TO RIO GRANDE NATIONAL FOREST

(e) The statutory or other proper authority under which the document is issued should be cited in the body thereof. Such citations should not be carried in the short title and headnote. For form of citations in general see § 2.53.

**DOCUMENTS NOT REQUIRED TO BE FILED**

§ 2.71 *Documents effective only against Federal agencies and Federal employees.* Except as provided in §§ 2.5 and 2.15, no document effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof, shall be filed in the office of the Director or forwarded to the Division.

§ 2.72 *Treaties and other international agreements.* Nothing in the regulations in this part shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

§ 2.73 *Notices.* No notices shall be published in the FEDERAL REGISTER, except those having general applicability and legal effect including (a) notices of hearings or of opportunity to be heard, and (b) general notice of proposed rule making under section 4 (a) of the Administrative Procedure Act: *Provided, however,* That other notices may be published if, in the opinion of the Director, publication thereof is in the public interest.

**SUBMISSION, FILING, PUBLICATION, AND DISPOSITION OF DOCUMENTS**

CROSS REFERENCE: For definitions of "working day" "day of filing" "publication day" and "distribution day" see § 2.1 (g).

§ 2.81 *Time requirements for submission and receipt*—(a) *Submission*: All documents authorized or required to be filed in the office of the Director and published in the FEDERAL REGISTER, except documents issued by the President and documents submitted under special preprint agreements, shall be submitted to the Division for confidential processing, including typesetting, at least one full working day prior to the day of the filing thereof.

CROSS REFERENCE: For additional time requirements governing submission of illustrations and tabular material, see § 2.11 (k).

(b) *Receipt*. Documents will be received only during a working day.

§ 2.82 *Time of filing*. All documents submitted in accordance with § 2.81 shall be filed by the Division for public inspection at or before noon of the working day immediately preceding the publication day thereof.

§ 2.83 *Time of publication*. The FEDERAL REGISTER shall be published daily, Tuesday through Saturday of each week, excepting any day which immediately follows an official Federal holiday. Documents submitted and filed in accordance with the provisions of §§ 2.81 and 2.82 shall be published in the issue of the FEDERAL REGISTER appearing on the distribution day immediately following the day of filing.

§ 2.84 *Disposition*. Immediately upon filing there shall be placed upon the original and certified copies of all documents the day and hour on which they are made available for public inspection.

(a) The originals of such documents shall be forwarded to the National Archives for custody.

(b) One certified copy shall be made available immediately for public inspection in the office of the Director.

(c) One receipted certified copy shall be returned to the agency submitting the document.

**DISTRIBUTION OF FEDERAL REGISTER AND CODE; INDEXING**

§ 2.91 *General distribution of Federal Register*. The Government Printing Office shall make distribution of the FEDERAL REGISTER by delivery or by deposit at a post office at or before 9:00 a. m. of the day of distribution.

§ 2.92 *Official distribution of Federal Register; extra copies*. (a) The FEDERAL REGISTER shall be furnished without charge to officers and employees of the United States in such numbers as are needed for official use: *Provided*, That requests for placement upon the FEDERAL REGISTER mailing list shall be made in writing to the Director, and signed by the person in each department or agency who is authorized to state that the FEDERAL REGISTER is needed for official use.

(b) Members of Congress shall be entitled to a maximum of 5 copies daily.

(c) All requests for extra copies of particular issues of the FEDERAL REGISTER shall be addressed to the Superintendent of Documents, Government Printing Office, Washington 25, D. C., and shall be

paid for by the agency or official requesting them.

§ 2.93 *Indexing of Federal Register*. The contents of the FEDERAL REGISTER shall be indexed daily, monthly, quarterly, and annually.

§ 2.94 *Sale of Federal Register*. The daily issues of the FEDERAL REGISTER shall be furnished to subscribers on a monthly or an annual basis, for a price to be determined by the Administrative Committee; the subscription price to be payable in advance to the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Individual copies shall be obtainable at the Office of the Superintendent of Documents at a price determined by the Superintendent of Documents.

NOTE: Current prices of the FEDERAL REGISTER are: \$1.50 a month; \$15.00 a year; individual copies fifteen cents or higher depending upon the size of the issue.

§ 2.95 *Annual code supplements*. Rules and regulations filed with the Division shall be reprinted in bound volumes in the form of annual supplements to the Code of Federal Regulations. The supplements shall be indexed and shall include only those documents published in the FEDERAL REGISTER during the calendar year covered by the supplement.

§ 2.96 *Sale of supplements*. The supplements to the Code of Federal Regulations shall be furnished to subscribers by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. at a price to be determined when printing and binding estimates are available.

NOTE: Annual supplements for the years 1938 through 1945 and the Cumulative Supplement are priced at \$3.00 a book.

§ 2.97 *Official distribution of supplements*. The Director shall ascertain the official needs of each agency for the supplements and have a list prepared accordingly. Free distribution of the supplements will be limited to this list.

**ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER**

By DAN M. LACY, *Chairman*.

Approved: September 5, 1946.

HARRY S. TRUMAN,  
*The White House.*

[F. R. Doc. 46-16061; Filed, Sept. 5, 1946; 4:51 p. m.]

**TITLE 7—AGRICULTURE**

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

**Subchapter C—Regulations Under the Farm Products Inspection Act**

**PART 60—RICE (INSPECTION, CERTIFICATION AND STANDARDS)**

**UNITED STATES STANDARDS FOR MILLED RICE<sup>1</sup>**

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural

<sup>1</sup> The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

tural Marketing Act of 1946 (Public Law 733, 79th Congress), approved August 14, 1946, the following standards for milled rice are promulgated:

Sec.	
60.75	Terms defined.
60.76	Edith milled rice (Class I).
60.77	Fortuna milled rice (Class II).
60.78	Lady Wright milled rice (Class III).
60.79	Rexoro milled rice (Class IV).
60.80	Nira milled rice (Class V).
60.81	Blue Rose milled rice (Class VI).
60.82	Early Prolific milled rice (Class VII).
60.83	Southern Pearl milled rice (Class VIII).
60.84	California Pearl milled rice (Class IX).
60.85	Calady milled rice (Class X).
60.86	Miscellaneous classes of milled rice (Class XI).
60.87	Mixed milled rice (Class XII).
60.88	Grade requirements for the classes Edith, Fortuna, Lady Wright, Rexoro, Nira, Blue Rose, Early Prolific, and Southern Pearl milled rice.
60.89	Grade requirements for the class California Pearl milled rice.
60.90	Grade requirements for the class Calady milled rice.
60.91	Second head milled rice (Class XIII).
60.92	Subclass (a) second head milled rice of Class XIII.
60.93	Grade requirements for the subclass (a) second head milled rice.
60.94	Subclass (b) California second head milled rice of Class XIII.
60.95	Grade requirements for the subclass (b) California second head milled rice.
60.96	Screenings milled rice (Class XIV).
60.97	Subclass (a) screenings milled rice of Class XIV.
60.98	Grade requirements for the subclass (a) screenings milled rice.
60.99	Subclass (b) California screenings milled rice of Class XIV.
60.100	Grade requirements for the subclass (b) California screenings milled rice.
60.101	Brewers milled rice (Class XV).
60.102	Subclass (A) Brewers milled rice of Class XV.
60.103	Grade requirements for the subclass (a) Brewers milled rice.
60.104	Subclass (b) California Brewers milled rice of class XV.
60.105	Grade requirements for the subclass (b) California Brewers milled rice.
60.106	Special grade; Unpolished milled rice.
60.107	Special grade; Parboiled milled rice.
60.108	Special grade; Coated milled rice.
60.109	Special grade; Weevily milled rice.
60.110	Grade factors; Definitions.

Authority: §§ 60.75 to 60.110 inclusive, issued under Agricultural Marketing Act of 1946 (Pub. Law 733, 79th Cong., approved Aug. 14, 1946).

§ 60.75 *Terms defined*. For the purpose of the United States Standards for milled rice:

(a) *Milled rice*. Milled rice shall be whole or broken kernels of rice of the classes specified in these standards, from which, (1) in the case of milled rice other than milled rice of the special grade Unpolished milled rice, the hulls and practically all of the germs and bran layers have been removed, or (2) in the case of milled rice of the special grade Unpolished milled rice, the hulls and the outer bran layers, but not the inner bran layers, and a part of the germs, have been removed. Milled rice may be either coated or uncoated, and may contain not more than 10 percent of cereal grains including paddy grains, seeds, or foreign material, either singly or in any combination.



(b) *Classes.* Milled rice shall be divided into 15 classes, as follows: Class I, Edith milled rice; Class II, Fortuna milled rice; Class III, Lady Wright milled rice; Class IV, Rexoro milled rice; Class V, Nira milled rice; Class VI, Blue Rose milled rice; Class VII, Early Prolific milled rice; Class VIII, Southern Pearl milled rice; Class IX, California Pearl milled rice; Class X, Calady milled rice; Class XI, Miscellaneous classes of milled rice; Class XII, Mixed milled rice; Class XIII, Second Head milled rice; Class XIV, Screenings milled rice; and Class XV, Brewers milled rice.

(c) *Grades.* Milled rice shall be graded and designated according to the respective grade requirements of the numerical grades, and Sample grade of its appropriate class or subclass, and according to the special grades when applicable.

§ 60.76 *Edith milled rice (Class I).* This class shall include the rice known commercially as Edith, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.77 *Fortuna milled rice (Class II).* This class shall include the rice known commercially as Fortuna, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.78 *Lady Wright milled rice (Class III).* This class shall include the rice known commercially as Lady Wright, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.79 *Rexoro milled rice (Class IV).* This class shall include the rice known commercially as Rexoro, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.80 *Nira milled rice (Class V).* This class shall include the rice known commercially as Nira, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.81 *Blue Rose milled rice (Class VI).* This class shall include the rice known commercially as Blue Rose, Greater Blue Rose, and Improved Blue Rose, which contain more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.82 *Early Prolific milled rice (Class VII).* This class shall include the rice known commercially as Early Prolific, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.83 *Southern Pearl milled rice (Class VIII).* This class shall include the rice of the Japan types of rice possessing the characteristics of rice of this class as grown east of the Rocky Moun-

tains, which contain more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.84 *California Pearl milled rice (Class IX).* This class shall include all rice of the Japan types of rice possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.85 *Calady milled rice (Class X).* This class shall include the rice known commercially as Calady and other rices of similar type, possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

§ 60.86 *Miscellaneous classes of milled rice (Class XI).* Milled rice that is not otherwise specifically classified in these standards shall be classified and designated according to the commonly accepted commercial name of such rice. Rice of each of the classes included in the Miscellaneous classes shall contain more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

Milled rice of each of the classes comprising the Miscellaneous classes of rice that is produced east of the Rocky Mountains shall be graded according to the grade requirements specified for classes I to VIII, inclusive.

Milled rice of each of the classes comprising the Miscellaneous classes of rice that is produced west of the Great Plains area of the United States shall be graded according to the grade requirements specified for the class Calady (Class X).

§ 60.87 *Mixed milled rice (Class XII).* This class shall include all mixtures of milled rice not provided for in the classes I to XI, inclusive.

(a) *Grade requirements and designations.* Mixed milled rice shall be graded according to the grade requirements of the class or subclass of milled rice which predominates in the mixture except that the grade specifications for the factor "rice of other classes" shall be disregarded.

The grade designation for mixed milled rice shall include, successively, in the order named, (1) the number of the grade, (2) the words "Mixed milled rice," and (3) the name and approximate percentage of each class of milled rice which constitutes 10 percent or more of the mixture in the order of its predominance; but if only one class exceeds 10 percent of the mixture, the name and approximate percentage of that class shall be added to the grade designation, followed by the name and approximate percentage of at least one other class.

§ 60.88 *Grade requirements for the classes Edith, Fortuna, Lady Wright, Rexoro, Nira, Blue Rose, Early Prolific, and Southern Pearl milled rice.*

Grade	Maximum limits of—						
	Cereal grains, seeds, and heat-damaged kernels (number in 500 grams)		Red rice and damaged kernels other than heat-damaged (singly or combined)		Chalky kernels		Broken kernels
	Total	Heat-damaged kernels and seeds (singly or combined)	Total	Through 6/64 sieve	Total	Through 6/64 sieve	Rice of other classes
U. S. No. 1	No. 2	No. 1	Pct. 0.5	Pct. 1.0	Pct. 4	Pct. 0.1	Pct. 1
U. S. No. 2	4	2	1.5	1.5	7	2	2
U. S. No. 3	7	5	2.0	2.0	15	5	4
U. S. No. 4	15	10	2.5	3.0	20	7	6
U. S. No. 5	30	30	6.0	6.0	35	1.0	10
U. S. No. 6	75	75	15.0	15.0	50	2.0	10

<sup>1</sup> The rice in grade U. S. No. 6 may contain not more than 6 percent of damaged kernels other than heat-damaged kernels.

*Sample grade.* Sample grade shall include milled rice of the classes Edith, or Fortuna, or Lady Wright, or Rexoro, or Nira, or Blue Rose, or Early Prolific, or Southern Pearl, milled rice, respectively, which does not come within the requirements of any of the grades from U. S. No. 1 to U. S. No. 6, inclusive; or which contains more than 15 percent of moisture; or which has any commercially objectionable odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

*Color and General Appearance*

U. S. No. 1—Shall be white or creamy, and shall be well milled.

U. S. No. 2—Shall be white, creamy, or slightly grayish, and shall be well milled.

U. S. No. 3—Shall be white, creamy, or light gray, and shall be reasonably well milled.

U. S. No. 4—Shall be white, creamy, or gray, and may be slightly rosy, and shall be reasonably well milled.

U. S. No. 5—May be dark gray or rosy, and shall be reasonably well milled.

U. S. No. 6—May be dark gray or rosy, and shall be reasonably well milled.

§ 60.89 *Grade requirements for the class California Pearl milled rice.*

Grade	Maximum limits of—						
	Cereal grains, seeds, and heat-damaged kernels (number in 500 grams)		Red rice and damaged kernels other than heat-damaged (singly or combined)		Chalky kernels		Broken kernels
	Total	Heat-damaged kernels	Total	Through 6/64 sieve	Total	Through 6/64 sieve	Rice of other classes
U. S. No. 1	No. 2	No. 0	Pct. 0.2	Pct. 2	Pct. 5	Pct. 0.1	Pct. 0.5
U. S. No. 2	4	2	.5	4	10	.2	1.0
U. S. No. 3	7	3	1.0	6	15	.5	2.0
U. S. No. 4	15	5	1.5	8	20	.7	3.0
U. S. No. 5	30	30	3.0	10	35	1.0	10.0
U. S. No. 6	75	75	15.0	15	50	2.0	10.0

<sup>1</sup> Rice of the grade U. S. No. 1 shall contain not more than 1 cereal grain other than paddy grains nor more than 1 mud lump, in 500 grams of rice.

<sup>2</sup> The rice in grade U. S. No. 6 may contain not more than 6 percent of damaged kernels other than heat-damaged kernels.

**Sample grade.** Sample grade shall include milled rice of the class California Pearl milled rice, which does not come within the requirements of any of the grades from U. S. No. 1 to U. S. No. 6, inclusive; or which contains more than 15 percent of moisture; or which has any commercially objectionable odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

**Color and General Appearance**

U. S. No. 1—Shall be white or creamy, and shall be well milled.

U. S. No. 2—Shall be white, creamy, or slightly grayish, and shall be well milled.

U. S. No. 3—Shall be white, creamy, or light gray, and shall be reasonably well milled.

U. S. No. 4—Shall be white, creamy, or gray, and shall be reasonably well milled.

U. S. No. 5—May be dark gray or rosy, and shall be reasonably well milled.

U. S. No. 6—May be dark gray or rosy, and shall be reasonably well milled.

**§ 60.90 Grade requirements for the class Calady milled rice.**

Grade	Maximum limits of—						
	Cereal grains, seeds, and heat-damaged kernels (number in 500 grams)			Broken kernels		Rice of other classes	
	Total	Heat-damaged kernels	Red rice and damaged kernels other than heat-damaged (singly or combined)	Chalky kernels	Total	Through 6/64 sieve	
U. S. No. 1	No. 2	No. 0	Pct. 0.2	Pct. 1.0	Pct. 5	Pct. 0.1	Pct. 0.5
U. S. No. 2	4	2	0.5	1.5	10	2	1.0
U. S. No. 3	7	3	1.0	2.0	15	2	2.0
U. S. No. 4	15	5	1.5	3.0	20	2	3.0
U. S. No. 5	30	30	6.0	6.0	35	1.0	10.0
U. S. No. 6	75	75	15.0	15.0	50	2.0	10.0

<sup>1</sup> Rice of the grade U. S. No. 1 shall contain not more than 1 cereal grain other than paddy grains nor more than 1 mud lump in 500 grams of rice.

<sup>2</sup> The rice in grade U. S. No. 6 may contain not more than 6 percent of damaged kernels other than heat-damaged kernels.

**Sample grade.** Sample grade shall include milled rice of the class Calady milled rice, which does not come within the requirements of any of the grades from U. S. No. 1 to U. S. No. 6, inclusive; or which contains more than 15 percent of moisture; or which has any commercially objectionable odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

**Color and general appearance**

U. S. No. 1—Shall be white or creamy, and shall be well milled.

U. S. No. 2—Shall be white, creamy, or slightly grayish, and shall be well milled.

U. S. No. 3—Shall be white, creamy, or light gray, and shall be reasonably well milled.

U. S. No. 4—Shall be white, creamy, or gray, and shall be reasonably well milled.

U. S. No. 5—May be dark gray or rosy, and shall be reasonably well milled.

U. S. No. 6—May be dark gray or rosy, and shall be reasonably well milled.

**§ 60.91 Second Head milled rice (Class XIII).** This class shall consist of milled rice which contains not more than 25 percent of whole kernels, not more than 50 percent of broken kernels which will pass readily through a 6.5/64 sieve, and not more than 10 percent of broken kernels which will pass readily through a 6/64 sieve. This class shall be divided into two subclasses designated as (a) Second Head milled rice and (b) California Second Head milled rice.

**§ 60.92 Subclass (a) Second Head milled rice of Class XIII.** This subclass shall include all Second Head milled rice possessing the characteristics of rice of this class as grown east of the Rocky Mountains.

**§ 60.93 Grade requirements for the subclass (a) Second Head milled rice.**

Grade	Maximum limits of—					
	Cereal grains, seeds, and heat-damaged kernels (number in 500 grams)			Broken kernels		
	Total	Heat-damaged kernels and seeds (singly or combined)	Red rice and damaged kernels other than heat-damaged (singly or combined)	Chalky kernels	Through 6/64 sieve	Through 6.5/64 sieve
U. S. No. 1	No. 15	No. 10	Pct. 1	Pct. 3	Pct. 3	Pct. 15
U. S. No. 2	20	15	2	5	5	25
U. S. No. 3	35	20	4	10	7	35
U. S. No. 4	50	35	6	15	10	50
U. S. No. 5	75	50	10	20	10	50

**Sample grade.** Sample grade shall include milled rice of the subclass Second Head milled rice, which does not come within the requirements of any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15 percent of moisture; or which has any commercially objectionable odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

**Color and General Appearance**

U. S. No. 1—Shall be white or creamy, and shall be well milled.

U. S. No. 2—Shall be white, creamy, or slightly grayish, and shall be well milled.

U. S. No. 3—Shall be white, creamy, or light gray, and shall be reasonably well milled.

U. S. No. 4—Shall be white, creamy, or gray, and may be slightly rosy, and shall be reasonably well milled.

U. S. No. 5—May be dark gray or rosy, and shall be reasonably well milled.

**§ 60.94 Subclass (b) California Second Head milled rice of Class XIII.** This subclass shall include all Second Head milled rice possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States.

**§ 60.95 Grade requirements for the subclass (b) California Second Head milled rice.**

Grade	Maximum limits of—					
	Cereal grains, seeds, and heat-damaged kernels (number in 500 grams)			Broken kernels		
	Total	Heat-damaged kernels	Red rice and damaged kernels other than heat-damaged (singly or combined)	Chalky kernels	Through 6/64 sieve	Through 6.5/64 sieve
U. S. No. 1	No. 15	No. 1	Pct. 0.3	Pct. 3	Pct. 3	Pct. 15
U. S. No. 2	20	3	7	5	5	25
U. S. No. 3	35	4	1.5	10	7	35
U. S. No. 4	50	6	2.0	15	10	50
U. S. No. 5	75	10	4.0	20	10	50

**Sample grade.** Sample grade shall include milled rice of the subclass California Second Head milled rice, which does not come within the requirements of any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15 percent of moisture; or which has any commercially objectionable odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

**Color and General Appearance**

U. S. No. 1—Shall be white or creamy, and shall be well milled.

U. S. No. 2—Shall be white, creamy, or slightly grayish, and shall be well milled.

U. S. No. 3—Shall be white, creamy, or light gray, and shall be reasonably well milled.

U. S. No. 4—Shall be white, creamy, or gray, and shall be reasonably well milled.

U. S. No. 5—May be dark gray or slightly rosy, and shall be reasonably well milled.

**§ 60.96 Screenings milled rice (Class XIV).** This class shall consist of milled rice which contain not more than 25 percent of whole kernels, which does not meet the requirements of size separations specified for the class Second Head milled rice, and which contains not more than 15 percent of broken kernels which will pass readily through a 5.5/64 sieve. This class shall be divided into two subclasses designated as (a) Screenings milled rice and (b) California Screenings milled rice.

**§ 60.97 Subclass (a) Screenings milled rice of Class XIV.** This subclass shall include all screenings milled rice possessing the characteristics of rice of this class as grown east of the Rocky Mountains.

**§ 60.98 Grade requirements for the subclass (a) Screenings milled rice.**

Grade	Maximum limits of—			
	Cereal grains and seeds (number in 500 grams)		Broken kernels	
	Chalky kernels	Through 5.5/64 sieve	Through 6/64 sieve	
U. S. No. 1	No. 20	Pct. 5	Pct. 4	Pct. 20
U. S. No. 2	50	8	6	30
U. S. No. 3	90	12	8	40
U. S. No. 4	140	20	10	50
U. S. No. 5	200	30	15	60

**Sample grade.** Sample grade shall include milled rice of the subclass Screenings milled rice, which does not come within the requirements of any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15 percent of moisture; or which has any commercially objectionable odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

**Color and General Appearance**

U. S. No. 1—Shall be white or creamy, and shall be well milled.

U. S. No. 2—Shall be white, creamy, or slightly grayish, and shall be well milled.

U. S. No. 3—Shall be white, creamy, or light gray, and may be slightly rosy, and shall be reasonably well milled.

U. S. No. 4—Shall be white, creamy, or gray, and may be rosy, and shall be reasonably well milled.

U. S. No. 5—May be dark gray or very rosy, and shall be reasonably well milled.

**§ 60.99 Subclass (b) California Screenings milled rice of Class XIV.** This subclass shall include all Screenings milled rice possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States.

**§ 60.100 Grade requirements for the subclass (b) California Screenings milled rice.**

Grade	Maximum limits of—			
	Cereal grains and seeds (number in 500 grams)	Chalky kernels	Broken kernels	
			Through 5.5/64 sieve	Through 6/64 sieve
No.	Pct.	Pct.	Pct.	
U. S. No. 1.....	30	5	4	29
U. S. No. 2.....	75	8	6	30
U. S. No. 3.....	125	12	8	40
U. S. No. 4.....	175	20	10	50
U. S. No. 5.....	250	20	10	50

**Sample grade.** Sample grade shall include milled rice of the subclass California Screenings milled rice, which does not come within the requirements of any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15 percent of moisture; or which has any commercially objectionable odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

**Color and General Appearance**

U. S. No. 1—Shall be white or creamy, and shall be well milled.

U. S. No. 2—Shall be white, creamy, or slightly grayish, and shall be well milled.

U. S. No. 3—Shall be white, creamy, or light gray, and shall be reasonably well milled.

U. S. No. 4—Shall be white, creamy, or gray, and shall be reasonably well milled.

U. S. No. 5—May be dark gray, or slightly damaged, or slightly rosy, and shall be reasonably well milled.

**§ 60.101 Brewers milled rice (Class XV).** This class shall consist of milled rice which contains not more than 25 percent of whole kernels, and contains more than 15 percent of broken kernels which will pass readily through a 5.5/64 sieve. This class shall be divided into two subclasses designated as (a) Brewers milled rice and (b) California Brewers milled rice.

**§ 60.102 Subclass (a) Brewers milled rice of Class XV.** This subclass shall include all Brewers milled rice possessing the characteristics of rice of this class as grown east of the Rocky Mountains.

**§ 60.103 Grade requirements for the subclass (a) Brewers milled rice.**

Grade	Cereal grains and seeds (maximum limits)		Color and general appearance
	Number in 500 grams	Percent	
U. S. No. 1.....	60	.....	Shall be white or creamy, and shall be well milled.
U. S. No. 2.....	.....	0.1	Shall be white, creamy, or slightly grayish, and shall be well milled.
U. S. No. 3.....	.....	.2	Shall be white, creamy, or light gray, and may be slightly rosy, and shall be reasonably well milled.
U. S. No. 4.....	.....	.4	Shall be white, creamy, or gray, and may be rosy, and shall be reasonably well milled.
U. S. No. 5.....	.....	1.5	May be dark gray or very rosy, and shall be reasonably well milled.

**Sample grade.** Sample grade shall include milled rice of the subclass Brewers milled rice, which does not come within the requirements of any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15 percent of moisture; or which has any commercially objectionable odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

**§ 60.104 Subclass (b) California Brewers milled rice of Class XV.** This subclass shall include all Brewers milled rice possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States.

**§ 60.105 Grade requirements for the subclass (b) California Brewers milled rice.**

Grade	Cereal grains and seeds (maximum limits)	Color and general appearance
U. S. No. 1.....	Percent 0.5	Shall be white or creamy, and shall be well milled.
U. S. No. 2.....	1.0	Shall be white, creamy, or slightly grayish, and shall be well milled.
U. S. No. 3.....	1.5	Shall be white, creamy, or light gray, and shall be reasonably well milled.
U. S. No. 4.....	3.0	Shall be white, creamy, or gray, and may be slightly damaged or slightly rosy, and shall be reasonably well milled.
U. S. No. 5.....	5.0	May be dark gray, or damaged, or rosy, and shall be reasonably well milled.

**Sample grade.** Sample grade shall include milled rice of the subclass California Brewers milled rice, which does not come within the requirements of any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15 percent of moisture; or which has any commercially objectionable odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

**§ 60.106 Special grade; Unpolished milled rice.** Unpolished milled rice (commonly referred to as undermilled rice) shall be milled rice of any class from which the hulls and the outer bran layers, but not the inner bran layers, and a part of the germs, have been removed.

**Grades.** Unpolished milled rice shall be graded according to the grade requirements of the standards applicable to such rice if it were not unpolished, except that the requirements for the grading factors "Well milled" and "Reasonably well milled" specified in the basic standards shall be disregarded, and there shall be added to, and made a part of, the grade designations, the word "Unpolished."

**§ 60.107 Special grade; Parboiled milled rice.** Parboiled milled rice shall be milled rice of any of the classes I to XII, inclusive, which, before it was milled, was processed by soaking, steaming, and drying.

**(a) Grades.** Parboiled milled rice shall be graded and designated according to the grade requirements of the standards applicable to such rice if it were not parboiled, except that in the basic standards the grading factor "Chalky Kernels" shall be disregarded, and except that the color and general appearance of the parboiled milled rice shall be as specified for the special grades "Parboiled Light," "Parboiled," and "Parboiled Dark" milled rice as follows:

(1) **Parboiled light.** In the case of parboiled milled rice which is translucent and which is not discolored or is only slightly discolored from the parboiling treatment there shall be added to, and made a part of, the grade designation, the words "Parboiled Light";

(2) **Parboiled.** In the case of parboiled milled rice which is translucent and which is materially but not badly discolored from the parboiling treatment, there shall be added to, and made a part of, the grade designation, the word "Parboiled"; and

(3) **Parboiled dark.** In the case of parboiled milled rice which is badly discolored or which contains rice kernels that are partially or wholly opaque (starchy) due to incomplete parboiling treatment, there shall be added to, and made a part of, the grade designation, the words "Parboiled Dark."

**§ 60.108 Special grade; Coated milled rice.** Coated milled rice shall be milled rice of any class which has been coated with glucose and talc or any other substance.

**(a) Grades.** Coated milled rice shall be graded and designated according to the grade requirements of the standards applicable to such rice if it were not coated, and there shall be added to, and made a part of, the grade designation, the word "Coated."

**§ 60.109 Special grade; Weevily milled rice.** Weevily milled rice shall be milled rice of any class which is infested with live weevils or other insects injurious to stored rice.

**(a) Grades.** Weevily milled rice shall be graded and designated according to the grade requirements of the standards applicable to such rice if it were not

weevily, and there shall be added to, and made a part of, the grade designation, the word "Weevily."

§ 60.110 *Grade factors; definitions.*  
(a) *Basis of grade determinations.* All determinations shall be on the basis of the rice as a whole.

(b) *Percentages.* Percentages, except in the case of moisture, shall be percentages ascertained by weight.

(c) *Percentage of moisture.* Percentage of moisture shall be that ascertained by the air oven and the method of use thereof described in Service and Regulatory Announcements No. 147 of the Agricultural Marketing Service (now Production and Marketing Administration), of the United States Department of Agriculture, or ascertained by any device and method which give equivalent results.

(d) *5.5/64 sieve.* A metal sieve perforated with round holes 5.5/64 inch in diameter.

(e) *6/64 sieve.* A metal sieve perforated with round holes 6/64 inch in diameter.

(f) *6.5/64 sieve.* A metal sieve perforated with round holes 6.5/64 inch in diameter.

(g) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels which have been distinctly damaged by water, insects, or by any other means. Sound double and sound broken kernels shall not be considered damaged kernels.

(h) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of milled rice which have been distinctly discolored by external heat or as a result of heating caused by fermentation.

(i) *Foreign material.* Foreign material shall include all matter other than rice except cereal grains and seeds.

(j) *Cereal grains.* Cereal grains shall include paddy grains (rough rice), barley, wheat, rye, emmer, spelt, einkorn, corn, grain sorghums, and oats, and shall not include buckwheat, soybeans, flaxseed, and wild oats.

(k) *Seeds.* Seeds shall be grains, kernels, or seeds, either whole or broken, of any plant other than rice or other cereal grains.

(l) *Red rice.* Red rice shall be kernels or pieces of kernels of milled rice which are distinctly red in color or have any appreciable amount of red bran thereon.

(m) *Broken kernels.* Broken kernels shall be (a) pieces of kernels of milled rice which are less than three-fourths the length of whole kernels, and (b) split kernels.

(n) *Chalky kernel.* A chalky kernel shall be a kernel or a piece of a kernel of milled rice one-half or more of which is chalky.

These standards supersede all standards for milled rice which have been in effect up to the present time.

Done at Washington, D. C., this 4th day of September 1946.

CHARLES F. BRANNAN,  
*Acting Secretary of Agriculture.*

[F. R. Doc. 46-15954; Filed, Sept. 5, 1946; 11:12 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service

#### PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF GORE FIELD, GREAT FALLS, MONT., AS A TEMPORARY AIRPORT OF ENTRY

Section 110.3 (b), Title 8, Chapter I, Code of Federal Regulations, is amended by inserting "Great Falls, Mont., Gore Field" between "Grand Forks, N. Dak., Grand Forks Municipal Airport" and "Havre, Mont., Havre-Hill County Airport" in the list of temporary airports of entry for aliens.

(Sec. 7 (d), 44 Stat. 572; 49 U. S. C. 177 (d); sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV)

J. HOWARD McGRATH,  
*Acting Attorney General.*

SEPT. 5, 1946.

Approval recommended: August 28, 1946.

UGO CARUSI,  
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 46-16092; Filed, Sept. 6, 1946; 10:26 a. m.]

#### PART 120—ALIEN SEAMEN

SEAMEN DETAINED ON BOARD; REMOVAL TO ANOTHER VESSEL

AUGUST 21, 1946.

Section 120.36, Title 8, Chapter I, Code of Federal Regulations is hereby amended by adding the following sentence: "If the district director, or officer in charge at the port of arrival, finds that deportation of the alien seaman on the vessel on which he arrived would cause undue hardship to such seaman, he may cause him to be deported on another vessel at the expense of the vessel on which he arrived, and such vessel shall not be granted clearance until such expense has been paid or its payment guaranteed to the satisfaction of the district director or officer in charge."

The parenthetical citation immediately following § 120.36 is changed to read: "(Secs. 19, 20 (c), 43 Stat. 164; 8 U. S. C. 166, 167 (c))".

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,  
*Commissioner of Immigration and Naturalization.*

Approved: September 5, 1946.

J. HOWARD McGRATH,  
*Acting Attorney General.*

[F. R. Doc. 46-16093; Filed, Sept. 6, 1946; 10:26 a. m.]

#### PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: FORMER UNITED STATES CITIZENS

#### PART 378—CERTIFICATE OF NATURALIZATIONS VETERAN OF FIRST OR SECOND WORLD WAR ALLIED FORCES; PERSON WHO VOTED IN A FOREIGN POLITICAL ELECTION

#### PERSONS WHO LOST CITIZENSHIP BY VOTING IN A FOREIGN STATE

AUGUST 28, 1946.

The following amendments to Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

The following section is added to Part 330:

§ 330.9 *Person who lost citizenship of the United States through voting in a political election in a country not at war with the United States during World War II.* A person who, while a citizen of the United States and prior to August 7, 1946, lost citizenship of the United States by voting in a political election in a foreign state other than a state at war with the United States during World War II may be naturalized by taking the oath of renunciation and allegiance specified in section 335 of the Nationality Act of 1940 before August 7, 1947. For the purposes of this section, World War II shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Such oath may be taken before any naturalization court or, if the person is abroad, before any diplomatic or consular officer of the United States. Application to take such oath before a court shall be made on Form N-413, which shall be executed in quadruplicate and shall be given a regular petition for naturalization number by the clerk of court. The original of Form N-413 shall be retained by the clerk of court as the court record, and the duplicate, triplicate, and quadruplicate shall be forwarded to the appropriate district director. The district director shall retain the quadruplicate and forward the duplicate and triplicate Form N-413 to the Commissioner, who will transmit the triplicate to the Department of State. The taking of such oath before a diplomatic or consular officer abroad shall be in accordance with such regulations as may be prescribed by the Department of State. Any person who has been naturalized under this section shall have, from and after naturalization under this section, the same citizenship status as that which existed immediately prior to its loss and may make application for a certificate of naturalization in the manner provided in Part 378 of this chapter. (See 323, 54 Stat. 1149, 56 Stat. 193, Pub. Law 614, 79th Cong., approved Aug. 7, 1946; sec. 335, 54 Stat. 1157; 8 U. S. C. 723, 735)

The title of Part 378 is amended to read as follows: "Part 378—Certificate of naturalization: veteran of First or Second World War Allied forces; person who voted in a foreign political election".

Section 378.1 is amended to read as follows:

§ 378.1 *Application for: who may make; procedure; forms; fee*—(a) *Veteran of First or Second World War Allied forces.* A person who lost citizenship of the United States through service in one of the Allied armies during World War I or II, who was naturalized under the provisions of section 323 of the Nationality Act of 1940, as amended (54 Stat. 1149, 56 Stat. 198, Pub. Law 614, 79th Cong.; 8 U. S. C. 723), and who desires to obtain a certificate of naturalization evidencing such citizenship shall fill out properly and sign application Form N-580.

(b) *Person who voted in a foreign political election.* A person who lost citizenship of the United States through voting in a political election in a country not at war with the United States during World War II, who was naturalized under the provisions of section 323 of the Nationality Act of 1940, as amended (54 Stat. 1149, 56 Stat. 198, Pub. Law 614, 79th Cong.; 8 U. S. C. 723), and who desires to obtain a certificate of naturalization evidencing such citizenship shall fill out properly and sign application Form N-583.

(c) *Submission; photographs; fee.* An application filled out in accordance with paragraph (a) or (b) of this section shall be submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter, accompanied by three photographs of the applicant, prepared in accordance with Part 364 of this chapter, and the statutory fee of \$1, remitted as prescribed in § 60.30 (b) of this chapter. (Secs. 341 (a), 342 (b) (6), 54 Stat. 1160, 1161, 58 Stat. 755; 8 U. S. C. 741, 742)

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 327 (b), 54 Stat. 1151, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727 (b), 458 (a); 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,

Commissioner of

Immigration and Naturalization.

Approved: September 5, 1946.

J. HOWARD MCGRATH,  
Acting Attorney General.

[F. R. Doc. 46-16091; Filed, Sept. 6, 1946;  
10:25 a. m.]

## TITLE 20—EMPLOYEES' BENEFITS

### Chapter IV—Employees' Compensation Appeals Board, Federal Security Agency

#### PART 501—REGULATIONS GOVERNING APPEALS

- Sec.
- 501.1 Establishment of Appeals Board, jurisdiction.
  - 501.2 Filing of appeals; forms, time limitation.
  - 501.3 Procedure in respect of appeals.
  - 501.4 Action upon appeal.
  - 501.5 Finality of decision; reconsideration.
  - 501.6 General provisions.
  - 501.7 Representatives of parties in interest; fees.

AUTHORITY: §§ 501.1 to 501.7, inclusive, issued under Reorganization Plan No. 2 of 1946, effective July 16, 1946.

§ 501.1 *Establishment of Appeals Board; jurisdiction.* (a) Pursuant to direction and under the authority contained in Reorganization Plan No. 2 of 1946, effective July 16, 1946, the Federal Security Administrator has established in the Office of Special Services of the Federal Security Agency, an Employees' Compensation Appeals Board. Such Board consists of three members appointed by the Administrator, one of whom is designated as Chairman of the Board and administrative officer.

(b) The Board shall, in accordance with rules approved by the Federal Security Administrator, have jurisdiction to consider and decide appeals from the final decision, with findings of fact and award, of the Bureau of Employees' Compensation of the Agency, in any case arising under the United States Employees' Compensation Act, or arising under any statutory extension or application of such act. Appeals may also be taken from final determinations of the Bureau of Employees' Compensation involving the exercise of discretion but only if based upon the ground of abuse of, or refusal to exercise, discretion. There shall be no appeal in respect to any interlocutory matter disposed of by such Bureau during the pendency of a compensation case.

(c) The decision upon appeal by the Board shall be final as to the subject matter appealed, and such decision shall not be subject to review, except by the Board.

(d) The jurisdiction of the Board shall extend to review of questions of law and fact within the purview of the United States Employees' Compensation Act, or extension thereof, and the review of a case shall be made upon the findings of fact and the action of the Director of the Bureau of Employees' Compensation taken pursuant to section 36 of such act (5 U. S. C. 786), and upon the particular case record in such Bureau of Employees' Compensation.

§ 501.2 *Filing of appeals; forms, time limitation.* (a) The jurisdiction of the Board shall be invoked by the filing (in duplicate) with the Board of an application for review of the action of the Director of the Bureau of Employees' Compensation, in such form as the Board shall prescribe, but failure to use any form so prescribed shall not bar such review, if the informal application should be perfected so as to disclose the ground of the appeal.

(b) Such application should set forth, succinctly, the ground or grounds of the appeal in relation to the findings of fact and action of such Director, or in relation to any alleged abuse of (or refusal to exercise) discretion, including the ground of failure to make material or necessary findings of fact. Such application may be filed directly with the Board which is located in the Federal Security Building, Fourth and Independence Avenue SW., Washington 25, D. C., or with the Bureau of Employees' Compensation, 285 Madison Avenue, New York 17, New York.

(c) Application for review by the Board shall be filed within 90 days from the date of issuance of the findings of fact and action thereon by such Director, if the applicant resides within continental United States or Canada, or within six months from such date, if the ap-

plicant resides outside of continental United States or Canada. For good cause shown, the Board may excuse failure timely to file such application, if the application is filed within one year after the date of issuance of the findings of fact and award. In appeals predicated upon allegation of abuse of, or failure to exercise, discretion the application for review shall be filed as promptly as the circumstances permit following the action complained of; and the Board shall have the discretion to deny any appeal upon such ground if, in the opinion of the Board, there has been undue delay in seeking review.

(d) The application for review shall be filed by the person affected by the findings of fact and award of the Director, or by a representative duly authorized to act on his behalf. In cases involving abuse of, or failure to exercise, discretion, the application shall be filed by the person directly affected thereby or by a representative duly authorized to act on his behalf.

§ 501.3 *Procedure in respect of appeals.* (a) The Board shall serve upon the Director of the Bureau of Employees' Compensation a copy of each application for review, together with any supporting memorandum or brief which may be filed, and the Director, or his representative, promptly, and in no case later than 30 days after receipt of such copy, shall file with the Board the record of the case and such justification of the award as he may consider necessary, but upon application by the Director, such time may in the discretion of the Board be extended. Issues to be considered by the Board shall be settled by the Board, or any member thereof, and thereafter the case shall be calendared for hearing. The Board on its own motion may include issues other than those raised in such application.

(b) Notice of hearing shall be sent by the Board to such Director and to all parties in interest. Hearing shall be set upon such notice as will afford adequate opportunity to be present, but shall not be set earlier than 10 days from the date of the notice, unless waiver of such notice is filed. Any person whose rights may be affected by the action of the Board shall, upon application, be permitted to intervene as a party in interest.

(c) Hearings shall be conducted informally. The parties in interest, including the Director, shall have opportunity to present oral or written arguments, directly, or by representatives.

(d) Hearings will be conducted in respect to issues previously settled; and any party confronted with an issue as to which he has not received at least 10 days' notice may be granted a continuance with respect to a hearing of such issue.

(e) The Board shall exercise its discretion in such matters as the granting of continuances, acceptance of briefs, and routine matters, consistent with the prompt dispatch of its business.

§ 501.4 *Action upon appeal.* (a) Such Board shall dispose of all applications for review (1) by denying the application for insufficiency or incompleteness in failing to state a proper ground for

review; (2) by decision upon the merits of the case; (3) by remanding the case to the Director of the Bureau of Employees' Compensation for completion of such action as the Board shall direct, as specified in paragraph (b) of this section; or (4) by permitting withdrawal of the application.

(b) The review by the Board of a case upon its merits shall be had upon the record made before such Director. If the Board should determine (1) that such record is incomplete, (2) that material facts have not been developed, (3) that mistake of fact may have occurred, (4) that further medical or other examination is necessary, (5) or that further inquiry should be made in respect to any undeveloped question of fact or law, the Board shall remand the case to such Director with a specific statement of the appearing deficiency for such further findings of fact and action as the case may require.

(c) The decision of the Board shall be contained in an order disposing of the application on one of the grounds specified in paragraph (a) of this section. In all cases in which the decision is upon the merits of the case, such order shall be supported and accompanied by a written opinion setting forth the reasons for the action taken. A copy of the order and opinion shall be sent to all parties in interest.

§ 501.5 *Finality of decision; reconsideration.* (a) The decision of the Board, if reconsideration by the Board is not granted, shall, subject to statutory right of review under the United States Employees' Compensation Act, be final upon the expiration of 30 days from the date of the filing of the order specified in § 501.4 (c), unless the Board shall in its order fix a different period of time.

(b) A petition for reconsideration timely filed may be granted in the discretion of the Board. Rehearing upon proper notice, if applied for, shall be granted in respect to any reconsideration of a decision by the Board.

§ 501.6 *General provisions.* (a) The Employees' Compensation Appeals Board shall sit in Washington, District of Columbia, but the Board is authorized to perform its work at any place deemed necessary.

(b) The Board shall maintain a docket of its cases, which docket shall be open to public inspection. The case record filed by the Director with the Board may be inspected by any party in interest, except that in any request for inspection the Board shall be the judge of the reasonableness thereof and may in its discretion permit inspection of such record or part thereof which in its opinion will not result in damage or harm to the appellant or to any person, or which will not be inimical to the interest of the United States. The Board shall publish its orders and opinions in such form as to be readily available for inspection, and shall allow public inspection thereof at the permanent location of the Board.

(c) The Chairman as administrative officer of the Board shall administer the affairs of the Board, and the Board shall be responsible to the Commissioner for Special Services of the Federal Security

Agency for the proper discharge of its functions, duties, and powers.

(d) The decision of not less than two members of the Board, if in agreement, shall constitute the decision of the Board.

(e) Any notice or order required under these regulations to be given or served, may be served personally upon the person to whom directed, or sent to such person by registered mail.

§ 501.7 *Representatives of parties in interest; fees.* (a) An appellant and the Director of the Bureau of Employees' Compensation may be represented before the Board by any duly authorized person, including any accredited representative of an employee organization, and any attorney in good standing, admitted to the Bar of any State, Territory or other political jurisdiction. For good cause shown, the Board may, after opportunity to be heard and subject to the approval of the Administrator, bar any such representative from further appearance before the Board in the same or other proceeding.

(b) No claim for legal or other service rendered in respect to a proceeding before the Board to or on account of any person, shall be valid unless approved by the Board or by a member thereof. No contract for a stipulated fee or for a fee upon a contingent basis shall be recognized by the Board, and no fee for service shall be approved except upon an application to the Board supported by a sufficient statement of the extent and character of the necessary work done before the Board on behalf of the interested party. Except where the Board has been advised that such representation will be rendered gratuitously, the fee approved by the Board, or by a member thereof, shall be reasonably commensurate with the actual necessary work performed by such representative, taking into account the capacity in which the representative has appeared, the amount of the compensation involved, and the circumstances of the appellant.

[SEAL] JEWELL W. SWOFFORD,  
Commissioner for Special Services.

SEPTEMBER 3, 1946.

Approved: September 5, 1946.

WATSON B. MILLER,  
Federal Security Administrator.

[F. R. Doc. 46-16154; Filed, Sept. 6, 1946;  
11:39 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter I—Federal Home Loan Bank Administration

[Bulletin No. 73]

#### PART 8—MISCELLANEOUS

##### PROCEDURE FOR ADOPTION OF RULES, REGULATIONS, OR AMENDMENTS

Effective immediately § 8.3 of the rules and regulations for the Federal Home Loan Bank System, except paragraph (a) thereof, is hereby rescinded.

Effective September 11, 1946, the following new paragraphs are hereby added

to § 8.3 of the rules and regulations for the Federal Home Loan Bank System.

(b) *Amendments or rules without notice.* Any proposed amendment or rule may be adopted by the Administration without compliance with the requirements of paragraphs (c), (d), (e) and (f) of this section, which involves any matter relating to Administration management or personnel or to public property, loans, grants, benefits, or contracts, or which is deemed to apply to interpretative rules, general statements of policy, rules of Administration organization, procedure, or practice, or unless all persons subject to any such proposed amendment or rule are named and either personally or otherwise have actual notice thereof in accordance with law, or in any situation in which the Administration for good cause finds (and incorporates the findings and a brief statement of the reasons therefor in the amendments or rules issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest.

(c) *Notice of proposed amendments or rules not within paragraph (b).* Excepting any proposed amendment or rule adopted pursuant to paragraph (b) of this section no proposed amendment or rule (except any substantive rule granting or recognizing exemption or relieving restriction) will be adopted by the Administration until at least thirty days have elapsed after publication in the FEDERAL REGISTER of general notice of such proposed amendment or rule including (1) a statement of the time, place, and nature of public rule making proceedings, (2) reference to the authority under which the amendment or rule is proposed, and (3) either the terms or substance of the proposed amendment or rule or a description of the subjects and issues involved. Notice of such proposed amendment or rule shall also be mailed to each member of the Federal Savings and Loan Advisory Council and to the President of each bank. A copy of each proposed amendment or rule shall be filed with the Federal Home Loan Bank Review and shall be published in the next available issue of such Review.

(d) *Participation of interested persons in a proposed amendment or rule.* At any time within thirty days after publication in the FEDERAL REGISTER of general notice of a proposed amendment or rule as prescribed in paragraph (c) of this section, interested persons may participate in the making of such a proposed amendment or rule through the submission of written data, views, or arguments thereon delivered within the prescribed time to the Secretary to the Federal Home Loan Bank Administration, 101 Indiana Ave., N. W., Washington, D. C. Interested persons may also petition for the issuance, amendment, or repeal of an amendment or rule and deliver any such petition to the Secretary to the Administration at the address given herein.

(e) *Hearings on regulations.* After receipt of written requests therefor to the Secretary to the Administration of at least seven members of the Federal Savings and Loan Advisory Council, or of at least four of the Banks (accompanied by certified resolutions of the boards of di-

rectors thereof), or of at least twenty-five members of the Federal Home Loan Bank System (accompanied by certified resolutions of the boards of directors thereof), the Administration will fix a time and place for a hearing on a proposed amendment or upon an existing regulation to which petitioners object. The Secretary to the Administration will give written notice of the time and place of such hearing to all the members of the Federal Savings and Loan Advisory Council, to the president of each of the Banks, and to each of the members of the Federal Home Loan Bank System which requested such hearing. The filing of a request for a hearing upon an existing regulation to which petitioners object shall not suspend the operation of such regulation. Any interested person, institution or association may appear in person at such hearing before the Administration or may be represented at such hearing by any of its directors, officers, employees, agents, or attorneys-at-law; and may offer evidence and examine witnesses.

(f) *Recommendations and representations at hearings by persons other than those requesting hearing.* No hearing upon a proposed amendment, rule, or existing regulation to which the petitioners object will be confined to persons requesting such hearing; but each such hearing will be open to any interested persons or to representatives of any Bank or member of the Federal Home Loan Bank System. Recommendations of other persons or institutions that may be affected, or from an organized trade association, may be filed with the Secretary to the Administration either prior to or during any hearing, and such persons, institutions or associations may appear in person at such hearing before the Administration or may be represented at such hearing by any of their directors, officers, employees, agents or attorneys-at-law; and be entitled to be heard.

These amendments are deemed to be of a procedural character within the meaning of § 8.3 (b) of the rules and regulations for the Federal Home Loan Bank System.

(Sec. 17 of F. H. L. B. A., 47 Stat. 736, sec. 8 (a) as added by sec. 4, 49 Stat. 294, 12 U. S. C. 1437 and Sup. 1428 (a); E. O. 9070, 7 F. R. 1529; Administrative Procedure Act, Pub. L. 404, approved June 11, 1946)

Dated: September 5, 1946.

[SEAL] HAROLD LEE,  
Deputy Federal Home Loan  
Bank Commissioner.

[F. R. Doc. 46-16084; Filed, Sept. 5, 1946;  
5:05 p. m.]

Chapter II—Federal Savings and Loan System

[Bulletin No. 74]

PART 201—PROMULGATION, AMENDMENT AND REPEAL OF RULES AND REGULATIONS

PROCEDURE FOR ADOPTION OF RULES, REGULATIONS, OR AMENDMENTS

Effective immediately the provisions of §§ 201.1 and 201.2 of the rules and

regulations for the Federal Savings and Loan System are hereby rescinded except paragraph (a) of § 201.2.

Effective September 11, 1946, the following new paragraphs are hereby added to §§ 201.1 and 201.2 of the rules and regulations for the Federal Savings and Loan System:

§ 201.1 *Publication of rules, regulations or amendments.* There shall be published in the Federal Home Loan Bank Review, in the issue immediately following the publication thereof in the FEDERAL REGISTER (as required by the Federal Register Act, 49 Stat. 500; 44 U. S. C., Sup. 301-314, as now or hereafter amended, regulations prescribed by the Administrative Committee of the Federal Register, and approved by the President, under said act, and the Administrative Procedure Act, approved June 11, 1946) all rules, regulations or amendments issued by the Federal Home Loan Bank Administration pursuant to the authority contained in the Home Owners' Loan Act of 1933 (48 Stat. 128; 12 U. S. C. Chapter 12) as now or hereafter amended, and the Governor of the Federal Home Loan Bank System shall cause a copy of each such rule, regulation or amendment to be distributed to each Federal association. He shall have available additional copies for distribution upon request therefor. (See 5 (a) of H. O. L. A. of 1933, 48 Stat. 132; 12 U. S. C. 1464 (a))

§ 201.2 *Rules, regulations and amendments.* \* \* \*

(b) *Rules, regulations or amendments without notice.* Any proposed rule, regulation or amendment may be adopted by the Federal Home Loan Bank Administration without compliance with the requirements of paragraphs (c), (d), (e) and (f) of this section, which involves any matter relating to said Administration management or personnel or to public property, loans, grants, benefits, or contracts, or which is deemed to apply to interpretative rules, general statements of policy, rules of said Administration organization, procedure, or practice, or unless all persons subject to any such proposed rule, regulation or amendment are named and either personally or otherwise have actual notice thereof in accordance with law, or in any situation in which said Administration for good cause finds (and incorporates the findings and a brief statement of the reasons therefor in the rules, regulations or amendments issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest.

(c) *Notice of proposed rules, regulations or amendments not within paragraph (b) of this section.* Excepting any proposed rule, regulation or amendment adopted pursuant to paragraph (b) of this section no proposed rule, regulation or amendment (except any substantive rule granting or recognizing exemption or relieving restriction) will be adopted by the Federal Home Loan Bank Administration until at least thirty days have elapsed after publication in the FEDERAL REGISTER of general notice of such proposed rule, regulation or amendment including (1) a statement of the time, place,

and nature of public rule making proceedings, (2) reference to the authority under which the rule, regulation or amendment is proposed, and (3) either the terms or substance of the proposed rule, regulation or amendment or a description of the subjects and issues involved. Notice of such proposed rule, regulation or amendment shall also be mailed to each member of the Federal Savings and Loan Advisory Council and filed with the editor of the Federal Home Loan Bank Review for publication in the next available issue of such Review.

(d) *Participation of interested persons in a proposed rule, regulation or amendment.* At any time within thirty days after publication in the FEDERAL REGISTER of general notice of a proposed rule, regulation or amendment as prescribed in paragraph (c) of this section, interested persons may participate in the making of the same through the submission of written data, views, or arguments thereon delivered within the prescribed time to the Secretary to the Federal Home Loan Bank Administration, 101 Indiana Avenue, NW., Washington, D. C. Interested persons may also petition for the issuance, amendment or repeal of any rule, regulation or amendment and deliver such petition to the Secretary to the Administration at the address given herein.

(e) *Hearings on regulations.* After receipt of written requests therefor to the Secretary to the Federal Home Loan Bank Administration of at least seven members of the Federal Savings and Loan Advisory Council, or of at least fifty Federal associations (accompanied by certified resolutions of the boards of directors thereof), said Administration will fix a time and place for a hearing on a proposed rule, regulation or amendment, or existing rule or regulation to which petitioners object. The Secretary to said Administration will give written notice of the time and place of such hearing to the members of the Federal Savings and Loan Advisory Council and to each of the Federal associations requesting such hearing. The filing of request for a hearing upon an existing regulation to which petitioners object shall not suspend the operation of such regulation. Any interested person or Federal association may appear in person at such hearing before said Administration or may be represented at such hearing by any of its directors, officers, employees, agents or attorneys-at-law; and may offer evidence and examine witnesses.

(f) *Recommendations and representations at hearings by persons other than those requesting hearing.* No hearing upon a proposed rule, regulation or amendment, or existing rule or regulation to which the petitioners object will be confined to persons requesting such hearing but each such hearing will be open to interested persons or representatives of any Federal association. Recommendations of other institutions that may be affected, or from an organized trade association, may be filed with the Secretary to the Federal Home Loan Bank Administration either prior to or during any hearing, and any such institutions or associations may appear in person at such hearing before

<sup>1</sup> 1 CFR, Part 2, *supra*.

said Administration or may be represented at such hearing by any of its directors, officers, employees, agents, or attorneys-at-law; and be entitled to be heard.

These amendments are deemed to be of procedural character within the meaning of § 201.2 (c) of the rules and regulations for the Federal Savings and Loan System.

(Sec. 5 (a) of H. O. L. A. of 1933, 48 Stat. 132, sec. 8 (a) of F. H. L. B. A. as added by sec. 4, 49 Stat. 294; 12 U. S. C. 1464 (a) and Sup. 1428 (a); E. O. 9070, 7 F. R. 1529; Administrative Procedure Act, approved June 11, 1946)

Dated: September 5, 1946.

[SEAL]

HAROLD LEE,  
Deputy Federal Home Loan  
Bank Commissioner.

[F. R. Doc. 46-16065; Filed, Sept. 5, 1946;  
5:06 p. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### DIRECTION TO SHIPPERS OF BITUMINOUS COAL TO TIDEWATER

Pursuant to the provisions of SFAW Regulation No. 1, as amended (8 F. R. 5832, 8 F. R. 16320, 10 F. R. 1724, 10 F. R. 13261), the following notice of direction is hereby issued:

1. Whenever any shipper is prohibited, by reason of an embargo on shipments to tidewater ports, from shipping to those ports, he shall forthwith rearrange his shipping schedule so as to—

(a) Upon receipt of orders from his all-rail retail dealer customers, supply such dealers, on a pro rata basis, with a tonnage of prepared sizes not less than the tonnage of such sizes he would have shipped to tidewater were he permitted to so ship. This tonnage shall be in addition to the monthly or bi-monthly tonnages he is required by Revised Regulation No. 32 to ship to such dealers during the period of the embargo against him, and

(b) Upon receipt of orders from his all-rail industrial and utility customers, supply such industrial and utility customers, on a pro rata basis, with a tonnage of industrial sizes not less than the tonnage of such sizes he would have shipped to tidewater were he permitted to so ship. This tonnage shall be in addition to all other tonnages he would be authorized to ship to such industrial and utility consumers under Revised Regulation No. 32 during the period of the embargo against him.

2. In making the shipments provided for in 1 (a) and 1 (b) above, preference in shipments shall be afforded to those retail dealers most deficient in shipments to date, and to those industrial and utility consumers having the lowest number of days' supply.

3. During the period of the embargo against him, the shipper shall restore the tonnages to the all-rail customer from whom any such tonnages were diverted by uncompleted specific SFAW directions to tidewater receivers. However, if any such tidewater receiver requests the continuance of shipments of the directed tonnage by all-rail, such direction shall be completed all-rail. Upon the lifting of the embargo or upon the issuance of an Interstate Commerce Commission permit to ship to tidewater, shipments shall be resumed

immediately in accordance with the terms of the previously issued specific direction.

4. Nothing herein shall be construed as modifying requirements as to lake shipments or as increasing the total tonnage which a retail dealer is permitted to receive during the year, or as modifying the shipper's obligation to industrial accounts, or utilities, except that adherence to the stock pile limitations is temporarily suspended during the period of the embargo where necessary to ship in accordance with this direction.

Words used in this notice of direction shall have the same meaning as they had in Regulation No. 27 (10 F. R. 2909).

This notice of direction shall take effect immediately and shall continue in force during such periods as shipments to tidewater are prohibited by the Interstate Commerce Commission.

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

Issued this 5th day of September 1946.

THOMAS J. O'BRIEN,  
Acting Deputy Solid Fuels  
Administrator for War.

[F. R. Doc. 46-16145; Filed, Sept. 6, 1946;  
11:20 a. m.]

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### DIRECTION TO SHIPPERS OF LAKE-BORNE COAL

In order to meet minimum requirements of receivers of lake-borne coal before the close of navigation on the Great Lakes, the following direction is issued pursuant to the provisions of SFAW Regulation No. 1, as amended.

Notwithstanding any provision of SFAW Revised Regulation No. 32:

1. Shippers of coal produced in Districts Nos. 1, 2, 3, 4, 6, 7, and 8 shall immediately arrange their lake distribution schedules for the period ending November 16, 1946 so that commitments for coal moving via the Great Lakes, as modified by any SFAW regulations, directions, approvals or adjustments, to a dock or other unloading facility located in the areas described in paragraph 2 below, are met to the extent permitted, authorized or directed by Solid Fuels Administration for War.

2. This direction shall apply to all coal moving via the Great Lakes to any dock or other unloading facility located on the west bank of Lake Michigan north of and including Waukegan, Illinois, Lake Superior, the Sault Ste. Marie, the Straits of Mackinac, the Upper Peninsula of Michigan, Georgian Bay, the St. Lawrence River north and east of Montreal, Quebec, Canada, and to any dock or other unloading facility located at any other Great Lakes destination where the community does not have rail facilities.

3. The purpose of this direction is to afford a preference in shipment to those areas on the Great Lakes having the shortest period of navigation and which cannot be adequately supplied by rail after the close of navigation.

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

Issued this 5th day of September 1946.

THOMAS J. O'BRIEN,  
Acting Deputy Solid Fuels  
Administrator for War.

[F. R. Doc. 46-16146; Filed, Sept. 6, 1946;  
11:20 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

#### Subchapter A—Bureau of Accounts

##### PART 201—INDORSEMENT AND PAYMENT OF TREASURY AND POST OFFICE DEPARTMENT WARRANTS, INTEREST CHECKS, AND CHECKS OF DISBURSING OFFICERS

NOTE: For supersedure of Part 201, see Part 360 of this chapter, *infra*.

#### Subchapter C—Office of the Treasurer of the United States

[1946 Rev. Dept. Circ. 21]

##### PART 360—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES<sup>1</sup>

Part 201, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 21, dated October 28, 1913) is hereby revised to read as follows:

Sec.	
360.0	Scope of part.
360.1	Definitions.
360.2	Guaranty of indorsements.
360.3	Form of indorsement.
360.4	Deceased payees.
360.5	Checks indorsed by an attorney in fact.
360.6	Incompetent payees.
360.7	Minor payees.
360.8	Change of address.
360.9	Limitation of time for payment.
360.10	General provisions.

NOTE: In §§ 360.1 to 360.10, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in Treas. Dept. Circ. No. 21.

AUTHORITY: §§ 360.0 to 360.10, inclusive, issued under R. S. 161; 5 U. S. C. 22.

§ 360.0 *Scope of part.* The indorsement of checks drawn on the Treasurer of the United States shall be governed by the regulations in this part. The regulations herein contained governing the indorsement of checks by the payee shall also apply to and govern the indorsement of checks by any person, firm, corporation, or association to which any check has been specially indorsed.

§ 360.1 *Definitions.* The word "check" or "checks" shall be deemed to mean checks drawn on the Treasurer of the United States; the term "presenting bank" shall be deemed to mean (1) a bank or depositor of a Federal Reserve Bank presenting a check to a Federal Reserve Bank for payment and from which the Federal Reserve Bank is authorized by the provisions of Part 202 of this title receive such checks or (2) a bank presenting a check for payment direct to the Treasurer under special arrangements with the Treasurer; and the word "Treasurer" shall be deemed to mean the Treasurer of the United States.

§ 360.2 *Guaranty of indorsements.* The presenting bank and the indorsers

<sup>1</sup>The forms mentioned in this part were filed as a part of the original document with the Division of the Federal Register.



of a check presented to the Treasurer for payment are deemed to guarantee to the Treasurer that all prior indorsements are genuine including that of the drawer when the check is drawn in the drawer's favor, whether or not an express guaranty is placed on the check. When the first indorsement has been made by one other than the payee personally, the presenting bank and the indorsers are deemed to guarantee to the Treasurer, in addition to other warranties, that the person who so indorsed had unqualified capacity and authority to indorse the check in behalf of or in lieu of the payee.

§ 360.3 *Form of indorsement.* All indorsements should be in ink or indelible pencil. If the name of the payee is misspelled on the check, he should indorse the check as drawn and also in his correct name. If the name of the payee has been changed by marriage, or court decree or order, the check should be indorsed in the name as it appears on the face thereof and also in the present name. In case of a material deviation from the correct designation of the payee, the check, accompanied by a statement as to the payee's correct designation, should be returned to the drawer without alteration, correction, or indorsement in order that appropriate steps may be taken for authorization of payment to the party ascertained to be entitled, or the issuance of a corrected check.

(a) *Individual payees.* All checks should be indorsed by the payee personally or by his attorney in fact or legal representative. As to indorsements by attorneys in fact or legal representatives, see §§ 360.4, 360.5, 360.6 and 360.7.

(b) *Indorsement by mark.* Indorsement by mark (X) should be witnessed by two persons who must sign their names as witnesses and give their addresses in full, as:

His  
John (X) Doe  
Mark

Witness: James Smith, 1000 Columbia Road, Doeville, N. Y.  
Witness: Martha Jones, 2121 9th Street, Doeville, N. Y.

(c) *Corporations, governmental organizations (towns, cities, counties, districts, etc.), partnerships, and other business firms.* Stamped indorsements of corporations, governmental organizations (towns, cities, counties, districts, etc.), partnerships, and other business firms used in due course of business are acceptable when the check is presented for payment by a bank. When such checks are indorsed manually they should be indorsed in the name of the payee by, as the case may be, a duly authorized officer over his official title, a member of the firm in that capacity, or the individual as sole owner, as:

1. Corporations:  
X Y Z, Inc.  
By James Smith, Treasurer
  2. Governmental organizations:  
X County, Maine  
John Doe, Treasurer
  3. Partnerships:  
Parker and Jones  
By John Jones, General Partner
- No. 175—3

4. Sole ownerships:  
Doe's Drug Store  
By John Doe, Sole Owner

(d) *Joint payees.* A check drawn to two or more payees jointly should be indorsed by all of them; for example, a check drawn to James Smith and Elizabeth Jones should be indorsed by each payee individually, as:

James Smith  
Elizabeth Jones

(e) *Alternate payees.* A check drawn to two or more payees alternately may be indorsed by any one of the payees; for example, a check drawn to James Smith or Elizabeth Jones may be indorsed by either of them, as:

Elizabeth Jones

(f) *Attorneys in fact.* The indorsement should be in the name of the payee by the attorney in fact with an indication of the capacity in which he indorses, as:

Frank Smith  
By John Smith, Attorney in Fact

Section 360.5 contains information as to the types of powers of attorney required for the various classes of checks.

(g) *Executors, administrators, guardians, receivers, trustees, etc.* In cases where there has been appointed an executor, administrator, guardian, receiver, trustee, or other fiduciary whose authority includes the indorsement of checks in behalf of the payee or his estate, the check should be indorsed by such executor, administrator, guardian, receiver, trustee, etc., as the case may be, as:

Donald Clark,  
By Sarah Jones, Executrix

See also §§ 360.4 and 360.6 for information as to classes of checks which are not payable after the death or incompetency of payees.

(h) *Indorsement of checks for interest on or for principal of public debt obligations of the United States, or obligations guaranteed by the United States.* When a check issued in payment of interest on or principal of public debt obligations or of obligations fully and unconditionally guaranteed both as to principal and interest by the United States, is credited by a bank to the payee's account under his authorization, it should be indorsed in the following form:

Credited to the account of the within named payee in accordance with payee's instructions. Absence of indorsement guaranteed.

XYZ Bank

A bank using this form of indorsement on these checks will be deemed to guarantee to all subsequent indorsers and to the Treasurer that it is acting as an attorney in fact for the payee under his authorization.

This form of indorsement may also be used on these classes of checks by Trust Companies, Savings & Loan Associations, and Credit Unions.

§ 360.4 *Deceased payees.* (a) Checks issued for the following classes of payments, the right to which does not terminate with the death of the payee, will when indorsed by an executor or

administrator be paid by the Treasurer without the submission to the Treasurer of documentary proof of the authority of the executor or administrator:

1. Principal or interest on public debt obligations or obligations guaranteed by the United States.
2. Tax Refunds.
3. Payments for goods and services.

If an executor or administrator has not been appointed, the person or persons claiming as owner must return the check to the drawer or to the appropriate administrative office which authorized its issuance, together with an executed Form 1055, which form is reproduced at the end of this part and is made a part hereof. Form 1310, also reproduced at the end of this part and made a part hereof, may be used in lieu of Form 1055 for tax refund checks.

(b) Other classes of checks must not be negotiated after the death of the payee but must be returned to the drawer or to the administrative office which authorized issuance of the check for determination whether, under applicable laws, payment is due and to whom it may be made. Examples of these classes of checks are as follows:

1. Allotments.
2. Annuity.
3. Civil Service Refunds.
4. Compensation, excepting salary, pay, etc.
5. Dependency (Family) Allowances.
6. Educational Subsistence Payments.
7. Insurance.
8. Mustering-out Payments.
9. Pension.
10. Retirement (Army, Navy, Marine Corps and Coast Guard; District of Columbia Teachers' Retirement and Policemen's and Firemen's Relief).
11. Social Security Benefits.
12. Unemployment Readjustment Allowances.
13. Armed Forces Leave Act of 1946.

§ 360.5 *Checks indorsed by an attorney in fact.* Checks indorsed by an attorney in fact for the payee and presented for payment by a bank will be paid by the Treasurer without the submission to the Treasurer of documentary proof of the authority of the attorney in fact. Attention of banking institutions and others concerned is called to the fact that a specific power of attorney, executed after the issuance of the check, describing the check in full, is required for the following classes of checks:

1. Compensation, excepting salary, pay, etc.
2. Dependency (Family) Allowances.
3. Educational Subsistence Payments.
4. Mustering-Out Payments.
5. Pension.
6. Unemployment Readjustment Allowances.
7. Settlement warrants.
8. Armed Forces Leave Act of 1946.
9. Allotments.
10. Annuity.
11. Social Security Benefits.
12. Insurance.
13. District of Columbia Teachers' Retirement and Policemen's and Firemen's Relief.

However, for classes 9 to 13, inclusive, a special power of attorney naming a bank as attorney in fact, limited to a period not to exceed twelve months and reciting that it is not given to carry into effect an assignment of the right to receive the

payment, either to the attorney in fact or to any other person, may also be used. Forms of powers of attorney are reproduced at the end of this part and are made a part hereof, together with identification of and descriptive information as to the classes of checks which may be negotiated under the various powers. Substantial compliance with these forms is sufficient. Powers of attorney are revoked by the death of the grantor and may also be revoked by notice from the grantor to the parties concerned. Notice of revocation to the Treasury will not ordinarily serve to revoke the power.

§ 360.6 *Incompetent payees.* Where the payee of a check of the classes listed in paragraph (b) of § 360.4 and others not covered in paragraph (a) of § 360.4 has been declared incompetent, the check should not be indorsed by a guardian or other fiduciary but, instead, should be returned to the drawer, or to the administrative office which authorized the issuance of the check, with information as to the incompetency of the payee and submission of documentary evidence showing the appointment of the guardian, in order that the particular check, and others to be issued subsequently, may be drawn in favor of the guardian. If a guardian has not been and will not be appointed the full circumstances should be stated.

Checks of the classes listed in paragraph (a) of § 360.4 indorsed by a guardian or other fiduciary and presented for payment by a bank will be paid by the Treasurer without the submission to the Treasurer of documentary proof of the authority of the guardian or other fiduciary. If a guardian has not been and will not be appointed, the check should be forwarded for advice to the Treasurer of the United States, Accounting Division, Washington 25, D. C.

§ 360.7 *Minor payees.* (a) Where the payee of a check is a minor, his indorsement is acceptable provided the minor is of sufficient age and competency to understand the act of indorsing and giving receipt.

(b) Otherwise, the check should be indorsed by a duly authorized legal representative of the payee's estate or if none has been appointed the check should be returned to the drawer with a view to issuance of a check in the name of the person qualified to act for the minor.

(c) However, checks in payment of interest on or principal of public debt obligations or obligations guaranteed by the United States may be indorsed by either parent with whom the minor resides or, if the minor does not reside with either parent, by the person who furnishes his chief support. In the cases covered by the preceding sentence a statement should be obtained from the parent or other person indorsing in behalf of the minor, giving the minor's age and setting out the fact that the payee either resides with the parent or receives his chief support from the person indorsing in his behalf and that the proceeds of the check will be used for the benefit of the minor, which statement should accompany the check.

§ 360.8 *Change of address.* Every person receiving checks periodically should see that the appropriate administrative office is informed of his correct address, as failure so to notify the administrative office may result in delivery of a check to a wrong address. If doubt exists as to the office to be notified, the change of address should be sent to the drawer of the checks, with information as to the purpose for which the checks are issued. The request for change of address should always describe the character of the checks received, give the name and former address of the payee, the new address, and the payee's identification number, if one has been assigned. The request should be signed by the payee of the checks.

§ 360.9 *Limitation of time for payment.* (a) After the expiration of one year following the close of the fiscal year (ending June 30) in which they are drawn, checks drawn on the Treasurer of the United States (including checks payable through designated Federal Reserve Banks) are not payable by him but should be transmitted to the Secretary of the Treasury, Division of Disbursement, for payment from the "Outstanding Liabilities" appropriation, accompanied by a request for payment over the signature and address of the owner of such checks.

(b) The one-year restriction does not apply to checks issued on account of public debt obligations and checks issued on account of transactions regarding the administration of banking and currency laws.

§ 360.10 *General provisions.* The provisions of Part 201 of this chapter are hereby superseded. Further regulations concerning the payment of checks by the Treasurer are contained in Part 202 of this chapter, § 202.25 of which prescribes the procedure for handling of checks by Federal Reserve Banks. The Secretary of the Treasury may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this part.

[SEAL]

JOHN D. SNYDER,  
Secretary of the Treasury.

TREASURY DEPARTMENT FORMS FOR POWER OF ATTORNEY AND THEIR APPLICATION

None of the various types of checks issued by the Government are assignable and many represent classes of payments the right to which ceases with the death of the payee. In order to give effect to the laws under which the payments are made it has been necessary to require that checks representing certain classes of payments be endorsed by the payee personally or that they be indorsed under authority evidenced by special types of powers of attorney, prescribed by the Treasury Department.

Form 6569—A general power of attorney on this form may be executed by an individual, firm or sole owner, for all checks drawn on the Treasurer of the United States, with the exception of the following classes:

1. Compensation, excepting salary, pay, etc.
2. Dependancy (Family) Allowances
3. Educational Subsistence Payments
4. Mustering-Out Payments
5. Pension
6. Unemployment Readjustment Allowances
7. Settlement warrants
8. Armed Forces Leave Act of 1946
9. Allotments
10. Annuity
11. Social Security Benefits

## 12. Insurance

## 13. District of Columbia Teachers' Retirement and Policemen's and Firemen's Relief

Form 6570—A specific power of attorney on this form, which must be executed after the issuance of the check, describing the check in full, is required for classes 1 to 13 inclusive of those checks listed above: *Provided, however,* That for classes 9 to 13, inclusive, Form 6711 may be used subject to the conditions set forth below.

Form 6571-2—A general power of attorney on this form may be executed by a corporation under the same conditions as prescribed for Form 6569.

Form 6573-4—A specific power of attorney on this form is required by a corporation for checks drawn by the Treasurer of the United States in payment of settlement warrants.

Form 6711—A special power of attorney on this form naming a bank as attorney in fact, limited to a period not to exceed 12 months and reciting that it is not given to carry into effect an assignment of the right to receive the payment, either to the attorney in fact or to any other person, may be used for classes 9 to 13 inclusive, of those checks listed above.

Form P. D. 1036—A power of attorney on this form may be used for checks in payment of interest on or principal of securities registered on the books of the Treasury Department. (Form 6569 may also be used for this purpose.)

Form P. D. 1036A—This form is intended for the use of one or more of several trustees to empower one of the cotrustees to indorse checks in payment of interest on or principal of securities registered on the books of the Treasury Department.

Form P. D. 1037-42—This form is intended for use by a corporation under the same conditions as prescribed for Form 1036. (Form 6571-2 may also be used.)

NOTE: A general power need not be reexecuted for the collection of subsequent checks under the same power. Powers of attorney are revoked by the death of the grantor and may also be revoked by notice from the grantor to the parties concerned. Notice of revocation to the Treasury will not ordinarily serve to revoke the power.

## CLAIM FORMS FOR USE WHEN PAYEE IS DECEASED

Form 1055—This form may be used in filing claim with the General Accounting Office, Washington, D. C., for the amounts of checks of classes referred to in § 360.4 (a), in cases where an executor or administrator is not acting.

Form 1310—This form may be used instead of Form 1055 if the check represents a tax refund.

[F. R. Doc. 46-16096; Filed, Sept. 6, 1946; 10:51 a. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter XI—Office of Price Administration

## PART 1305—ADMINISTRATION

[SO 132, Amdt. 54]

## EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

A statement of the considerations involved in the issuance of this amend-

<sup>1</sup> 10 F. R. 14954, 15170; 11 F. R. 296, 297, 881, 1102, 1467, 2378, 2640, 2989, 2927, 3247, 3396, 4021, 4090, 4861, 5066, 5353, 5598, 5599, 5539, 5650, 5740, 5868, 5781, 6232, 6606, 6863, 7185, 8446, 8534, 8647, 8643.

ment has been issued and filed with the Division of the Federal Register.

Supplementary Order No. 132 is amended in the following respect:

In Section 1 (a) (5), the following commodities are added in alphabetical order:

Wheat starch.  
Rice starch.  
Wheat syrup.  
Rice syrup.  
Wheat gluten.

This amendment shall become effective September 6, 1946.

Issued this 6th day of September 1946,

PAUL A. PORTER,  
*Administrator.*

Approved: August 28, 1946.

CHARLES F. BRANNAN,  
*Acting Secretary of Agriculture.*

[F. R. Doc. 46-16122; Filed, Sept. 6, 1946;  
11:13 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 143, Amdt. 14]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

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 143 is amended in the following respects:

1. The last literary sentence of paragraph (a) to section 1 is deleted.

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

(3) Sales of the following tires whose maximum prices are determined in accordance with the provisions of Revised Price Schedule 87:

(i) New tires which the manufacturer or brand owner has found defective and not repairable and which such manufacturer or brand owner has slashed or otherwise mutilated prior to his delivery to any person.

(ii) New tires which the manufacturer has found defective and which he has removed from production before completion.

(iii) New tires having badly buckled plies due to creased airbags, plies omitted, plies trimmed at bead toe due to excessive pinch at bead, beads two-thirds or less of the intended width, broken wires, more than one ply of tire soft or spongy, open cords due to leaky airbags, or other such defects which render the tire unfit for use on the wheel of a vehicle.

3. The first sentence of section 6 (a) is amended to read as follows:

(a) A "factory second" tire is a new tire which has surface blemishes such as surface sidewall cracks which do not extend to the cord body and which have been removed by buffing or spot repairing, tread design defects, missing letters, or other such irregularities which do not

interfere with the use of the tire on the wheel of a vehicle and which, without further repair, will render substantially the same service as a new first; a "factory second" tube is a new tube having surface blemishes or other such irregularities which do not interfere with the use of the tube and which, without further repair, will render substantially the same service as a new first.

4. The introductory paragraph of section 6 (b) is amended to read as follows:

(b) A "factory reject" tire is a new tire having pinched beads (beads being more than two-thirds of intended width), small ply or tread separation, fabric extending beyond toe of bead, slight band ply irregularities, foreign matter cured into carcass, or other such minor defects which can be satisfactorily repaired for use on the wheel of a vehicle.

This amendment shall become effective September 11, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
*Administrator.*

[F. R. Doc. 46-16110; Filed, Sept. 6, 1946;  
11:13 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 87, Amdt. 16]

SCRAP RUBBER

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

Section 1315.1251 (c) is amended by adding thereto the following:

(4) New tires which the manufacturer has found defective and which he has removed from production before completion.

(5) Used tires having any one of the following wear conditions:

(i) Having or requiring more than three sectional and/or reinforcement repairs.

(ii) Having outside bulges.

(iii) Having sectional or reinforcement repairs of breaks, cuts, or cracks which before repairing were longer than one-half the cross sectional diameter of the tire.

(iv) Having exposed bead wires.

(v) Having breaks in the bead reinforcement.

(vi) Having loosened cords or ply on inside of casing or ply separation.

(vii) Water soaked.

(viii) Having more than three radial cracks extending through the rubber into the cords.

(ix) Having a cord body worn to such extent that it cannot be effectively repaired for safe use under normal operating conditions.

(6) New tires having badly buckled plies due to creased airbags, plies omitted, plies trimmed at bead toe due to excessive pinch at bead, beads two-thirds or less of the intended width, broken wires, more than one ply of tire soft or

spongy, open cords due to leaky airbags, or other such defects which render the tire unfit for use on the wheel of a vehicle.

This amendment shall become effective September 11, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
*Administrator.*

[F. R. Doc. 46-16108; Filed, Sept. 6, 1946;  
11:13 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 528, Amdt. 10]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

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 528 is amended in the following respects:

1. The last literary sentence of paragraph (1) to section 1 (a) is deleted.

2. A new paragraph (4) is added to section 1 (b) to read as follows:

(4) *New scrap tires.* Sales of the following tires whose maximum prices are determined in accordance with the provisions of Revised Price Schedule 87:

(i) New tires which the manufacturer or brand owner has found defective and not repairable and which such manufacturer or brand owner has slashed or otherwise mutilated prior to his delivery to any person.

(ii) New tires which the manufacturer has found defective and which he has removed from production before completion.

(iii) New tires having badly buckled plies due to creased airbags, plies omitted, plies trimmed at bead toe due to excessive pinch at bead, beads two-thirds or less of the intended width, broken wires, more than one ply of tire soft or spongy, open cords due to leaky airbags, or other such defects which render the tire unfit for use on wheel of a vehicle.

3. The first literary sentence of paragraph (1) to section 16 (c) is amended to read as follows:

(1) A "factory second" tire is a new tire, which has surface blemishes such as surface sidewall cracks which do not extend to the cord body and which have been removed by buffing or spot repairing, tread design defects, missing letters, or other irregularities which do not interfere with the use of the tire on the wheel of a vehicle and which, without further repair, will render substantially the same service as a new first; a "factory second" tube is a new tube having surface blemishes or other such irregularities which do not interfere with the use of the tube and which, without further repair, will render substantially the same service as a new first.

4. The introductory paragraph of section 16 (c) (2) is amended to read as follows:

(2) A "factory reject" tire is a new tire having pinched beads (beads being more than two-thirds of intended width), small ply or tread separation, fabric extending beyond toe of bead, slight band ply irregularities, foreign matter cured into carcass, or other such minor defects which can be satisfactorily repaired for use on the wheel of a vehicle.

This amendment shall become effective September 11, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16115; Filed, Sept. 6, 1946;  
11:05 a. m.]

#### PART 1385—NAVAL STORES

[RMPR 561, Amdt. 4]

##### GUM NAVAL STORES

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

Revised Maximum Price Regulation 561 is amended in the following respects:

1. In section 14 (a) substitute "\$1.05" for "\$0.835".
2. Section 14 is added to read as follows:

SEC. 14a. *Adjusted prices for resellers' sales*—(a) *Percentage increases*. Where a supplier (including a producer) increases his price for a sale of a specific lot of gum turpentine to a reseller on or after September 6, 1946, such reseller may increase his ceiling prices for sales of such specific lot of gum turpentine by the percentage of the increase in his supplier's price on the sale to him of such specific lot of gum turpentine.

(b) *Notification*. A supplier, (other than a producer) who increases his price on or after September 6, 1946, to a reseller, shall send a notice to such reseller stating the percentage of the supplier's increase in price to such reseller and that the supplier's price does not exceed the Office of Price Administration ceiling price.

3. Section 14b is added to read as follows:

SEC. 14b. *Fractions of a cent*. Notwithstanding any other provisions of this regulation, the maximum prices determined under this regulation for sales of gum turpentine by resellers, except retailers, shall be adjusted to the nearest tenth of a cent per unit; the maximum prices determined under this regulation for sales by retailers of gum turpentine shall be adjusted to the nearest whole cent per unit.

This amendment shall become effective September 6, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

Approved: September 3, 1946.

CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

[F. R. Doc. 46-16116; Filed, Sept. 6, 1946;  
11:05 a. m.]

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

[RMPR 114, Amdt. 6]

##### WOODPULP

A statement of 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 114 is amended in the following respects:

1. The table of prices in Appendix A (a) (1) is amended to read as follows:

Bleached softwood sulphite.....	\$103.50
Unbleached softwood sulphite.....	90.00
Bleached hardwood sulphite.....	100.50
Unbleached hardwood sulphite.....	87.50
Northern bleached sulphate.....	103.50
Southern bleached sulphate.....	97.00
Northern semi-bleached sulphate.....	98.00
Southern semi-bleached sulphate.....	91.50
Northern unbleached sulphate.....	83.50
Southern unbleached sulphate.....	76.50
Bleached soda pulp.....	93.50
Unbleached soda pulp.....	88.00
Groundwood pulp.....	64.00
Groundwood pulp—paper machine dried.....	67.00
Sulphite screenings.....	50.00
Sulphate screenings.....	44.00
Groundwood screenings.....	37.50
Northern unbleached sulphate sideruns.....	83.50
Southern unbleached sulphate sideruns.....	76.50
Standard newsprint sideruns.....	64.00

2. The table of Basic Transportation Allowances applying to foreign producers of woodpulp in Appendix A (a) (3) is amended to read as follows:

Area of production of foreign woodpulp	Applying to foreign producers of woodpulp		
	Below 50% air dry wt.	50-80% air dry wt.	Above 80% air dry wt.
Canada, east of the Continental Divide.....	\$12.50	\$10.50	\$7.50
Canada, west of the Continental Divide (applying only to woodpulp sold east of the Continental Divide).....	15.50	14.50	12.50
Canada, west of the Continental Divide (applying only to woodpulp sold west of the Continental Divide).....	9.50	8.50	6.50
Other foreign areas (applying only to North American inland freight).....		4.00	2.00

3. In Appendix A paragraph (d) is amended to read as follows:

(d) (1) With respect to the following grades of woodpulp for which maximum prices have been determined in accordance with paragraphs (b) and (c) of this Appendix A, domestic and foreign producers may increase their maximum prices, in effect on April 21, 1946, by the following amounts per short air dry ton:

Special high alpha sulphite grades produced by Soundview Pulp Co., and Weyerhaeuser Timber Co.....	\$23.50
Soundview Special Rolled bleached sulphite grade.....	17.50
Brown Co., high alpha sulphite grades except Dur Natus.....	12.50
Puget Sound Mat Special unbleached sulphite.....	16.00
Sulphite woodpulp produced in horizontal digesters by indirect cooking.....	16.00
Special specification glassine sulphite grades.....	16.00

Special chemical and high alpha sulphite grades except specification condenser..... \$20.00  
Specification condenser sulphate..... 12.00  
Rayonier Incorporated: Rayaceta, Pu-rayonier, and Specification X bleached sulphite grades..... 11.00

(2) With respect to all other grades of woodpulp for which maximum prices have been determined in accordance with paragraphs (b) and (c) of this Appendix A, foreign producers of woodpulp may increase their maximum prices in effect on August 7, 1946 by 10% rounded out to the nearest half dollar, and domestic producers may increase their maximum prices in effect on August 15, 1946 by 10% rounded out to the nearest half dollar. *Provided*, That no increase for any grade may exceed \$11.00 per air dry ton over the price in effect on August 7, 1946 for imported woodpulp and on August 15, 1946 for domestic woodpulp.

This amendment shall become effective September 5, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16032; Filed, Sept. 5, 1946;  
4:24 p. m.]

#### PART 1381—SOFTWOOD LUMBER

[MPR 253, Amdt. 12]

##### REDWOOD LUMBER AND MILLWORK

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

Maximum Price Regulation 253 is amended in the following respects:

1. In § 1381.412, Appendix A:
  - (a) All basic prices in tables 1, 1½, 2, 3, 7, 8 and 9 are increased \$2.50 per M'BM except for "clear all heart" A and B grades in part (A) of table 1. (Dry additions and footnotes remain the same.)
  - (b) Prices for "clear all heart" A and B grades in part (A) of table 1 are increased \$3.00. (Dry additions and footnotes remain the same.)
  - (c) A new table 17 is added, and tables 4, 5, 6, 11 and 14 (exclusive of footnotes which remain unchanged) are amended to read as set forth below.

TABLE 4—STANDARD PATTERNS OF BEVEL, BUNGALOW AND MOUNT VERNON SIDING, DRY, MIXED GRAIN, 3" TO 20" RANDOM LENGTHS, BUNDLED, PER M'SM

Size (inches)	Siding	Clear all heart	A	B
¾ x 4.....	Bevel.....	\$35.75	\$31.25	\$28.75
¾ x 5.....	do.....	37.25	34.25	32.75
¾ x 6.....	do.....	37.25	34.25	32.75
¾ x 8.....	do.....	40.75	38.75	36.75
¾ x 4.....	Bevel (Pattern 360).....	35.75	31.25	28.75
¾ x 6.....	Bevel (Patterns 362, 382, 401).....	37.25	34.25	32.75
¾ x 6.....	Bungalow (Pattern 362A).....	41.25	39.25	37.25
¾ x 8.....	Bevel (Patterns 363, 383, 402).....	40.75	38.75	36.75
¾ x 8.....	Bungalow (Pattern 326).....	46.75	44.75	42.75
¾ x 10.....	Bungalow.....	50.25	48.25	46.25
¾ x 4.....	do.....	54.00	51.00	49.50
¾ x 6.....	do.....	56.50	54.00	52.00
¾ x 8.....	do.....	65.25	64.00	62.00
¾ x 10.....	do.....	66.50	65.25	63.25
¾ x 12.....	do.....	66.50	65.25	63.25
¾ x 8.....	Mount Vernon.....	78.50	77.00	75.00
¾ x 10.....	do.....	80.00	78.50	76.50
¾ x 12.....	do.....	80.00	78.50	76.50

19 F. R. 6630, 6951, 12743, 13934; 10 F. R. 962, 7242.

17 F. R. 9230, 10848; 8 F. R. 1139, 4136, 4620, 7197, 11479; 9 F. R. 5482, 12620, 13262; 10 F. R. 16190, 20960.



TABLE 20—COOLING TOWER FILLER STRIPS, ALL HEART, PER C PIECES

Length (feet)	3/4 x 2" estimated		3/8 x 1 1/2" estimated		3/8 x 2" estimated		3/8 x 3" estimated	
	Weight (lb.)	Price	Weight (lb.)	Price	Weight (lb.)	Price	Weight (lb.)	Price
3.....	51	\$1.49	57	\$1.70	63	\$2.29	103	\$3.27
4.....	67	1.99	75	2.26	110	3.05	138	4.38
5.....	84	2.49	94	2.83	138	3.85	172	5.46
6.....	100	2.99	113	3.39	175	4.58	207	6.55
7.....	117	3.49	132	3.96	193	5.34	241	7.66
8.....	134	3.98	150	4.54	220	6.11	275	8.75

TABLE 21—PLASTER LATH, BUNDLED, PER M PIECES

Size: 3/8 x 1 1/2" x 4'..... \$9.00  
Estimated weight (pounds) 410.

TABLE 22—GROUNDS, B & BETTER, S28 AND SAW SIZED, 6' TO 20' RANDOM LENGTHS, BUNDLED, PER M LINEAL FEET

Size: 3/4 x 3/4" and/or 7/8"..... \$4.71

TABLE 24—SAWN SHAKES

24" x 3/4" butt.....	Monterey shakes.....	\$11.75 per square, 10' exposure
Other shakes		
36" x 1/4" x 6".....	No. 1 clear V. G.....	Per M pieces \$33.50
36" x 1/4" x 6".....	No. 2 clear F. G.....	27.50

TABLE 25—SAWN STAKES, B AND BETTER, ROUGH, POINTED PER C PIECES

Size (inches)	Lengths (feet)	Estimated weight (pounds)	Price
1 x 1.....	3	58	\$1.24
1 x 1.....	4	77	1.66
1 x 1.....	5	96	2.08
1 x 1.....	6	115	2.50
1 1/4 x 1 1/4.....	3	98	2.46
1 1/4 x 1 1/4.....	4	130	3.27
1 1/4 x 1 1/4.....	5	163	4.08
1 1/4 x 1 1/4.....	6	195	4.89

TABLE 26—SAWN PLANT STAKES, B AND BETTER, S4S, POINTED, PER C PIECES

Size (inches)	Lengths (feet)	Estimated weight (pounds)	Price
1 x 1.....	4	53	\$2.11
1 x 1.....	5	67	2.63
1 x 1.....	6	80	3.17
1 1/4 x 1 1/4.....	4	83	4.14
1 1/4 x 1 1/4.....	5	104	5.17
1 1/4 x 1 1/4.....	6	125	6.21

This amendment shall become effective September 6, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16112; Filed, Sept. 6, 1946; 11:14 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 288, Amdt. 13 (\$ 1418.351)]

GROCERY ITEMS IN ALASKA

A statement of the considerations involved in the issuance of this amend-

1 10 F. R. 5909, 9335.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 288 is amended in the following respects:

1. Section 22 is amended as follows:

(a) Under the heading "Peaches, Freestone, No. 2 1/2, Halves or Sliced," the item "Del Monte" is removed from the third listed group and added alphabetically to the last listed group of items.

(b) Under the heading "Peaches, Yellow Cling, No. 2 1/2, Halves Sliced," the item "Silverdale" is removed from the fifth listed group and added alphabetically to the eighth listed group of items; and under the same heading the item "Pacific hvs" is removed from the last listed group and added alphabetically to the second listed group of items.

(c) Under the heading "Pears, No. 2 1/2," the item "Dewkist" is removed from the first listed group and added alphabetically to the sixth listed group of items; the item "Sunkist" is removed from the second listed group and added to the seventh listed group of items; and the item "Yes Madam" is removed from the fifth listed group and separately listed to read as follows:

Item	Ketchikan, Wrangell, Petersburg	Juneau, Douglas, Skagway, Haines	Sitka	Cor-dova, Valdez, Se-ward	Kodiak, Sel-dovia
Pears, 2 1/2					
Yes Madam.....	44	44	45	46	47

Item	Nome and other west coast towns	Anchorage	Palmer and railroad points south of Curry	Fairbanks, Curry and railroad points north of Curry
Pears, 2 1/2				
Yes Madam.....	47	48	49	52

(d) Under the heading "Pineapple, Sliced #2 1/2," the prices for the item "S & W" are revised to read as follows:

Item	Ketchikan, Wrangell, Petersburg	Juneau, Douglas, Skagway, Haines	Sitka	Cor-dova, Valdez, Se-ward	Kodiak, Sel-dovia
Pineapple, Sliced, #2 1/2					
S & W.....	36	37	37	38	38

Item	Nome and other west coast towns	Anchorage	Palmer and railroad points south of Curry	Fairbanks, Curry and railroad points north of Curry
Pineapple, Sliced, #2 1/2				
S & W.....	40	41	42	44

(e) Under the heading "Pineapple, Crushed, #2," the item "Reliance" is removed from the first listed group of items and separately listed to read as follows:

Item	Ketchikan, Wrangell, Petersburg	Juneau, Douglas, Skagway, Haines	Sitka	Cor-dova, Valdez, Se-ward	Kodiak, Sel-dovia
Pineapple, Crushed, #2 Reliance.....	24	25	25	26	26

Item	Nome and other west coast towns	Anchorage	Palmer and railroad points south of Curry	Fairbanks, Curry and railroad points north of Curry
Pineapple, Crushed, #2 Reliance.....	27	27	28	30

(f) Under the heading "Pineapple, Crushed #2 1/2," the item "Honor" is removed from the second listed group of items and separately listed to read as follows:

Item	Ketchikan, Wrangell, Petersburg	Juneau, Douglas, Skagway, Haines	Sitka	Cor-dova, Valdez, Se-ward	Kodiak, Sel-dovia
Pineapple, Crushed, #2 1/2 Honor.....	31	31	32	32	33

Item	Nome and other west coast towns	Anchorage	Palmer and railroad points south of Curry	Fairbanks, Curry and railroad points north of Curry
Pineapple, Crushed, #2 1/2 Honor.....	34	35	36	39

2. Section 25 is amended as follows:

(a) Under the heading "Corn, Whole Kernel—#2," the item "Standby" is removed from the first listed group and added to the last listed group of items.

(b) Under the heading "Corn, Cream Style—#2," the item "Cosmos" is removed from the second listed group and added alphabetically to the fourth listed group of items; the item "Del Maize" is removed from the second listed group and added alphabetically to the third listed group of items; and the item "Libby" is removed from the third listed group and added alphabetically to the first listed group of items.

3. In section 27, the maximum prices for the items named below are revised to read as follows:

Item	Unit	Ketchikan	Wrangell, Petersburg	Juneau, Douglas	Skagway, Haines	Sitka	Cordova, Valdez, Seward
Albers: Rolled oats.....	Lbs. 9	\$1.02	\$1.02	\$1.04	\$1.04	\$1.06	\$1.10
Quaker: Rolled oats, Prem. Crys. Wed.....	3	.46	.46	.47	.47	.47	.50

Item	Unit	Kodiak	Anchorage	Palmer and railroad points south of Curry	Fairbanks, Curry, and railroad points north of Curry	Nome and other west coast towns
Albers: Rolled oats.....	Lbs. 9	\$1.10	\$1.12	\$1.15	\$1.27	\$1.26
Quaker: Rolled oats, Prem. Crys. Wed.....	3	.51	.50	.53	.61	.57

4. In section 28, the words "or Yellow" are deleted from the first two items listed under the heading "Albers," and the following items are added to read as follows:

[Cents]

Item	Unit	Ketchikan	Wrangell, Petersburg	Juneau, Douglas	Skagway, Haines	Sitka	Cordova, Valdez, Seward
Albers: Yellow.....	20 oz..... 2½ lbs.....	18 30	18 30	18 31	18 31	19 31	20 33

Item	Unit	Kodiak	Anchorage	Palmer and points on Alaska railroad north of Anchorage and south of Curry	Curry and points on Alaska railroad north of Curry including Fairbanks	Nome and other west coast towns
Albers: Yellow.....	20 oz..... 2½ lbs.....	20 33	21 37	22 38	24 41	22 35

5. In section 30, the price ".81" for the item "Hills Bros., 2-pound glass" listed under the locality heading "Skagway, Haines" is amended to read ".79" and the maximum prices for the item named below are revised to read as follows:

Item	Ketchikan	Wrangell, Petersburg	Juneau, Douglas	Skagway, Haines	Sitka	Cordova, Valdez, Seward
Folger's, 2-pound glass.....	79	79	79	79	81	83

Item	Kodiak	Anchorage	Palmer and railroad points south of Curry	Fairbanks, Curry, and railroad points north of Curry	Nome and other west coast towns
Folger's, 2-pound glass.....	85	83	85	80	87

6. In section 35, the maximum prices for the item named below are revised to read as follows:

Item	Unit	Ketchikan	Wrangell, Petersburg	Juneau, Douglas	Skagway, Haines	Sitka	Cordova, Valdez, Seward
Rye flour: Fisher's.....	Lb. 10	\$0.81	\$0.81	\$0.82	\$0.82	\$0.84	\$0.87

Item	Unit	Kodiak	Anchorage	Palmer and railroad points south of Curry	Fairbanks, Curry, and railroad points north of Curry	Nome and other west coast towns
Rye flour: Fisher's.....	Lb. 10	\$0.92	\$0.98	\$1.01	\$1.17	\$0.95

This amendment shall become effective September 11, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16113; Filed, Sept. 6, 1946; 11:14 a. m.]

**PART 1418—TERRITORIES AND POSSESSIONS**  
[Territorial Consumer Goods Reg. 1, Supp. 1, Amdt. 5]

**JEWELRY AND CERTAIN OTHER ITEMS IMPORTED INTO HAWAII.**

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

Territorial Consumer Goods Regulation 1, Supplement 1, is amended in the following respects:

- Section 4 (a) (1) is revoked.
- Section 4 (c) (2) is revoked.
- Section 5 (b) is amended to read as follows:

(b) Your maximum price for sales at retail of any article purchased directly from a mainland wholesaler shall be determined as follows:

First, add the mainland wholesaler's selling price and your landing cost. Then multiply this amount by 1.60. The resulting price is your maximum price. However, if the retailer uses as his basic price for purposes of computation the mainland manufacturer's or importer's

selling price as shown on the invoices received by such retailer he may use the said invoice prices and multiply the same by 2.33. The result in such cases will be his maximum price.

- Section 5 (c) is revoked.
- Section 5 (d) (1) is amended to read as follows:

(1) Articles purchased from a local wholesaler who has purchased from a mainland manufacturer or mainland importer:

First, add the wholesaler's selling price and the landing cost. Then multiply this amount by 1.75. The resulting price is your maximum price.

6. Section 5 (d) (2) is amended by adding the following sentence at the end thereof: "On such sales the wholesaler must note on his invoice that the articles were purchased from a foreign importer".

This amendment shall become effective as of October 1, 1945.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16139; Filed, Sept. 6, 1946; 11:10 a. m.]

**PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES**

[MPR 397, Amdt. 10]

**FLAXSEED**

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

Maximum Price Regulation 397 is amended in the following respects:

- Section 5 (a) (1) is amended to read as follows:

(1) At the following terminal basing points:

	Per bushel
Minneapolis, Minn.....	\$4.00
Duluth, Minn.....	4.00
Red Wing, Minn.....	4.00
Milwaukee, Wis.....	4.00
Chicago, Ill.....	4.00
Portland, Oreg.....	\$4.00
Emporia, Kans.....	3.85
Fredonia, Kans.....	3.85
Corpus Christi, Tex.....	3.80
Harlingen, Tex.....	3.80
Houston, Tex.....	3.80

- Subparagraphs (2) and (2a) of section 5 (a) are hereby deleted.
- Subparagraph (3) of section 5 (a) is amended to read as follows:

(3) At the following terminal basing points:

	Per bushel
San Francisco, Calif.....	\$4.25
Oakland, Calif.....	4.25
Berkeley, Calif.....	4.25
Los Angeles, Calif.....	4.25
Long Beach, Calif.....	4.25
Wilmington, Calif.....	4.25
Buena Park, Calif.....	4.25
Fresno, Calif.....	4.25

4. Subparagraph (4) of Section 5 (a) is amended to read as follows:

(4) At any point in Area A, \$4.00 per bushel plus the lowest domestic carload proportional all-rail rate or, if none, the lowest carload local all-rail rate, per bushel, from Minneapolis to the point in Area A in question: *Provided*, That whenever flaxseed purchased under this subparagraph (4) has moved from producer to any buyer in whole or in part by water, the foregoing maximum price shall be reduced by an amount equivalent to the difference in the actual water rate and said rail rate for the distance so moved by water.

This amendment shall become effective September 9, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
*Administrator.*

Approved: September 4, 1946.

CHARLES F. BRANNAN,  
*Acting Secretary of Agriculture.*

[F. R. Doc. 46-16114; Filed, Sept. 6, 1946;  
11:05 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[Rev. SR 11, Amendment 96]

LIVE STEAM

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

Subparagraph (51) of paragraph (b) of § 1499.46 is amended by the addition of the following subdivision (iii):

(iii) Live Steam—rates charged for.

This amendment shall become effective September 6, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
*Administrator.*

[F. R. Doc. 46-16106; Filed, Sept. 6, 1946;  
11:13 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[Rev. SR 11, Amdt. 97]

AWNINGS

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

Revised Supplementary Regulation 11 is amended in the following respect: A new subparagraph (168) is added to § 1499.46 (b) to read as follows:

(168) Awnings—maintenance of (including but not limited to seasonal installation, removal, and storage, but not including any service in connection with the sale thereof)—fees and charges for.

This amendment shall become effective September 6, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
*Administrator.*

[F. R. Doc. 46-16107; Filed, Sept. 6, 1946;  
11:13 a. m.]

Chapter XVIII—Office of War Mobilization and Reconversion, Office of Economic Stabilization

[Directive 135']

PART 4003—SUBSIDIES: SUPPORT PRICES  
MAINTENANCE OF NATURAL RUBBER SALES PRICE

The Reconstruction Finance Corporation, acting through the Office of Rubber Reserve, has recently procured a quantity of natural rubber at an increased cost. At the present time the Reconstruction Finance Corporation has a substantial inventory of natural rubber purchased at the previously prevailing lower price. In addition, pursuant to section 6 (a) (1) of the Price Control Extension Act of 1946, the Reconstruction Finance Corporation is authorized to subsidize purchases of natural rubber produced in Latin America and Africa and substantial deliveries under contracts already made are expected from this source. The present inventory plus deliveries expected under Congressionally approved subsidy arrangements are sufficient to satisfy all anticipated sales to domestic consumers for the balance of 1946. For these reasons the increased cost of procurement of natural rubber referred to above need not be reflected in the sales price to domestic consumers until after existing inventory and further deliveries under subsidized contracts have been disposed of, a point which will not be reached before January 1, 1947.

Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F. R. 7871), Executive Order 9528 of April 8, 1943 (8 F. R. 4681), Executive Order 9599 of August 18, 1945 (10 F. R. 10155), Executive Order 9651 of October 30, 1945 (10 F. R. 13487), Executive Order 9697 of February 14, 1946 (11 F. R. 1691), Executive Order 9699 of February 21, 1946 (11 F. R. 1929), and Executive Order 9762 of July 25, 1946 (11 F. R. 8073), I hereby authorize and direct the Reconstruction Finance Corporation to maintain the sales price for natural rubber at 22.5 cents per pound until January 1, 1947.

Issued and effective this 5th day of September 1946.

JOHN R. STEELMAN,  
*Director of War Mobilization and Reconversion Director, Office of Economic Stabilization.*

[F. R. Doc. 46-16090; Filed, Sept. 6, 1946;  
10:25 a. m.]

Chapter XIX—Reconstruction Finance Corporation

[Reg. 7, Amdt. 4]

PART 7007—STRIPPER WELL COMPENSATORY ADJUSTMENTS

MISCELLANEOUS AMENDMENTS

Section 7007.1 *Definitions* as amended, is hereby further amended by adding

\*32 CFR, 1946 Supp., 4003.85.

the following new paragraphs (i) and (j):

(i) "Posted purchase price" means, with respect to crude produced from a designated area, the price per barrel (exclusive of premium) which the Applicant has paid or offered to pay at the receiving tank for crude produced from such designated area.

(j) "Premium rate" means, with respect to crude produced from a designated area, the excess of the amount appearing opposite such designated area listed in Schedule A over the larger of the following:

(1) Twenty-five (25) cents; or

(2) The amount by which the applicant's highest posted purchase price, in effect on or after August 20, 1946, for crude produced from such designated area exceeds the basic maximum price; except that, for the period August 1 through 19, 1946, only, the amount of this subparagraph shall be the amount by which the applicant's posted purchase price, in effect on the date of purchase, for crude produced from such designated area exceeds the basic maximum price therefor.

Section 7007.5, *Amount of claims*, as amended, is hereby further amended by changing paragraphs (a) and (b) to read as follows:

(a) A claim with respect to the purchase of crude produced from any designated area shall be in an amount equal to the number of barrels of such crude purchased and paid for multiplied by the excess, if any, by which the amount per barrel paid for such crude exceeds the larger of the following:

(1) The basic maximum price therefor plus twenty-five (25) cents; or

(2) The applicant's highest posted purchase price, in effect on or after August 20, 1946, for such crude; except that, for the period August 1 through 19, 1946, only, the amount of this subparagraph shall be the applicant's posted purchase price in effect on the date of purchase;

*Provided, however*, That such claim shall in no event be greater than an amount equal to the number of barrels of such crude purchased and paid for, multiplied by the applicant's premium rate for such crude. Crude for which an applicant is prohibited from paying the purchase price in whole or in part because of inability on the part of applicant to determine the legal owner or owners, or by reason of other legal prohibitions, shall be deemed to have been paid for when there has been recorded in applicant's books a suspense or other account reflecting a liability on the part of applicant for such purchase price which applicant will ultimately pay to the party or parties legally entitled thereto.

(b) A claim with respect to crude produced in any designated area and not sold, but refined or consumed by the applicant, shall be in an amount equal to the number of barrels of such crude run by the applicant from the receiving tank, multiplied by the applicant's premium rate for crude produced from such designated area. The number of barrels shall be calculated after such corrections



for temperature, basic sediment, water, etc., as are customary in arriving at volumes of crude purchased in the designated area.

This Amendment No. 4 shall be effective as of August 1, 1946.

Issued this 29th day of August 1946.

RECONSTRUCTION FINANCE  
CORPORATION,  
By GEORGE STONER,  
Associate Director,  
Office of Defense Supplies.

[F. R. Doc. 46-16067; Filed, Sept. 6, 1946;  
9:41 a. m.]

[Reg. 7, Amdt. 4 to Schedule A (Revised Apr.  
1, 1946)]

PART 7007—STRIPPER WELL COMPENSATORY ADJUSTMENTS

NOTE: Amendment 4 to Schedule A under Regulation 7 was filed with the Division of the Federal Register as F. R. Doc. 46-16089, on September 6, 1946, at 9:41 a. m.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 1—CUSTOMS ENFORCEMENT AREAS

Part 1 Customs enforcement areas is hereby canceled under R. S. 161, 5 U. S. C. 22, and sec. 8, 18 Stat. 127, as amended 14 U. S. C. 92.

Chapter IV—Coast Guard: Navigational Aids

The title for Chapter IV, Coast Guard: Lighthouses, is amended to read "Coast Guard: Navigational Aids."

PART 401—JURISDICTION AND ADMINISTRATION

Part 401. *Jurisdiction and Administration* is hereby canceled under R. S. 161, 5 U. S. C. 22, and sec. 7, 36 Stat. 538, as amended, 33 U. S. C. 720.

PART 402—AIDS TO NAVIGATION

Sections 402.1 to 402.3, inclusive, 402.15, and 402.16 are amended under 34 Stat. 324, as amended, 36 Stat. 538, as amended, 33 U. S. C. 720, 759, as follows:

Section 402.1 *Damage to aids* is amended by changing the word "superintendent" to "Coast Guard District Commander," the word "Commissioner" to "Commandant of the Coast Guard," and the word "Telegraph" to "dispatch," wherever they appear therein.

Section 402.2 (a) is amended to read as follows:

§ 402.2 *Notice to Mariners.* (a) The "Notice to Mariners", issued weekly and prepared jointly by the U. S. Coast Guard and the Hydrographic Office of the Navy Department and published by the Hydrographic Office, will be mailed free to mariners on application to any Coast Guard District Commander or to the Commandant, U. S. Coast Guard. Sub-

scribers are requested to notify the Commandant, U. S. Coast Guard, Washington, D. C., of any change in address, giving both old and new addresses. Single copies may be obtained or consulted at the offices of the Coast Guard District Commander, the Coast and Geodetic Survey Field Stations, or other agencies distributing marine information.

Section 402.2 (d) is amended by changing the phrase "Superintendent of Lighthouses" to "Coast Guard District Commander", the word "superintendent" to "District Commander", and the phrase "Commissioner of Lighthouses" to "Commandant, U. S. Coast Guard."

Section 402.3 *Distribution and sale of publications* is amended by changing the phrase "Lighthouse Service" to "Coast Guard"; the phrase "Division of Publications, Department of Commerce" to "Coast Guard"; and the phrase "Commissioner of Lighthouses" to "Commandant, U. S. Coast Guard" wherever they appear therein.

Section 402.15 *Sounding of fog signals* is amended by deleting the phrase "and submarine signals when fog appears on the horizon" at the end of the first sentence.

Section 402.16 *Radiobeacons* is amended by deleting paragraph (b) and by changing in paragraph (e) the phrase "Commissioner of Lighthouses or any superintendent of lighthouses" to "Commandant, U. S. Coast Guard or any Coast Guard District Commander."

PART 403—LIGHTING OF BRIDGES

Sections 403.1 to 403.6, inclusive, are amended under the authority contained in 34 Stat. 85, as amended, 36 Stat. 538, as amended, 33 U. S. C. 494, 720 as follows:

Section 403.1 *General* is amended by changing the phrase "superintendent of lighthouses" to "Coast Guard District Commander" and the phrase "Commissioner of Lighthouses" to "Commandant, U. S. Coast Guard", wherever they appear therein; in paragraph (c) change the word "panel" to "shade"; and in paragraph (e) change the word "panels" to "shades".

Section 403.1 is further amended by changing paragraphs (b) (g), (h), and (n) to read as follows:

(b) *Visibility of lights.* All bridge lights required by the regulations in this part shall be securely attached, and shall be visible on a dark night with a clear atmosphere at least 1 nautical mile, or about 2,000 yards and shall be located as prescribed by the Commandant, U. S. Coast Guard, with colors and arcs of illumination as specified, using oil or other suitable lamps, except electric lights shall be used on electrically lighted bridges, or when electric current is otherwise available. All lights are to be of such power as, in the opinion of the Commandant, U. S. Coast Guard, is required for the safety of navigation and in no case less than furnished by a pressed Fresnel lens, 6 $\frac{1}{8}$  inches inside diameter by 6 $\frac{1}{2}$  inches clear height of opening with a 1-inch flat wick for oil lamps, or 65 candlepower red or green where an electric lamp is used. The color

characteristic must be imparted to the light in such manner as not to unduly diminish the light transmitted, as compared with the best practice.

(g) *Light on sheer booms.* The lights on sheer booms, isolated piers, dams, and obstructions not part of the bridge or bridge approach structure shall show a white or green light if kept on the left of vessels approaching from seaward, and shall show a white or red light if kept on the right of vessels approaching from seaward. For rivers the same rule shall apply, white or green lights shall be shown from the right descending bank; white or red lights to be shown from the left descending bank. The color of light and its characteristics (fixed, flashing, occulting, etc.) shall be determined by the District Commander, with the approval of the Commandant, U. S. Coast Guard.

(h) *Approved bridge lights and signals.* The approval of lights and other signal required by the aforementioned act and must be obtained, prior to construction, from the Commander of the Coast Guard District in which the structure will be situated. Applications for approval shall be by letter accompanied by duplicate sets of drawings showing (1) plan and elevation of the structure, (2) lights and signals proposed and (3) small scale vicinity map showing proposed bridge and all other bridges within 1000 feet above and below the proposed bridge. Upon approval, one set of drawings will be returned to the applicant with notation, "Navigation lights approved", date, and name and title of District Commander granting approval. If disapproved, the applicant will be notified of such fact by letter. The applicant may appeal such action to the Commandant, U. S. Coast Guard, Washington 25, D. C. within 30 days from date of receipt of disapproval by letter or such other means as applicant desires to use. The Commandant may approve or disapprove the appeal and his decision is final in the matter.

(n) *Copies of regulations.* A copy of the regulations in this part will be sent free of charge on application to the Commandant, U. S. Coast Guard, Washington, D. C. or any Coast Guard District Commander.

Section 403.2 is amended to read as follows:

§ 403.2 *Lights on Fixed bridges—(a) Single-span high bridges.* Every single-span high bridge shall have the center of the navigable channel marked by two green lights (one for each truss) showing through 360° just below the intrados of the arch or bottom chord of the truss, fastened to the bridge and forming a range for the center of the navigable channel. Each margin of the navigable channel shall be marked overhead on bottom steel of the bridge by red lights on each truss showing up and downstream. Where necessary, the main piers shall be marked with red lights at each end of each pier, which lights shall be placed about mid-height of the pier, but not lower than 2 feet above the high water mark.

(b) *High bridges with several spans and without draws.* (1) Every high bridge with several spans and without draws shall have the channel piers marked with red lights, one at each end of the pier, and the middle of the channel span shall be marked with two green lights (one for each truss) showing through 360 degrees just below the intrados of the arch or bottom chord of the truss, fastened to the bridge and forming a range for the center of the navigable channel.

(2) Where bridges have two or more channel spans, each of them shall be lighted in the above manner.

(c) *Additional lights on high bridges without draws.* (1) Additional lights on high bridges without draws may be required upon recommendation of the proper Commander, Coast Guard District and approval by the Commandant, U. S. Coast Guard as follows:

(2) The middle of the main channel span shall be marked with a set of three white lights, showing through not less than 60 nor more than 180 degrees, arranged vertically directly above each of the green mid-channel lights. The three lights in each set shall be spaced as nearly 15 feet apart as the structure of the bridge will permit, with a minimum spacing of 7 feet. The lowest light shall be placed not less than 10 nor more than 15 feet above the mid-channel span light.

Section 403.3 *Lights on double-opening drawbridges* is amended by changing in paragraph (c) the phrase "superintendent of lighthouses" to "Coast Guard District Commander."

Section 403.5 *Lights on rolling and cable-lift bridges* is amended in paragraphs (b) and (c) by deleting the year "1937".

Section 403.6 *Lights on vertical lift bridges* is amended in paragraph (d) by deleting the year "1937".

#### PART 404—VESSELS

Section 404.1 is amended under 36 Stat. 538, as amended, 33 U. S. C. 720 to read as follows:

§ 404.1 *Coast Guard tenders to display flag, etc.* Coast Guard tenders, when working on buoys in channels or other frequented waters, may display a red flag (International signal-code letter B) and a black ball at the fore as a warning to other vessels to slow down while passing.

Section 404.2 *Collisions by vessels; claims for damages* is hereby canceled.

Section 404.3 *Officers to be allowed in pilot house* is hereby canceled.

#### PART 405—PERSONNEL

Part 405 *Personnel* is hereby canceled under R. S. 161, 5 U. S. C. 22, and sec. 7, 36 Stat. 538, as amended, 33 U. S. C. 720.

Dated: September 3, 1946.

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

[F. R. Doc. 46-16141; Filed, Sept. 6, 1946; 11:16 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter II—Office of Defense Transportation

#### PART 500—CONSERVATION OF RAIL EQUIPMENT

##### SHIPMENTS OF CRANBERRIES AND GRAPES

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520, *infra*.

[Gen. Permit ODT 18A, Rev. 20]

#### PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

##### SHIPMENTS OF CRANBERRIES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, it is hereby authorized, that:

§ 520.518 *Shipments of cranberries.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A Revised, as amended (11 F. R. 8229, 8829), or Item 365 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of cranberries when:

(a) Such freight is packed in any type of container and the quantity loaded in each car is not less than 30,000 pounds; and

(b) The origin point of any such freight is in the States of Massachusetts or New Jersey and the destination point is any place in the forty-eight states or the District of Columbia, except in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island or Vermont, or except any point or place in the Dominion of Canada.

(c) The origin point is in the State of Wisconsin and the destination point is any place west of a line consisting of the eastern boundary of the State of Minnesota and the Mississippi River south to New Orleans, Louisiana, and the quantity of such freight loaded in a refrigerator car is not less than 30,000 pounds.

This General Permit ODT 18A, Revised-20, shall become effective September 6, 1946, and shall expire at 12:59 o'clock p. m. December 31, 1946.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress; E. O. 8989,

as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829)

Issued at Washington, D. C., this 6th day of September 1946.

J. M. JOHNSON,  
Director.

Office of Defense Transportation.

[F. R. Doc. 46-16147; Filed, Sept. 6, 1946; 11:38 a. m.]

[Gen. Permit ODT 18A, Rev. 21]

#### PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

##### SHIPMENT OF GRAPES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, it is hereby authorized, that:

§ 520.519 *Shipments of grapes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8229) or Item 375 of Special Direction ODT 18A-2A, as amended, (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of table grapes:

(1) When such freight consists of Thompson Seedless grapes or Malaga grapes and the origin point of such freight is in the States of Arizona or California, and the quantity loaded in each car is not less than 27,500 pounds; or

(2) When such freight consists of any variety of table grapes other than Thompson Seedless or Malaga and the origin point of any such freight is in the States of Arizona or California, and the quantity loaded in each car is not less than 32,000 pounds.

This General Permit ODT 18A, Revised-21, shall become effective September 6, 1946, and shall expire at 12:59 o'clock p. m., January 31, 1947.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829)

Issued at Washington, D. C., this 6th day of September 1946.

J. M. JOHNSON,  
Director.

Office of Defense Transportation.

[F. R. Doc. 46-16148; Filed, Sept. 6, 1946; 11:38 a. m.]

## Notices

### OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 4800, Incl. Amdts. 1-3]

#### FURNITURE

##### ADJUSTMENT OF MAXIMUM PRICES

This compilation of Order 4800 under Maximum Price Regulation 188 includes Amendment 3, effective September 11, 1946. Amendments, additions, redesignations and deletions by Amendment 3 are indicated by underscoring or notes.

For the reasons set forth in an opinion<sup>1</sup> 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:*

##### ARTICLE I—INTRODUCTORY PROVISION

###### Sec.

1. Purposes of this order.
2. What this order covers.
3. What this order does.

##### ARTICLE II—"ESSENTIAL LOW-END" ADJUSTMENTS

4. Adjustments for manufacturers of certain "essential low-end" articles.

##### ARTICLE III—"PRICE BRACKET" ADJUSTMENTS

5. "Price-bracket" adjustments for manufacturers of all-wood furniture.
6. "Price-bracket" adjustments for manufacturers of upholstered furniture.

##### ARTICLE IV—OTHER ADJUSTMENTS

7. Articles not eligible for adjustment under sections 4, 5, or 6.

##### ARTICLE V—MANUFACTURERS' MISCELLANEOUS PROVISIONS

8. "Unadjusted maximum price."
9. Manufacturers' reports.

##### ARTICLE VI—WHOLESALE AND RETAILERS' MAXIMUM PRICES

10. Maximum prices of wholesalers whose sales are covered by Maximum Price Regulation No. 590.
11. Maximum prices of wholesalers whose sales are covered by the General Maximum Price Regulation; and of persons who resell commercial and institutional articles directly to the user.
12. Maximum prices of retailers whose sales are covered by Maximum Price Regulation No. 580.
13. Maximum prices of retailers whose sales are covered by the General Maximum Price Regulation.

##### ARTICLE VII—GENERAL PROVISIONS

14. Invoices to purchasers for resale.
15. Relation between this order and other orders and regulations.
16. Delegation of authority.

##### ARTICLE I—INTRODUCTORY PROVISIONS

**SECTION 1. Purposes of this order.** As a result of material shortages and direct cost increases during the war period, low and medium priced furniture has disappeared from the market to a substantial degree; and production of furniture has been concentrated on the higher priced brackets of individual manufacturers' price lines. The purpose of Executive Orders Nos. 9250, 9328, 9599, and 9651 encompass the maintenance of stability both in prices and in price lines. The

Price Administrator is satisfied that the price increases on sales of each manufacturer's low and medium priced furniture items permitted by this order will generally remove price impediments to the production of such articles. As a consequence, no increase in the cost of living will occur since production in lower-priced lines will enable consumers to buy less expensive furniture, (even though at prices higher for comparable articles in some cases than they paid in March 1942), instead of being limited as at present, to offerings in the higher-priced lines only. At the same time, manufacturers whose production by price lines has become distorted during the war, will be enabled to resume production in a normal balance of price lines.

**Sec. 2 What this order covers.** (a) This order covers articles of wood household furniture, including upholstered furniture, and any other article listed in Appendix A, or belonging in categories listed in Appendix B or C, with the exception of any article whose maximum price was established under Order No. 4332 or Revised Order No. 4332, under Maximum Price Regulation No. 188 and certain articles listed in paragraph (b) of this section. As used in this order the term "household furniture" means furniture which is primarily designed for and used in homes. Articles of this type are covered even though they are sold for use in places other than household, such as hotels, clubs, institutions, and ships. "Household furniture" includes:

[Above paragraph amended by Am. 2, 11 F.R. 5036, effective 5-13-46]

Living room furniture.  
Dining room furniture.  
Bedroom furniture (including wood and fabric folding cots).  
Cedar chests.  
Kitchen furniture.  
Porch and outdoor furniture.  
Juvenile furniture (including cribs, high chairs, bassinets, bathinets, play pens, porch and stair gates, and infants' toilet seats).  
Dining room, dinette, breakfast room, and kitchen chair frames.  
Bedroom chair and bench frames.  
Frames for upholstered furniture.  
Unfinished furniture which is ultimately sold to the consumer in that form.  
Assembled wood household furniture parts.

(b) This order does not cover the following articles unless they are specifically listed in Appendix A, B, or C:

- (1) Articles of bedding (such as springs and mattresses).
- (2) Dual-purpose sleeping equipment (such as studio couches, sofa beds, day-entertainer beds, and chair beds).
- (3) Articles which are made in part of wood but which are made predominantly out of metal, glass, paper, plastics, paper fibres, rattan, peel, reed, or other fibres.
- (4) Sand boxes and other articles for infants' amusement.
- (5) Housewares (such as step-ladders, stool-ladders, ironing boards, towel stands or bars, clothes driers, hat and shoe racks, medicine and toilet cabinets).
- (6) Miscellaneous furnishings (such as costumers, screens, and venetian blinds).
- (7) Furniture and equipment for offices, stores, restaurants, commercial and industrial uses.

(8) Public seating furniture (such as opera, theatre, or auditorium seats, bus seats, passenger cars, and pedestal chairs).

The word "you" as used in this order means a manufacturer who makes a sale or delivery of an article covered by this order to a purchaser for resale, to another manufacturer, or to an ultimate consumer other than a household consumer. No adjustment of maximum prices on sales by a manufacturer to household consumers is authorized.

[Above paragraph amended by Am. 2, 11 F.R. 5036, effective 5-13-46 and Am. 3, effective 9-11-46]

**Sec. 3. What this order does.** This order provides two methods by which you may adjust your maximum prices for sales of most of the articles covered by this order. The first applies only to "essential low-end" articles and is set forth in section 4. The second applies to certain categories of all articles covered by this order, and is set forth in section 5 (for all-wood furniture) and section 6 (for upholstered furniture). Under this method you first divide each of your categories of articles (listed in Appendix B and C) into three price brackets, called "low bracket," "medium bracket," and "high bracket." A different percentage amount of adjustment is provided for each bracket. In addition, the maximum prices for articles covered by this order which are not eligible for adjustment under sections 4, 5, or 6, may be adjusted by the same amount as was originally provided in Order No. 1052 under Maximum Price Regulation No. 188.

This order replaces Order No. 1052 under Maximum Price Regulation No. 188, which is being revoked simultaneously with the issuance of this order.

##### ARTICLE II—"ESSENTIAL LOW-END" ADJUSTMENTS

**Sec. 4. Adjustments for manufacturers of certain "essential low-end" articles.** (a) Appendix A to this order contains a list of furniture articles together with a dollar-and-cents "cut-off point" for each type of article. All articles having properly established maximum prices (exclusive of all adjustment charges) which are below the appropriate cut-off point are called "essential low-end" articles in this order. The dollar-and-cent cut-off points listed in Appendix A are for sales to that class of retailer to whom you customarily sell at the highest price. To find the appropriate cut-off points for sales to each other class of purchaser you shall apply to the listed cut-off points your customary discounts and differentials on sales to that class of purchaser. If you cannot find your appropriate cut-off point in this way because you do not sell to retailers, your cut-off point on sales to the class of wholesalers to whom you customarily sell at the highest price is 13% less than the cut-off point listed in Appendix A. If you do not have customary or established uniform differentials but, nevertheless, during March 1942 delivered or offered for delivery articles listed in Appendix A to both retailers and wholesalers, your cut-off point to the class of wholesalers

<sup>1</sup> 11 F.R. 206.

<sup>2</sup> Opinions are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

to whom you customarily sell at the highest price is 13 per cent less than the cut-off point listed in Appendix A. If you customarily sell your articles to other manufacturers, and do not have any customary or established uniform differentials to use in finding the appropriate cut-off point for sales to other manufacturers, your cut-off point to that class of purchasers is 13% less than the cut-off point listed in Appendix A.

[Paragraph (a) amended by Am. 1, 11 F.R. 1324, effective 1-31-46 and Am. 2, 11 F.R. 5036, effective 5-13-46]

(b) You may increase your maximum price (exclusive of all adjustment charges) for an essential low-end article by 25% of that maximum price, or the amount necessary to bring that maximum price up to the appropriate cut-off point, whichever is lower. No maximum price adjusted under this section may exceed the appropriate cut-off point as found under paragraph (a) of this section.

(c) In the case of bedroom furniture (suites) and dining-room furniture (suites), the amount of adjustment applicable to individual pieces in a suite or matching grouping depends on whether the grouping has more than one model of any type of major piece, and, if so, on the prices of those major pieces. Wherever this paragraph (c) refers to "combination of three types of major pieces," such a combination of dining-room pieces must include the following types of major pieces: a table, a set of six chairs, and one of the following: buffet (at least 60" in length) or china cabinet. Such a combination of bedroom furniture must include the following types of major pieces: a bed and two of the following: dresser vanity, chest, robe. The amounts of adjustment are determined as follows:

[Above paragraph amended by Am. 2, 11 F.R. 5036, effective 5-13-46.]

(1) If the particular suite or grouping has only one model of each type of major piece, then the maximum price (exclusive of all adjustment charges) of every piece in the grouping (whether or not it is a major piece) may be adjusted by the percentage amount applicable to the lowest-priced "combination of any three types of major pieces."

(2) If the particular suite or grouping has more than one model of any type of major piece, but all possible "combinations of any three types of major pieces" in the grouping have combined maximum prices (exclusive of all adjustment charges) which are so far below the appropriate cut-off point that they may be increased by 25 per cent then the maximum price of every article in the grouping (whether or not it is a major piece) may be increased by that 25 per cent.

(3) If the particular suite or grouping has more than one model of any type of major piece and the provisions of subparagraph (2) are not applicable, you find your adjusted maximum prices for all articles in the grouping by taking the following steps:

*Step 1:* Find the combined maximum price (exclusive of all adjustment charges) of the lowest-priced "combination of three types of major pieces" in the grouping.

*Step 2:* Find the percentage amount of adjustment applicable to that lowest-priced combination. This will be 25 per cent or the percentage amount necessary to bring that combined maximum price up to the appropriate cut-off point, whichever is lower.

*Step 3:* Your adjusted maximum price for the lowest-priced model of each type of major piece and for each piece in the grouping which is not a major piece is its properly established maximum price (exclusive of all adjustment charges) increased by the percentage amount found in Step 2.

Your adjusted maximum price for any higher-priced model of each type of major piece is found by adding to its properly established maximum price (exclusive of all adjustment charges), the dollar-and-cent amount by which you increased the properly established maximum price of the lowest-priced model of the same type.

[Paragraph (c) added and former (c) redesignated as (d) by Am. 1, 11 F.R. 1324, effective 1-31-46]

(d) You may adjust your maximum price for an essential low-end article under section 5 or 6, instead of under this section, if the amount of the adjustment permitted under section 5 or 6 results in an adjusted maximum price higher than the appropriate cut-off point.

#### ARTICLE III—"PRICE BRACKET" ADJUSTMENTS

*SEC. 5. "Price-bracket" adjustments for manufacturers of all-wood furniture.* This section provides a method by which manufacturers of "all-wood furniture" articles may adjust their maximum prices for all articles belonging in the categories listed in Appendix B. If some of the articles which you manufacture are also essential low-end articles (as defined in section 4) you may adjust your maximum prices for those articles under section 4 instead of under this section. For the purposes of this order, "all-wood furniture" means articles of wood household furniture made predominantly of wood as well as wood and fabric folding furniture, including also those partially upholstered articles of wood household furniture to which is applied not more than one-half yard of 54 inch upholstery fabric or its equivalent.

[Undesignated paragraph deleted by Am. 3, effective 9-11-46]

(a) *How you proceed with regard to a category which was in your line during March 1942.* (1) For each category listed in Appendix B in which you delivered or offered for delivery articles during March 1942, you divide your price line into three brackets in the following manner:

*Step 1.* List each article (including "essential low-end" articles) which you delivered or offered for delivery during March 1942, whether or not it has been exempted from price control, and opposite it list your "highest price charged during March 1942" (as defined in § 1499.163 of Maximum Price Regulation No. 188) to the class of purchaser to which you customarily sold articles in that category in largest dollar volume. The price which you list for an article of all-wood household furniture having no upholstery shall be for the article in your lowest priced finish. The price which you list for an article of all-wood household furniture which is par-

tially upholstered shall be for the article in your lowest priced finish and covered with your "base grade" fabric. Your "base grade" fabric is the lowest cost fabric in which you offered the article in March 1942. (If you did not furnish cover fabrics, your "base grade" is muslin or the customer's own material whichever price is lower). List the articles in order from the lowest priced to the highest priced article. If more than one article in the category has the same price, list that price only once.

If you had some articles in that category during March 1942 which you delivered or offered for delivery only to classes of purchasers other than your largest volume class of purchaser, and if you cannot determine the "highest price charged during March 1942" for those articles to your largest volume class of purchaser because you do not have customary or established differentials between those classes of purchasers, list for those articles the highest price charged during March 1942 to any other class of purchaser except ultimate household consumers.

*Step 2.* Count the number of price listings and divide that total by three, carrying the result to one decimal place and rounding it to the nearest whole number. This whole number represents the number of price listings which fall into each of the "low" and "medium" brackets of your March 1942 line.

*Step 3.* Your "low bracket" consists of those price listings at the beginning of your list not exceeding the number of price listings obtained through the calculation described in Step 2. The last listed price appearing in your "low bracket" is your "low-bracket cut-off point." Your "medium bracket" consists of an equal number of price listings immediately following the low bracket cut-off point. The last listed price in the medium bracket is your "medium bracket cut-off point." Your "high bracket" consists of all the articles in the list immediately following the medium bracket cut-off point.

In each case this cut-off point is the cut-off point applicable on sales to your largest volume class of purchaser. The cut-off point applicable on sales to each other class of purchaser is found by applying to that cut-off point your customary or established differentials on sales to each other class of purchaser. If you do not have such differentials, but nevertheless, during March 1942, delivered or offered for delivery articles in that category to other classes of purchasers, the cut-off point applicable on sales to your largest volume class of purchaser is also applicable on sales to all other classes of purchasers.

[Subparagraph (1) amended by Am. 3, effective 9-11-46]

(2) Any article in a particular category having a properly established maximum price (exclusive of all adjustment charges) at or below your low bracket cut-off point shall be considered a low bracket article. Any article in a particular category having a maximum price (exclusive of all adjustment charges) above your low bracket cut-off point, but not above your medium bracket cut-off point shall be considered a medium bracket article. All other articles in a particular category are your high bracket articles. This applies to all articles on which you have properly

established maximum prices even though those articles were not in your line during March 1942. The percentage amount of adjustment applicable to articles in each bracket is set forth below in paragraph (c) of this section.

(3) If you have only two listings in a particular category, you will have only two brackets—a medium bracket and a high bracket. Your medium bracket cut-off point for sales of articles in that category to your largest volume class of purchaser is the lower of the two prices listed. Any article in the category for which you have a maximum price (exclusive of all adjustment charges) at or below that cut-off point shall be considered a medium bracket article. Any article in that category for which you have a maximum price (exclusive of all adjustment charges) higher than that cut-off point shall be considered a high bracket article.

If you have only one listing in a particular category, any article having a maximum price to your largest volume class of purchaser (exclusive of all adjustment charges) at or above that price shall be considered a high bracket article; and any article having a maximum price to your largest volume class of purchaser (exclusive of all adjustment charges) lower than that price shall be considered a medium bracket article.

Under these circumstances you find your cut-off points to other classes of purchasers in the manner described above in this section under Step 3.

**EXAMPLE OF HOW A MANUFACTURER FINDS HIS PRICE BRACKETS FOR ALL-WOOD FURNITURE**

If a manufacturer delivered or offered for delivery the following wood beds during March 1942 to retailers (which was his largest volume class of purchaser) he determines his price brackets and cut-off points for that category as follows:

CATEGORY 1, WOOD BEDS	
Item No.:	Highest price charged to retailers during March 1942
<b>Low bracket:</b>	
232	\$14.00
234	15.50
<b>Medium bracket:</b>	
237	16.75
238	17.50
<b>High bracket:</b>	
240	19.00
241	20.00
244	22.00

The total number of items in this listing is seven. Seven divided by three equals 2.3 which is rounded to 2. Therefore, the first two items listed represent the manufacturer's "low bracket"; the next two items are his "medium bracket"; and the last three items are his "high bracket." His low bracket cut-off point on sales to retailers is \$15.50; his medium bracket cut-off point on sales to retailers is \$17.50. If this manufacturer customarily gave all wholesalers a discount of 20% off his price to retailers, he finds the appropriate cut-off point for each bracket on sales to wholesalers by deducting that discount from his cut-off point on sales to retailers.

Any wood bed for which this manufacturer has a maximum price to retailers of \$15.50 or less is a "low bracket" article, and he may increase its maximum price by 18% as provided in paragraph (c) of this section. Any wood bed for which he has a maximum price to retailers above \$15.50 but not above \$17.50 is a "medium bracket" article and he may

increase its maximum price by 11½% as provided in paragraph (c) of this section. Any wood bed for which he has a maximum price to retailers above \$17.50 is a "high bracket" article and he may add to his maximum price the same 5% which was originally authorized by Order No. 1052 under Maximum Price Regulation No. 188, as provided in paragraph (c) of this section. In each case the maximum price to be increased by the stated percentage is the maximum price exclusive of all adjustment charges.

(b) How you proceed with regard to a category which you introduced after March 1942 and before December 28, 1945. For each category listed in Appendix B in which you did not deliver or offer for delivery articles during March 1942 but in which you had maximum prices established before December 28, 1945, you proceed as follows:

(1) Your cut-off point for that category is the lowest maximum price (exclusive of all adjustment charges) for any article in that category established before December 28, 1945.

(2) Any article in the particular category having a maximum price (exclusive of all adjustment charges) lower than that cut-off point is a "medium bracket" article.

(3) Any article in the particular category having a maximum price (exclusive of all adjustment charges) at or above that cut-off point is a "high bracket" article.

The result of the foregoing provisions is that every article in a category under this section 5(b) whose maximum price was properly established prior to December 28, 1945, (the issuance date of this order) is a high bracket article. You will have a medium bracket article in those categories only when you establish a maximum price for an article belonging in one of those categories which is lower than any maximum price established before December 28, 1945 for an article in the particular category.

[Paragraph (b) amended and (c) added by Am. 3, effective 9-11-46]

(c) How you proceed with regard to a category which was not in your line before December 28, 1945. Every article in a category listed in Appendix B which (category) was not in your line before December 28, 1945 is a high bracket article.

(d) How to find the adjusted maximum prices for certain sets of suites. You will use the rule in this paragraph to find your adjusted maximum price for a set or suite only if your maximum price for the particular set or suite is different from the total of the maximum prices of the individual pieces in the set or suite. To find your adjusted maximum price for such a set or suite, you use the following steps:

Step 1. Find the adjusted maximum prices under paragraph (c) above for the individual pieces in the set or suite, and the total of those prices.

Step 2. Find the total of the properly established maximum prices, exclusive of all permitted increases, for the individual pieces in the set or suite.

Step 3. Find the percentage amount by which the total obtained in Step 1 exceeds the total obtained in Step 2. The resulting figure is the per centage amount of adjustment which you may apply to your properly established maximum price (exclusive of all permitted increases) for the set or suite.

[Paragraph (d) added by Am. 2, 11 F.R. 5036, effective 5-13-46]

(e) The amount of the adjustment permitted by paragraphs (b) and (c) of this section may be revised by an order under this paragraph (e) in the case of a particular manufacturer when it appears that his maximum prices as otherwise adjusted under those paragraphs are not in line with the general level of adjusted maximum prices adjusted under this order for other manufacturers of comparable articles. Such a revision will establish adjusted maximum prices or a method of determining adjusted maximum prices which are in line with that general level.

[Paragraph (e) added by Am. 3, effective 9-11-46]

(f) Percentage amount of adjustment in each bracket. You may increase your maximum price (exclusive of any adjustment charges) for sales to all classes of purchasers other than household consumers of an article of all-wood furniture belonging in a category listed in Appendix B by the appropriate one of the following percentages:

	Percent
Low bracket articles.....	18
Medium bracket articles.....	11½
High bracket articles.....	5

For this purpose "maximum price" means the maximum price properly determined under Maximum Price Regulation No. 188 after all trade, quantity, and other discounts (except cash discounts) have been deducted. If you have a customary or established dollar-and-cent differential for the same article in different finishes (not species of wood) hardwares, sizes or packing, or in the case of chairs in different types of seats (for example, all wood seats, slip seats, etc.) or in the case of partially upholstered furniture in different grades of cover fabric, the maximum price to which you apply the percentage permitted by this paragraph is your maximum price for the article in its lowest priced condition. Your customary or established differentials may then be added to the maximum price so adjusted. However, if you continue to adjust all of your maximum prices by no more than the 5 percent previously authorized by Order No. 1052 under Maximum Price Regulation No. 188, you may continue to compute your adjusted maximum prices in the manner provided by that order prior to its revocation, without regard to

any contrary provisions contained in this section.

In figuring the amount by which you may increase your maximum price, fractions may be rounded to the nearest cent.

[Paragraph (f), formerly (e), amended by Am. 2, 11 F. R. 5036, effective 5-13-46; redesignated and amended by Am. 3, effective 9-11-46]

SEC. 6. "Price-bracket" adjustments for manufacturers of upholstered furniture. This section provides a method by which manufacturers of "upholstered furniture" may adjust their maximum prices for all articles belonging in the categories listed in Appendix C. If some of the articles which you manufacture are also essential low-end articles (as defined in section 4) you may adjust your maximum prices for those articles under section 4 instead of this section. For the purposes of this order, "upholstered furniture" means articles of household furniture which consist of a frame made predominantly of wood, filling material (with or without steel spring construction, and a fabric covering or more than one-half yard of 54-inch upholstery fabric or its equivalent.

The method provided by this section requires that you divide each of your categories of articles listed in Appendix C into three price brackets. That division is based on two separate computations—one involving your maximum prices for the articles in base grade and the other involving your customary grades of upholstery fabric.

(a) How you proceed with regard to a category which was in your line during March 1942—(1) Computations involving maximum prices in base grade. For each category listed in Appendix C which you delivered or offered for delivery during March 1942, you divide your price line into three brackets in the following way:

*Step 1.* List each article (including "essential low-end" articles) which you delivered or offered for delivery during March 1942 whether or not it has been exempted from price control, and opposite it list your "highest price charged during March 1942" (as defined in § 1499.163 of Maximum Price Regulation No. 188) to the class of purchaser to which you customarily sold articles in that category in the largest dollar volume. The price which you list shall be for the article covered with your "base grade" fabric exclusive of all tailoring extras (such as special types of edging, etc.) and in your lowest priced upholstery construction. Your "base grade" fabric is the lowest cost fabric in which you offered the article in March 1942. (If you did not furnish cover fabrics, your "base grade" is muslin or the customer's own material, whichever price is lower.) List the articles in order from the lowest priced to the highest priced article. If more than one article in the category has the same price, list that price only once.

If you had some articles in that category during March 1942 which you delivered or offered for delivery only to classes of purchasers other than your largest volume class of purchaser, and if you cannot determine

the "highest price charged during March 1942" for those articles to your largest volume class of purchaser because you do not have customary or established differentials between those classes of purchasers, list for those articles the highest price charged during March 1942 to any other class of purchaser except ultimate consumers.

*Step 2.* Count the number of price listings, and divide that total by three, carrying the result to the one decimal place and rounding it to the nearest whole number. Your "base grade low-bracket" consists of those price listings at the beginning of your list not exceeding the number of articles obtained through this calculation. Your "base grade medium bracket" consists of an equal number of price listings immediately following the low bracket cut-off point.

[Subparagraph (1) amended by Am. 3, effective 9-11-46]

(2) Computation involving your customary grades of upholstery fabric. If during March 1942 you delivered or offered for delivery articles in a category covered with various grades of upholstery fabric, you find your "category fabric" for that category in the following way:

*Step 1.* List each grade of fabric in which you offered these articles during March 1942 from the lowest cost grade to the "highest cost grade". For this purpose, your "highest cost grade" is the highest cost grade of fabric which you actually applied on articles of that category which you delivered during the period from March 1, 1942, to July 31, 1942.

*Step 2.* Count the number of fabric grades listed and divide that total by three, carrying the result to one decimal place and rounding it to the nearest whole number. Count down on your fabric grade list that number of grades. Your "category fabric grade" is that last counted fabric grade or that grade of fabric in your line representing a cost bracket which includes \$1.00 per yard of 54" fabric, whichever is higher.

[Step 2 amended by Am. 2, 11 F. R. 5036, effective 5-13-46]

(3) How to find your "low bracket" and your "medium bracket" cut-off points. (i) If, during March 1942, you delivered or offered for delivery in a category articles covered with various grades of upholstery fabric your cut-off points are the following:

Your "low bracket cut-off point" for the category is the "highest price charged during March 1942" (as defined in Section 1499.163 of Maximum Price Regulation No. 188) for the highest priced article in your "base grade low bracket" when covered with your "category fabric grade".

Your "medium bracket cut-off point" for the category is the "highest price charged during March 1942" (as defined in Section 1499.163 of Maximum Price Regulation No. 188) for the highest priced article in your "base grade medium bracket" when covered with your "category fabric grade".

(ii) If, during March 1942, you delivered or offered for delivery in a category only articles covered with your "base grade" fabric (which may be muslin or your customer's own material) your cut-off points are the following:

Your "low bracket cut-off point" for the category is the last listed price in your "base grade low bracket".

Your "medium bracket cut-off point" for the category is the last listed price in your "base grade medium bracket".

(iii) In each case this cut-off point is the cut-off point applicable on sales to your largest volume class of purchaser. The cut-off point applicable on sales to each other class of purchaser is found by applying to that cut-off point your customary or established differentials on sales to each other class of purchaser. If you do not have such differentials, but nevertheless, during March 1942 delivered or offered for delivery articles in that category to other classes of purchasers, the cut-off point applicable on sales to your largest volume class of purchaser is also applicable on sales to all other classes of purchasers.

(4) Any article in a particular category having a properly established maximum price (exclusive of all adjustment charges) at or below your low bracket cut-off point shall be considered a low bracket article. Any article in a particular category having a maximum price (exclusive of all adjustment charges) above your low bracket cut-off point but not above your medium bracket cut-off point shall be considered a medium bracket article. All other articles in the particular category are your high bracket articles. This applies to all articles on which you have properly established maximum prices even though those articles were not in your line during March 1942. The percentage amount of adjustment applicable to articles in each bracket is set forth below in paragraph (c) of this section.

(5) If you have only two base grade listings in a particular category, you will have only two brackets—a medium bracket and a high bracket. If, during March 1942, you delivered or offered for delivery in the category articles covered with various grades of upholstery fabric your "medium bracket cut-off point" is the "highest price charged during March 1942" for the lower-priced of the two articles when covered with your "category fabric grade." If, during March 1942, you delivered or offered for delivery in the category only articles covered with your "base grade" fabric your "medium bracket cut-off point" is the lower of the two prices listed. Any article in that category for which you have a maximum price (exclusive of all adjustment charges) at or below that cut-off point shall be considered a medium bracket article. Any article in that category for which you have a maximum price (exclusive of all adjustment charges) above that cut-off point shall be considered a high bracket article.

If you have only one base grade listing in a particular category, and during March 1942 you delivered or offered for delivery in that category articles covered with various grades of upholstery fabric, any article having a maximum price to your largest volume class of purchaser (exclusive of all adjustment charges) at or above the "highest price charged during March 1942" for that article when covered with your "category fabric grade" shall be considered a high bracket

article; and any article having a maximum price to that class of purchaser (exclusive of all adjustment charges) lower than that price shall be considered a medium bracket article.

If you have only one base grade listing in a particular category, and during March 1942 you delivered or offered for delivery in that category only articles covered with your "base grade" fabric, any article having a maximum price to your largest volume class of purchaser (exclusive of all adjustment charges) at or above the listed price shall be considered a high bracket article; and any article having a maximum price to that class of purchaser (exclusive of all adjustment charges) lower than the listed price shall be considered a medium bracket article.

**EXAMPLE OF HOW A MANUFACTURER FINDS HIS PRICE BRACKETS FOR UPHOLSTERED FURNITURE**

If a manufacturer delivered or offered for delivery the following occasional chairs in the following fabric grades during March 1942 to retailers (which was his largest volume class of purchaser), he determines his price brackets and cut-off points for that category as follows:

CATEGORY 65, OCCASIONAL CHAIRS

Item	Base grade				
	A	B	C	D	E
110.....	\$9.00	\$11.25	\$13.50	\$15.75	\$18.00
111.....	10.50	12.75	15.00	17.25	19.50
112.....	11.25	13.50	15.75	18.00	20.25
113.....	12.00	14.25	16.50	18.75	21.00
114.....	13.75	16.00	18.25	20.50	22.75
115.....	14.25	16.50	18.75	21.00	23.25
116.....	14.75	17.00	19.25	21.50	23.75
117.....	15.25	17.50	19.75	22.00	24.25

Item	Base grade			
	F	G	H	I
110.....	\$20.25	\$22.50	\$24.75	\$27.00
111.....	21.75	24.00	26.25	28.00
112.....	22.50	24.75	27.00	29.25
113.....	23.25	25.50	27.75	30.00
114.....	25.00	27.25	29.50	31.75
115.....	25.50	27.75	30.00	32.25
116.....	26.00	28.25	30.50	32.75
117.....	26.50	28.75	31.00	33.25

LISTING OF FABRICS

Grade:	Cost per yard
A (base grade)—up to.....	\$0.50
B—\$0.50 and up to.....	.75
C—\$0.75 and up to.....	1.00
D—\$1.00 and up to.....	1.25
E—\$1.25 and up to.....	1.50
F—\$1.50 and up to.....	1.75
G—\$1.75 and up to.....	2.00
H—\$2.00 and up to.....	2.25
I—\$2.25 and up to.....	2.50

<sup>1</sup> Highest cost fabric grade actually applied to occasional chairs delivered during the period from March 1, 1942 to July 31, 1942.

There are eight articles listed in base grade (grade A). Eight divided by 3 equals 2.7 which is rounded to 3. Therefore, the first three items listed represent his "base grade low bracket," the next three are his "base grade medium bracket." The highest priced article in his "base grade low bracket" is Item 112 at \$11.25; the highest priced article in his "base grade medium bracket" is Item 115 at \$14.25.

The total number of fabric grades in this listing is nine; nine divided by three equals three; therefore, the manufacturer's "category fabric grade" is the third grade listed or Grade C.

The manufacturer's low bracket cut-off point is the highest price he charged in March 1942 for Item 112 when covered with Grade C fabric; that is, \$15.75. The manufacturer's medium bracket cut-off point is the highest price he charged in March 1942 for Item 115 in Grade C fabric; that is, \$18.75. Any occasional chair for which this manufacturer has a maximum price to retailers of \$15.75 or less is a "low bracket" article and he may increase its maximum price to retailers by 12 per cent as provided in paragraph (c) of this section. Any occasional chair for which he has a maximum price to retailers above \$15.75, but not above \$18.75, is a "medium bracket" article and he may increase its maximum price by 9 per cent as provided in paragraph (c) of this section. Any occasional chair for which he has an approved maximum price to retailers above \$18.75 is a "high bracket" article and he may add to its maximum price the same 5 per cent which was originally authorized by Order No. 1052 under Maximum Price Regulation No. 188 as provided in paragraph (c) of this section.

(b) *How you proceed with regard to a category which you introduced after March 1942 and before December 28, 1945.* For each category listed in Appendix C in which you did not deliver or offer for delivery articles during March 1942, but in which you had maximum prices established before December 28, 1945, you proceed as follows:

(1) Your cut-off point for that category is the lowest maximum price (exclusive of all adjustment charges) established before December 28, 1945 for any article in that category in the lowest priced cover fabric in which you actually delivered the article. (If you do not furnish cover fabrics, your lowest priced cover fabric for this purpose is muslin or customer's own material, whichever price is lower).

(2) Any article in the particular category having a maximum price (exclusive of all adjustment charges) lower than that cut-off point is a medium bracket article.

(3) Any article in the particular category having a maximum price (exclusive of all adjustment charges) at or above that cut-off point is a high bracket article.

The result of the foregoing provisions is that every article in a category under this section 6 (b) whose maximum price was properly established prior to December 28, 1945 (the issuance date of this order) is a high bracket article. You will have a medium bracket article in those categories only when you establish a maximum price for an article belonging in one of those categories which is lower than any maximum price established before December 28, 1945 for an article in the particular category.

[Paragraph (b) amended and (c) added by Am. 3, effective 9-11-46]

(c) *How you proceed with respect to a category which was not in your line before December 28, 1945.* Every article in a category listed in Appendix C which

(category) was not in your line before December 28, 1945 is a high bracket article.

(d) *How to find the adjusted maximum prices for certain sets or suites.* You will use the rule in this paragraph to find your adjusted maximum price for a set or suite only if your maximum price for the particular set or suite is different from the total of the maximum prices of the individual pieces in the set or suite. To find your adjusted maximum price for such a set or suite, you use the following steps:

*Step 1.* Find the adjusted maximum prices under paragraph (c) above for the individual pieces in the set or suite, and the total of those prices.

*Step 2.* Find the total of the properly established maximum prices, exclusive of all permitted increases, for the individual pieces in the set or suite.

*Step 3.* Find the percentage amount by which the total obtained in Step 1 exceeds the total obtained in Step 2. The resulting figure is the percentage amount of adjustment which you may apply to your properly established maximum price (exclusive of all permitted increases) for the set or suite.

[Paragraph (d) added by Am. 2, 11 F. R. 5036, effective 5-13-46]

(e) The amount of the adjustment permitted by paragraphs (b) and (c) of this section may be revised by an order under this paragraph (e) in the case of a particular manufacturer when it appears that his maximum prices as otherwise adjusted under those paragraphs are not in line with the general level of adjusted maximum prices adjusted under this order for other manufacturers of comparable articles. Such a revision will establish adjusted maximum prices or a method of determining adjusted maximum prices which are in line with that general level.

[Paragraph (e) added by Am. 3, effective 9-11-46]

(f) *Percentage amount of adjustment in each bracket.* You may increase your maximum price (exclusive of any adjustment charges) for sales to all classes of purchases other than household consumers of an article of upholstered furniture belonging in a category listed in Appendix C by the appropriate one of the following percentages:

	Percent
Low bracket articles.....	12
Medium bracket articles.....	9
High bracket articles.....	5

For this purpose "maximum price" means the maximum price properly determined under Maximum Price Regulation No. 188 after all trade, quantity, and other discounts (except cash discounts) have been deducted. In figuring the amount by which you may increase your maximum price, fractions may be rounded to the nearest cent.

[Paragraph (f), formerly (c), amended by Am. 2, 11 F. R. 5036, effective 5-13-46; redesignated and amended by Am. 3, effective 9-11-46]

## ARTICLE IV—OTHER ADJUSTMENTS

**SEC. 7. Articles not eligible for adjustment under sections 4, 5, or 6.** This section authorizes the adjustment of maximum prices for sales to all classes of purchasers other than ultimate consumers of articles covered by this order when those articles are not eligible for any adjustment under sections 4, 5, or 6 of this order. You may increase your maximum prices (exclusive of all adjustment charges) for sales of those articles by the same 5% which was originally authorized by Order No. 1052 under Maximum Price Regulation No. 188.

## ARTICLE V—MANUFACTURERS' MISCELLANEOUS PROVISIONS

**SEC. 8. "Unadjusted maximum price."** In order to provide your purchasers for resale with the basis for determining their maximum prices under the applicable regulations, you must state an "unadjusted maximum price" on your invoice. This section explains how you compute that "unadjusted maximum price."

You find your "unadjusted maximum price" for any article covered by this order which you sell at a maximum price adjusted under this order or any other adjustment provision as follows:

(a) If your selling price for the article is not more than 12% above its properly established maximum price to a particular class of purchaser (exclusive of all adjustment charges), your unadjusted maximum price to that class of purchaser is that properly established maximum price (exclusive of all adjustment charges).

(b) If your selling price for the article is more than 12 per cent above its properly established maximum price to a particular class of purchaser (exclusive of all adjustment charges) you find your unadjusted maximum price to that class of purchaser as follows:

**Step 1:** Determine the percentage amount by which your actual selling price exceeds your properly established maximum price (exclusive of all adjustment charges).

**Step 2:** Deduct 12 percentage points from the percentage found in Step 1.

**Step 3:** Add to your maximum price (exclusive of all adjustment charges) the percentage amount found in Step 2. The resulting amount is your "unadjusted maximum price."

**EXAMPLE OF HOW A MANUFACTURER FINDS HIS "UNADJUSTED MAXIMUM PRICE" WHEN HIS SELLING PRICE IS MORE THAN 12% ABOVE HIS MAXIMUM PRICE**

A manufacturer has a properly established maximum price (exclusive of all adjustment charges) of \$40.00 for a bedroom suite, and he adjusts that maximum price under section 4 of this order. Under that section he may increase his maximum price by 25%; however, his actual selling price on a particular sale is only \$48.00. The steps by which he finds his "unadjusted maximum price" are as follows:

**Step 1:** His selling price is \$8.00 above his previous maximum price. This he finds to be 20% above that maximum price.

**Step 2:** He deducts 12 percentage points from 20%, and the result is 8%.

**Step 3:** He adds 8% to his previous maximum price of \$40.00. The "unadjusted maximum price" which he shows on his invoice for that sale is therefore \$43.20.

(c) If your new maximum price for a particular article was properly established under section 5 of Supplementary Order No. 118, you first find a price exclusive of all adjustments by the following steps:

**Step 1:** Find the increase factor permitted under section 4 of Supplementary Order No. 118 on your most comparable 1941 article (which you used in calculating your maximum price under section 5 of that order), by dividing the new maximum price of that comparable article by its maximum price in effect before Supplementary Order No. 118 was issued.

**Step 2:** Divide your new maximum price for the article priced under section 5 of Supplementary Order No. 118, by that increase factor.

The result is the figure you use as the properly established maximum price (exclusive of all adjustment charges) in calculating your "unadjusted maximum price" under paragraph (a) or (b) of this section, whichever is applicable.

(d) Regardless of any contrary provisions contained in this section, if your selling price for the article is below the "unadjusted maximum price", otherwise computed under this section, the "unadjusted maximum price" which must appear on your invoice for that article is the same as your selling price.

[Paragraph (d) added by Am. 1, 11 F. R. 1324, effective 1-31-46]

**SEC. 9. Manufacturers' reports.** (a) If you adjust the maximum prices of all your articles covered by this order by no more than the 5 per cent previously authorized by Order No. 1052 under Maximum Price Regulation No. 188 you need not file any reports for those articles if you notify the Office of Price Administration, Washington, D. C., that you are not adjusting your maximum prices by more than five per cent and with respect to the particular article you had filed the report required by Order No. 1052 under Maximum Price Regulation No. 188 before its revocation. However, if you did not file a report under Order No. 1052 for the particular article, you must report items (1), (2), and (7) below, even though you do not adjust any of your maximum prices by more than 5 per cent. In any case, if you adjust any of your maximum prices by more than 5 per cent, you must comply with the reporting requirements set forth below in this section.

[Paragraph (a) added by Am. 1, 11 F. R. 1324, effective 1-31-46 and amended by Am. 2, 11 F. R. 5036, effective 5-13-46]

(b) Except as provided above in this section, on and after February 20, 1946 before delivering or offering for delivery any article listed in Appendix A or belonging in a category listed in Appendix B or C at a maximum price adjusted under this order or under any other adjustment provision, you must file in duplicate and thereafter keep up to date a signed report with the Office of Price Ad-

ministration, Washington, D. C., setting forth the following:

[Above paragraph amended by Am. 3, effective 9-11-46]

(1) The date of the report.  
(2) Your name and address.  
(3) A copy of the price list, if any, which you issued to the trade and which was effective during March 1942, and a statement of the class or classes of purchasers to which the prices shown thereon were applicable.

(4) A list of the highest prices you charged during March 1942 to each class of purchaser for each item which you delivered or offered for delivery during March 1942. This may be taken from your base period statement, if it was properly prepared in accordance with Section 11 of the General Maximum Price Regulation.

(5) A statement of the class of purchaser customarily accounting for your largest dollar volume of sales for each category listed in Appendix B or C in which you offer articles at maximum prices adjusted under this order.

(6) A copy of your computations showing the manner in which you determined your low-bracket and medium-bracket cut-off points for each of your categories as listed in Appendix B or C.

(7) A list of each article the maximum price of which you are adjusting pursuant to this order, listing:

(i) Your properly established maximum price (exclusive of all adjustment charges) to each class of purchaser to whom you customarily make sales. If your new maximum prices were established under section 5 of Supplementary Order No. 118, report the prices exclusive of all adjustment charges computed under section 8 (c) of this order.

(ii) Your adjusted maximum price to each class of purchaser to whom you customarily make sales, stating the adjustment provision under which that adjusted maximum price was determined.

(iii) The pricing provision under which your maximum price (exclusive of all adjustment charges) was established, as well as the specific section number, the date of approval if any, and the order number if any.

[Paragraph (b), formerly (a), redesignated and amended by Am. 1, 11 F. R. 1324, effective 1-31-46]

(c) If you are adjusting all of your maximum prices under section 4 of this order or if you elect to adjust your maximum price in accordance with an individual adjustment granted you by the Office of Price Administration, you need report only on items 1, 2, and 7 above.

[Paragraph (c) added by Am. 1]

(d) With respect to all articles not specifically listed in your first report, before first offering any such article for sale, you must file a signed report with the Office of Price Administration, Washington, D. C., stating for each such article, the information required by subparagraph (7) above.

[Paragraph (d), formerly (b), redesignated by Am. 1]

(e) If you fail to file the information required by this section with respect to



any particular article, your maximum price for any sale of that article is your properly established maximum price for the article, exclusive of all adjustment charges or permitted increases.

[Paragraph (e) added by Am. 1]

(f) You must keep available for inspection by the Office of Price Administration a copy of each report filed under paragraph (b) or (d) of this section for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

[Paragraph (f), formerly (c), redesignated by Am. 1]

(g) In addition and in accordance with Section 1499.159d of Maximum Price Regulation No. 188 you must file with the appropriate District office of the Office of Price Administration within 10 days after being first issued to the trade three copies of every notification you issue to the trade in connection with this Order.

[Paragraph (g) added by Am. 3, effective 9-11-46]

EXAMPLE OF MANUFACTURER'S REPORT

- (1) January 29, 1946.
- (2) XYZ Manufacturing Company, Lexington, Kentucky.
- (3) I have attached my complete price list which was effective in March 1942 to this report.

CATEGORY NO. 1—BEDS

- (4) Highest price charged during March 1942:

Article number	Highest price charged to—		
	Retailers	Wholesalers	Other classes
232.....	\$14.00	\$12.60	) Not applicable.
234.....	15.50	13.95	
237.....	16.75	15.07	
238.....	17.50	15.75	
240.....	19.00	17.10	
241.....	20.00	18.00	
244.....	22.00	19.80	

(5) Retailers customarily account for my largest dollar volume of sales in this category.

(6) Computation of price bracket cut-off points: Number of items in this category—7. As computed according to the instructions in section 4 (a), my low bracket cut-off point on sales to retailers is \$15.50, and my medium bracket cut-off point on sales to retailers is \$17.50.

(7) Adjusted maximum prices as established under this order:

Article No.	Properly established maximum price (exclusive of all adjustments)		Pricing provision under which established	Maximum price as adjusted in accordance with this order to—	
	To retailers	To wholesalers		Retailers	Wholesalers
243.....	22.00	19.80	Section 1499.153 (a)—MPR 188.....	23.10	20.79
247.....	13.00	11.70	Section 1499.157—MPR 188 (9/4/43).....	15.34	13.81
248.....	12.00	10.80	Section 1499.157—MPR 188 (12/1/44).....	14.16	12.74

CATEGORY NO. 2—CHESTS

- (4)
- (5)
- etc.

ARTICLE VI—WHOLESALE AND RETAILERS' MAXIMUM PRICES

SEC. 10. Maximum prices of wholesalers whose sales are covered by Maximum Price Regulation No. 590.—(a) Modification of Maximum Price Regulation No. 590. This section modifies the pricing provisions of Maximum Price Regulation No. 590 with respect to articles covered by this order. Unless the context otherwise requires, the definitions in Maximum Price Regulation No. 590 apply to the terms used in this section.

(b) Adjusted maximum price. A wholesaler's adjusted maximum price for sales covered by Maximum Price Regulation No. 590 to each class of purchaser of an article covered by this order is the maximum price determined under Maximum Price Regulation No. 590 by using as "net cost" for the article the total of:

(1) the "net cost" of the article based on his supplier's unadjusted maximum price as it appears on his purchase invoice, and

(2) 80 per cent of the dollar-and-cent difference between his supplier's unadjusted maximum price and the wholesaler's actual invoice cost. A wholesaler may make sales covered by Maximum Price Regulation No. 590 at prices at or below his adjusted maximum price computed in this way. For the purposes of this subparagraph (2), "supplier's unadjusted maximum price" and "wholesaler's

actual invoice cost" refer to those amounts as they appear on his supplier's invoice after all discounts except cash discounts.

[Subparagraph (2) amended by Am. 1, 11 F. R. 1324, effective 1-31-46]

(c) Unadjusted maximum price. A wholesaler's "unadjusted maximum price" for sales covered by Maximum Price Regulation No. 590 which must appear on every invoice which he furnishes to a purchaser for resale is the price determined under Maximum Price Regulation No. 590 by using a "net cost" for the article based on his supplier's unadjusted maximum price as it appears on his purchase invoice. However, if the wholesaler's selling price for the article is below the "unadjusted maximum price" computed in this way, the "unadjusted maximum price" which must appear on the wholesaler's invoice for that article is the same as the wholesaler's selling price.

If, in accordance with section 4 or 7 of Maximum Price Regulation No. 590 a wholesaler elects to sell an article at his "highest price charged during March 1942", instead of at the price found by applying his "category markup" to his "net cost", the "unadjusted maximum price" which must appear on the wholesaler's invoice for that article is the same as his selling price.

If, in accordance with section 3a of Maximum Price Regulation No. 590 a

wholesaler adopts as his own the manufacturer's ceiling prices to a particular class of purchaser, the "unadjusted maximum price" which must appear on his invoice for the article is the same as the manufacturer's "unadjusted maximum price" for sales of that article to the same class of purchaser.

[Paragraph (c) amended by Am. 1, 11 F. R. 1324, effective 1-31-46 and Am. 2, 11 F. R. 5036, effective 5-13-46.]

(d) Single category markup to be used. A wholesaler who has divided a category into subcategories based on differences in cost as permitted by section 27 (b) of Maximum Price Regulation No. 590 may find in some cases that the same article belongs in two different subcategories as a result of the two different "net costs" computed under paragraph (b) and (c) of this section. In such cases, the "category markup" which he shall use in determining both his adjusted maximum price under paragraph (b) above and his unadjusted maximum price under paragraph (c) above is the category markup applicable when the "net cost" is computed on the basis of his supplier's "unadjusted maximum price" in accordance with paragraph (c).

[Paragraph (d) added and former (d) redesignated as (e) by Am. 1]

(e) Ceiling price statement. Before delivering any article the sale of which is covered by Maximum Price Regulation No. 590, at a maximum price adjusted under this order, the wholesaler must comply with the requirements of section 16 of Maximum Price Regulation 590 with regard to filing ceiling price statements.

SEC. 11. Maximum prices of wholesalers whose sales are covered by the General Maximum Price Regulation; and of persons who resell commercial and institutional articles directly to the user. A wholesaler who determines his maximum prices under the General Maximum Price Regulation, and any person who resells commercial or institutional furniture covered by this order directly to the user, finds his adjusted and unadjusted maximum price as follows:

(a) Adjusted maximum prices. (1) A seller who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall find his adjusted maximum price according to the method and procedure set forth in that section by adding the same markup which he had on that comparable article to the total of:

(i) His supplier's unadjusted maximum price, as it appears on his purchase invoice, and

(ii) 80 percent of the dollar-and-cent difference between his supplier's unadjusted maximum price and the wholesaler's actual invoice cost.

A seller may make sales covered by the General Maximum Price Regulation, at prices at or below his adjusted maximum price computed in this way.

The determination of a maximum resale price in this way need not be re-

ported 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 determines his maximum resale price. These records shall be kept available for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a seller cannot determine his adjusted maximum price under (1), he shall apply to the Office of Price Administration for the establishment of his adjusted maximum price under § 1499.3 (c) of the General Maximum Price Regulation. The application shall, in addition to the information specifically required by that section, also give the following information:

(i) His supplier's unadjusted maximum price as it appears on his purchase invoice.

(ii) His actual invoice cost.

An adjusted maximum price established in this way will be in line with adjusted maximum prices established generally under this order for resellers of the same class.

(b) *Unadjusted maximum prices.* (1) A seller who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall find his "unadjusted maximum price" according to the method and procedure set forth in that section by adding the same markup which he had on that comparable article to his supplier's unadjusted maximum price as it appears on his purchase invoice.

(2) If a seller cannot determine his unadjusted maximum price under (1), he shall, at the time he applies for an adjusted maximum price to the Office of Price Administration under paragraph (a) (2) of this section also apply for the establishment of an unadjusted maximum price. Unless such an unadjusted maximum price is established, he may not make sales of the article even though his adjusted maximum price is properly established.

Sec. 12. *Maximum prices of retailers whose sales are covered by Maximum Price Regulation No. 580.* This section modifies the pricing provisions of Maximum Price Regulation No. 580 with respect to articles covered by this Order. Unless the context otherwise requires, the definitions in Maximum Price Regulation No. 580 apply to the terms used in this section.

If the retailer determines his maximum price in accordance with Maximum Price Regulation No. 580, his maximum price shall be the price which he computes in accordance with that regulation by using a "net cost" based upon his supplier's unadjusted maximum price, as it appears on his purchase invoice.

[Secs. 11 and 12 amended by Am. 2, 11 F.R. 5036, effective 5-13-46]

Sec. 13. *Maximum prices of retailers whose sales are covered by the General Maximum Price Regulation.* If the retailer determines his maximum prices

under the General Maximum Price Regulation, his maximum price for sales of an article covered by this order shall be computed as follows:

(1) A retailer who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall determine his maximum resale price by adding to his supplier's unadjusted maximum price (as it appears on his purchase invoice) the same markup which he had on that comparable article, according to the method and procedure set forth in that section.

The determination of a maximum resale 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 determines his maximum resale price. These records shall be kept available for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a retailer cannot determine his maximum resale price under (1), he shall apply to the Office of Price Administration for the establishment of his maximum resale price under § 1499.3 (c) of the General Maximum Price Regulation. The retailer's application shall, in addition to the information specifically required by that section, also give the following information:

(i) His supplier's unadjusted maximum price.

(ii) His actual invoice cost.

A retailer's maximum price established in this way will be in line with retailer's maximum prices established generally under this order.

#### ARTICLE VII—GENERAL PROVISIONS

Sec. 14. *Invoices to purchasers for resale.* Any person making a sale of an article covered by this order to a purchaser for resale at a maximum price adjusted under this order, or under any other adjustment provision, must furnish such purchaser for resale with an invoice as follows:

(a) A manufacturer who adjusts the maximum prices of all of his articles covered by this order by no more than the 5 percent previously authorized by Order No. 1052 under Maximum Price Regulation No. 188 may continue to furnish invoices in the form required by Order No. 1052 under Maximum Price Regulation No. 188 before its revocation, except that this invoice must contain the notice set forth in paragraph (b) (8) of this section, instead of the notice formerly required by Order 1052 and must also meet the identification requirements of paragraph (b) (3) of this section. Where the manufacturer furnishes such an invoice, the manufacturer's "unadjusted maximum price" which wholesalers and retailers use as a basis for determining their

resale prices under sections 10, 11, 12 or 13 is the price appearing on the invoice before the addition of the adjustment charges.

[Paragraph (a) amended by Am. 2, 11 F.R. 5036, effective 5-13-46 and Am. 3, effective 9-11-46]

(b) Except in the case of those manufacturers referred to in paragraph (a) above, every seller (except a retailer making a "cross-stream sale" covered by section 9 (b) of Maximum Price Regulation No. 580) must furnish an invoice containing the following:

(1) His name and address and the date of the invoice.

(2) The purchaser's name and address.

(3) The model designation of the article and such other description as may be necessary to identify the article on his pricing records. In the case of upholstered furniture when sold by the manufacturer, the manufacturer shall show on the invoice an identification of the cover fabric, including his cover grade designation and a pattern number or name on the basis of which he can, from his records, identify his supplier and his supplier's pattern number or name for that fabric.

[Subparagraph (3) amended by Am. 2]

(4) His "unadjusted maximum price." (As defined in section 8 or 10, whichever is applicable.)

(5) The actual selling price of the article.

(6) The nature and extent of any additional charges.

(7) Terms of sale.

(8) The following notice:

#### NOTICE OF CEILING PRICES

If you resell the articles for which unadjusted maximum prices are shown on this invoice you must find your resale ceiling prices under sections 10 through 13 of Order No. 4800 under Maximum Price Regulation No. 188. Those sections replace Maximum Price Regulations Nos. 580 and 590 with respect to those articles.

In addition, if the sale is covered by Maximum Price Regulation No. 590, the following notice must also be given:

All prices on this invoice of articles covered by MPR 590 are at or below our ceiling prices to you for the quantities, terms and conditions of this sale, as shown on our ceiling price statement filed with the

Name of City  
regional office of the OPA, pursuant to section 16 of MPR 590.

If a seller who must furnish the invoice described in this paragraph fails to state separately both the "unadjusted maximum price" and the selling price, or fails to identify the "unadjusted maximum price," his maximum price for that sale is his properly established maximum price exclusive of all adjustment charges or permitted increases.

(c) A retailer making a cross-stream sale to another retailer must furnish the purchaser with the proper invoice required by section 9 (b) of Maximum Price Regulation No. 580. If the cross-stream sale is made in accordance with section 9 (b) (1) of Maximum Price Regulation No. 580 the seller must also

state on his sales invoice his supplier's unadjusted maximum price for each article covered by this order which appears on the invoice.

(d) Every seller must keep available for inspection by the Office of Price Administration a copy of each such invoice for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(e) The provisions of this section supersede all provisions with respect to the furnishing of invoices contained in any order issued by the Office of Price Administration applicable only to the products of an individual manufacturer covered by this order.

[Sec. 14 amended by Am. 1, 11 F.R. 1324, effective 1-13-46 and as otherwise noted]

SEC. 15. *Relation between this order and other orders and regulations*—(a) *Maximum Price Regulation Nos. 188, 580, and 590.* The provisions of this order supersede the provisions of Maximum Price Regulation Nos. 188, 580, and 590 only to the extent that they are inconsistent with the provisions of those regulations.

(b) *Supplementary Order Nos. 118, 119, and 133.* If you are eligible for an adjustment under Supplementary Order Nos. 118, 119, or 133, you may nevertheless adjust your maximum prices under this order instead of under those provisions.

(c) *Orders issued to individual manufacturers under other adjustment provisions.* If an individual adjustment is granted to you authorizing you to adjust your maximum prices, the relation between such permission and this order depends upon the nature of that individual adjustment.

(1) If you are authorized to increase the maximum prices of all articles which you produce, you may adjust your maximum prices under that authorization instead of under this order. (An example of this kind of authorization is an order issued under Supplementary Order No. 119.)

(2) If you are authorized to increase the maximum prices of only certain specified articles which you produce or only those articles which were in your line on a certain date, you may, instead of adjusting your maximum prices under this order, adjust the maximum prices of the articles covered by such an authorization under its provisions. If you do this you must treat all other articles covered by this order which you produce as high bracket articles subject only to the 5 percent increase provided in section 5 or 6. Regardless of any contrary provision contained in this section, if you are authorized to increase the maximum price of any of your articles under Supplementary Order No. 148 or section (h) of Order 1052 under Maximum Price Regulation No. 188, you may adjust the maximum prices of such articles under that order and the maximum prices of all other eligible articles in your line under the applicable provisions of this order.

[Subparagraph (2) amended by Am. 3, effective 9-11-46]

(3) If you decide to adjust your maximum prices under the provisions of an individual authorization which permitted you to include the 5% adjustment authorized by Order No. 1052 under Maximum Price Regulation No. 188 before this order was issued, you may continue to include that amount of adjustment.

In all cases, however, you must furnish the invoice required by section 14 of this order. The provisions of that section supersede any contrary provisions contained in any individual order issued to you.

SEC. 16. *Delegation of authority.* Any Regional Administrator, or any District Director authorized by the appropriate Regional Administrator, may issue orders under section 5 (b) and section 6 (b) in accordance with the terms of those sections.

[Sec. 16 added by Am. 1, 11 F.R. 1324, effective 1-31-46]

APPENDIX A—ESSENTIAL LOW-END ARTICLES WHOSE MAXIMUM PRICES MAY BE ADJUSTED UNDER SECTION 4

Article	Cutoff point (maximum price to retailers)
<b>Juvenile furniture:</b>	
Training chair	\$2.50
Nursery seat	2.00
Play pen	6.00
Crib with spring	12.50
Table and 2 chairs set	6.00
Desk and chair set	6.00
High chair	5.00
Youth bed	12.50
Table	2.25
Chair	1.90
<b>Bedroom furniture (odd pieces):</b>	
Chest of drawers	14.75
Bed	12.50
Night table	5.50
Dressers with mirror	15.00
Vanity with mirror	17.00
Vanity bench	2.75
Single door wardrobe	12.50
Double door wardrobe	17.00
Chifferobe or chest robe	20.00
Double-deck beds	23.00
<b>Bedroom furniture (suites):</b>	
Any piece of wood bedroom suite or grouping in which 3 major pieces have a combined total price below the cutoff point. (Night tables, mirrors only, benches or chairs are not major pieces.) (See sec. 4 (c))	61.75
<b>Dining room furniture (suites):</b>	
Any piece of a dining-room suite or grouping having a buffet not less than 60" in length or a credenza not less than 54" in length for which the table, buffet or china closet and 6 chairs have a combined price below the cut-off point. (See sec. 4 (c))	75.00
<b>Kitchen and dinette furniture:</b>	
Stool	2.00
Table	13.00
Cupboards	12.50
Buffet	15.00
Utility cabinet	13.50
Chairs	3.25
Kitchen cabinet (bases with cupboard top)	25.00
<b>Occasional furniture:</b>	
Table (lamp, end, cocktail, etc.)	6.00
Kneehole desk	20.00
Record cabinet	7.50
Bookcase	12.50
* Drop-leaf table—not less than 38" x 42" or equivalent open and 26" or more high	16.50

APPENDIX A—ESSENTIAL LOW-END ARTICLES WHOSE MAXIMUM PRICES MAY BE ADJUSTED UNDER SECTION 4—Continued.

Article	Cutoff point (maximum price to retailers)
<b>Miscellaneous furniture:</b>	
Finished Adirondack chair	\$4.15
Finished Adirondack settee	6.35
Finished wood and canvas chair	3.50
Wood and canvas cot	3.50
Rockers	3.50
Chair (of any type covered by this order as well as restaurant and institutional chair)	3.25
Upholstered occasional chair using minimum of 3/4 yard of 54" fabric or its equivalent	6.50
Upholstered occasional chair using minimum of 1 yard of 54" material or its equivalent	7.00
<b>Unfinished furniture:</b>	
Chest	11.50
Dresser base	11.50
Single door wardrobe	8.80
Double door wardrobe	12.10
Chifferobe	14.85
Dressing table	7.50
Bed	9.50
Night table	3.00
Vanity bench	2.00
Bookcase	8.50
Record cabinet	5.00
Students desk	8.00
Corner cabinets	8.80
Utility cabinets	8.00
Chair, Adult	2.50
Rocker, Adult	2.50
Chair, Juvenile	1.40
Rocker, Juvenile	1.40
High chair	3.00
Adirondack chair	4.00
Adirondack settee	6.25
Table (occasional, such as lamp, end, cocktail, etc.)	4.00
Table (dinette or kitchen)	9.50
Kneehole desks	15.00

[Appendix A amended by Am. 1, 11 F.R. 1324, effective 1-31-46 and Am. 2, 11 F.R. 5036, effective 5-13-46. \* Item added by Am. 3, effective 9-11-46]

APPENDIX B—CATEGORIES OF "ALL-WOOD" FURNITURE

NOTE: Any manufacturer who produces articles in any category which he sells both finished and unfinished must subdivide that category; for example, Category 1-a, Unfinished Beds; Category 1-b, Finished Beds. "All-Wood" furniture as used herein is defined in section 5 of this order.

<b>Bedroom</b>	
1. Beds	
2. Headboards	
3. Double-deck beds	
4. Chests	
5. Dresser bases (if priced separately)	
6. Dresser mirrors (if priced separately)	
7. Dressers, complete with mirrors (This category may be used only if you do not have separate prices for dresser bases and mirrors)	
8. Vanity bases (if priced separately)	
9. Vanity mirrors (if priced separately)	
10. Vanity complete with mirror (This category may be used only if you do not have separate prices for vanity bases and mirrors)	
11. Chifferobes, chestrobes, and wardrobes	
12. Bedroom chairs with no upholstery	
13. Bedroom chairs, partially upholstered	
14. Vanity benches with no upholstery	
15. Vanity benches, partially upholstered	
16. Night tables	
17. Cedar chests	
18. Mirrors for bedroom suites (hanging or portable)	
<b>Dining Room, Dinette, and Breakfast</b>	
19. Tables—not less than 38" x 54" closed	
20. Tables—less than 38" x 54" closed	

21. Buffets—maple, not less than 54" long; all other wood, not less than 60" long  
 22. Buffets—maple, less than 54" long; all other woods, less than 60" long  
 23. China closets and corner cabinets  
 24. Servers  
 25. Welsh cabinets and hutches  
 26. Chairs, with no upholstery  
 27. Chairs, partially upholstered

*Living room*

28. Tables—not more than 18" high (cocktail tables, coffee tables, etc.)  
 29. Tables—more than 18" high but not more than 26" high (end tables, etc.)  
 30. Tables—more than 26" high (Drop-leaf tables, etc., but not including extension type)  
 30a. Tables—Drop-leaf, not less than 30" x 30" or equivalent open and 28" or more high.  
 31. Tables—more than 26" high (extension type)  
 32. Desks  
 33. Secretaries  
 34. Breakfronts  
 35. Bookcases  
 36. Record cabinets  
 37. Bridge tables  
 38. Bridge chairs, folding  
 39. Chairs (desk, ladder back, etc.)  
 40. Chests, cabinets, credenzas, etc.

*Kitchen*

41. Kitchen utility tables  
 42. Kitchen chairs and stools  
 43. Settees  
 44. Kitchen cabinet bases  
 45. Utility and broom cabinets  
 46. Wall cabinets (movable)  
 47. Kitchen cabinets (base with cupboard top)

*Juvenile*

48. Bassinets  
 49. Cribs  
 50. Play yards  
 51. Chests  
 52. Dressers  
 53. High chairs  
 54. Chifferobes  
 55. Bathinets  
 56. Nursery seats  
 57. Training chairs  
 58. Tables  
 59. Chairs and rockers  
 60. Beds  
 61. Mirrors for juvenile pieces

*Outdoor and miscellaneous furniture*

(Including all-wood; wood and canvas, and wood and fibre, reed and rattan)

62. Chairs (including rockers)  
 63. Settees  
 64. Tables  
 65. Stools  
 66. Swings and gliders  
 67. Benches (including plano benches)

*Frames for upholstered furniture*

68. Boudoir chairs  
 69. Pull-up or occasional chairs  
 70. Lounge or club chairs  
 71. Platform rockers  
 72. Ottomans  
 73. Love seats  
 74. Sofas  
 75. Chaise longue

[Item 30a added by Am. 3, effective 9-11-46]

## APPENDIX C—CATEGORIES OF UPHOLSTERED FURNITURE

NOTE: Any manufacturer who produces for sale upholstered furniture in any category with both all-wood frames and reed, fibre, or rattan frames must subdivide that category; for example, Category 70-a, Sofas with all-wood frames; Category 70-b, Sofas with fibre-wrapped frames.

76. Head boards, upholstered  
 77. Boudoir chairs  
 78. Pull-up occasional chairs (including cricket, Cape Cod, etc.)  
 79. Lounge or club chairs (including barrel back, wing, fan and cogswell chairs)  
 80. Platform rockers  
 81. Ottoman  
 82. Love seats  
 83. Sofas  
 84. Chaise longue

[Appendices B and C amended by Am. 1, 11 F.R. 1324, effective 1-31-46]

**Effective date.** This regulation shall become effective December 28, 1945. [Order 4800 under MPR 188 originally issued December 28, 1945]

[Effective dates of amendments are shown in notes following the parts affected]

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

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16109; Filed, Sept. 6, 1946; 11:14 a. m.]

[RMPR 94, Corr. to Amdt. 2 to Rev. Order 3]

## PONDEROSA PINE CUT STOCK

## APPROVAL OF MAXIMUM PRICES

Amendment No. 2 to Revised Maximum Price Regulation 94, issued August 7, 1946, effective August 12, 1946, was incorrectly numbered. It is hereby corrected to read "Amendment No. 1".

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16109; Filed, Sept. 6, 1946; 11:07 a. m.]

[MPR 580, Amdt. 3 to Order 90]

## HOLEPROOF HOSIERY Co.

## ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 3 to Order 90. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-779.

For the reasons set forth in the opinion issued simultaneously herewith, Order 90 issued under section 13 of Maximum Price Regulation 580 on application of Holeproof Hosiery Company, 404 West Fowler Street, Milwaukee 1, Wisconsin is amended in the following respects:

1. Paragraph (a) is amended by adding the following:

## HOLEPROOF HOSIERY

Manufacturer's selling price	Retail ceiling price (per unit)
\$4.92 size 13	\$0.70
5.25	.75
5.35 size 13	.75

This amendment shall become effective September 7, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16119; Filed, Sept. 6, 1946; 11:09 a. m.]

[MPR 580, Amdt. 1 to Order 22]

## NASHUA MFG. CO.

## ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 1 to Order 22. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-770.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 22 issued under section 13 of Maximum Price Regulation 580 on application of Nashua Manufacturing Company, 40 Worth Street, New York, New York, is amended in the following respects:

1. Paragraph (a) is amended to increase the uniform retail ceiling price previously established by this order for the Purry first quality blanket, as follows:

Article	Size	Manufacturer's selling price	Ceiling price at retail
Purry blankets 88% rayon—12% wool, first quality.	72x90...	\$4.16	\$7.15

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

(b) The retail ceiling price of an article stated in paragraph (a) shall apply in place of the ceiling price which has been or would otherwise be established under this or any other regulation, and shall apply to any other article of the same type, having the same selling price to the retailer, the same brand or company name, and first sold by the manufacturer after the effective date of this order.

3. Paragraph (c) is amended by deleting the phrase "Maximum Price Regulation No. 580" and substituting therefor the phrase "the regulation which would apply in the absence of this order."

4. Paragraph (c) is further amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already covered by the order or changes the retail ceiling price of a covered article, Nashua Manufacturing Company, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this order. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

5. Paragraph (d) is amended to read as follows:

(d) At the time of or before the first delivery to any purchaser for resale of any article listed in paragraph (a), the

seller shall send the purchaser a copy of this order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

6. Paragraph (e) is amended by deleting the phrase "Maximum Price Regulation No. 580" and submitting therefor the phrase "the regulation which would apply in the absence of this order."

This amendment shall become effective September 7, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16117; Filed, Sept. 6, 1946; 11:09 a. m.]

[MPR 580, Amdt. 2 to Order 278]

BATES FABRICS, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 2 to Order 278. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-772.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 278 issued under section 13 of Maximum Price Regulation 580 on application of Bates Fabrics, Inc., 80 Worth Street, New York 13, New York, is amended in the following respects:

1. Paragraph (a) is amended by deleting the heading "Manufacturer's Unadjusted Selling Price" and substituting therefor the heading "Manufacturer's Selling Price."

2. Paragraph (a) is further amended to increase the uniform retail ceiling prices established by the order for bedspreads and drapes. The new cost-price lines are as follows:

Article	Style No.	Manufacturer's selling price	Retail ceiling price, east of Denver	Retail ceiling price, Denver west
Spreads.....	8640	\$4.45	\$7.55	\$8.55
Draperies.....		4.60	7.55	8.55
Spreads.....	8639	4.25	7.55	8.55
Draperies.....		4.40	7.55	8.55
Spreads.....	8643	4.25	7.55	8.55
Draperies.....		4.40	7.55	8.55
Spreads.....	8641	4.67	8.95	9.95
Draperies.....		4.82	8.95	9.95
Spreads.....	8638	4.74	8.95	9.95
Draperies.....		4.90	8.95	9.95
Spreads.....	8650	4.79	8.95	9.95
Draperies.....		4.94	8.95	9.95
Spreads.....	8642	5.00	8.95	9.95
Draperies.....		5.16	8.95	9.95
Spreads.....	8648	5.24	8.95	9.95
Draperies.....		5.39	8.95	9.95
Spreads.....	8645	5.94	10.50	11.50
Draperies.....		6.08	10.50	11.50
Spreads.....	8644	5.84	10.50	11.50
Draperies.....		5.99	10.50	11.50
Spreads.....	8649	5.84	10.50	11.50
Draperies.....		5.99	10.50	11.50
Spreads.....	2000	4.66	26.00	27.00

3. Paragraph (b) is amended by deleting the word "unadjusted."

4. Paragraph (e) is amended to read as follows:

(e) At the time of or before the first delivery to any purchaser for resale of any article listed in paragraph (a), the seller shall send the purchaser a copy of this order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

5. Paragraph (h) is hereby deleted from the order.

This amendment shall become effective September 7, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16120; Filed, Sept. 6, 1946; 11:10 a. m.]

CHATHAM MFG. CO.

[MPR 580, Amdt. 4 to Order 27]

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 4 to Order 27. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-768.

For the reasons set forth in the opinion issued simultaneously herewith, Order 27 issued under section 13 of Maximum Price Regulation 580 on application of Chatham Manufacturing Company, 57 Worth Street, New York 13, New York, is amended in the following respects:

1. Paragraph (a) is amended to increase the uniform retail ceiling price previously established for the blanket described below. The new cost-price line is as follows:

Article	Style name	Manufacturer's selling price	Ceiling price at retail in Western States <sup>1</sup>	Ceiling price at retail in all other States
Chatham blanket.	Sutton.	\$4.10	\$7.25	\$6.75

<sup>1</sup> Western States include only Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

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

(d) At the time of or before the first delivery to any purchaser for resale of any article listed in paragraph (a), the seller shall send the purchaser a copy of this order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy

of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

This amendment shall become effective September 7, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16118; Filed, Sept. 6, 1946; 11:09 a. m.]

[Order 164, Under 3(e)]

FORD MOTOR 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 § 1499.3(e) of the General Maximum Price Regulation; it is ordered:

(a) The maximum prices at which the Ford Motor Company, 3000 Schaefer Road, Dearborn, Michigan, may sell charcoal made from mixed hardwood shall be as follows:

	Per ton
Graded charcoal.....	\$76.53
Briquettes:	
In bulk.....	61.70
100-lb. bags.....	67.70
40-lb. bags.....	66.70
20-lb. bags.....	66.70

These prices are f. o. b. seller's shipping point, Iron Mountain, Michigan, and are subject to the same trade practices which prevailed immediately prior to the issuance of this order.

(b) Maximum prices for resellers of hardwood charcoal made by the Ford Motor Company shall be the reseller's current cost of acquisition of such charcoal and the percentage markup he had in effect on sales of such charcoal on March 31, 1946, to the same class of purchaser. These prices are subject to the same freight and trade practices which prevailed immediately prior to the issuance of this order.

(c) No extra charge may be made for containers.

This order shall become effective September 6, 1946.

Issued this 5th day of September, 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15969; Filed, Sept. 5, 1946; 11:18 a. m.]

[MPR 580, Order 320]

GREEN SHOE MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Order 320. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-763.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by The Green Shoe Mfg. Company, 960 Harrison Avenue, Boston, Massachusetts, having the brand name "Stride Rite" and described in the manufacturer's application dated August 14, 1946:

**MISSES' SHOES (SIZE RANGE: 12½ TO 3)**

Manufacturer's unadjusted selling price	Ceiling price	
	at retail (east of Denver)	at retail (Denver west)
\$3.27	\$5.45	\$5.95
3.60	6.00	6.50
3.92	6.50	7.00
4.35	7.25	7.75

**GIRLS' SHOES (SIZE RANGE: 3½ TO 9)**

3.95	6.50	7.00
4.92	8.25	8.75

**CHILDREN'S SHOES (SIZE RANGE: 8½ TO 12)**

2.95	4.95	5.20
3.16	5.25	5.50
3.43	5.75	6.00
3.97	6.60	6.85
3.60	6.00	6.25
3.70	6.15	6.40

**BABIES' SHOES (SIZE RANGE: 2 TO 6)**

2.13	3.50	3.75
2.45	4.00	4.25

**INFANTS' SHOES (SIZE RANGE: 5 TO 8)**

2.62	4.35	4.60
2.99	5.00	5.25

(b) The retail ceiling price of an article stated in paragraph (a) shall apply to any other article of the same type, having the same unadjusted selling price to the retailer, the same brand or company name, and first sold by the manufacturer after the effective date of this order.

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after October 4, 1946, The Green Shoe Manufacturing Co. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580  
OPA Price—\$-----)

On and after November 4, 1946, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to November 4, 1946, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

Upon issuance of any amendment to this Order which either adds an article to those already listed in paragraph (a) or changes the retail ceiling price of a listed article, the manufacturer or wholesaler, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After

60 days from the effective date, no retailer may offer or sell the article unless it is preticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so preticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this order. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

(e) Within 15 days after the effective date of this order, the seller shall send a copy to each purchaser for resale to whom, within two months immediately prior to the effective date, the seller had delivered any article covered in paragraph (a). Copies shall be sent to all other purchasers at the time of or before the first delivery of such article subsequent to the effective date of the order and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

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

This order shall become effective September 7, 1946.

Issued this 6th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16121; Filed, Sept. 6, 1946;  
11:10 a. m.]

[MPR 64, Order 314]

**ASSOCIATED MERCHANDISING CORP.**

**APPROVAL 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 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes ceiling prices for sales of two models of electric ranges manufactured for sales by Associated Merchandising Corporation, 1440 Broadway, New York 18, New York, as follows:

(1) For sales in each zone by Associated Merchandising Corporation to retail dealers the ceiling prices including the Federal excise tax are those set forth below:

Model	Quantity	Ceiling prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
A M C. or Hudson: PB47SA.....	1 to 4.....	\$124.64	\$126.22	\$127.86	\$130.85
	5 or more.....	119.94	121.41	122.97	125.74
PB47MA.....	1 to 4.....	148.26	150.02	151.84	155.18
	5 or more.....	142.69	144.33	146.02	149.19

These are delivered prices and are subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the ceiling prices are those set forth below:

Model	Ceiling prices for sales to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
AMC or Hudson: PB47SA.....	\$195.00	\$197.50	\$200.00	\$203.50
PB47MA.....	231.75	234.25	236.75	240.25

These prices include the Federal excise tax, one year warranty, delivery and installation where installation requires only that the range be connected to electric facilities to be provided by the consumer and such connection does not require any additional materials. If a range cord set (customarily referred to in the industry as a "pigtail") is required and is furnished by the retail dealer, he may add \$3.50 to the applicable OPA retail ceiling price shown above. In all other respects these ceiling prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) Associated Merchandising Corporation shall, before delivering any range covered by this order, after the effective date thereof, cause to be attached securely to the outside oven door panel of the range a label which plainly states the OPA retail ceiling price in each zone, together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery, installation with connection to electrical facilities provided by the purchaser, and a one year warranty. The label shall also state that the ceiling price may be increased by \$3.50 if a "pigtail" is required and is furnished by the dealer.

(c) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Michigan, Illinois, Indiana, and Ohio.

Zone 2: Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Kentucky, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, District of Columbia, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, and Arkansas.

Zone 3: Maine, Florida, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Oklahoma, Texas, and Louisiana.

Zone 4: Washington, Oregon, California, Idaho, Nevada, Utah, and Arizona.

(d) *Relationship to Maximum Price Regulation No. 64.* All the provisions of Maximum Price Regulation No. 64, continue to apply to sales of articles covered by this order except to the extent that they are modified by this order. The ceiling prices established by this order have been determined in accordance with sections 11a and 11b of that regulation and may not, therefore, be increased under those sections.

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

(f) This order shall become effective on the 6th day of September 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15970; Filed, Sept. 5, 1946; 11:18 a. m.]

[RMPR 86, Order 74]

F. L. JACOBS CO.

APPROVAL OF CEILING 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 9 and 14 of Revised Maximum Price Regulation No. 86, *It is ordered:*

(a) This order establishes ceiling prices for sales of the "Launderall" automatic washing machine manufactured by the F. L. Jacobs Company, Detroit, Michigan. The ceiling prices established include all the increases allowed by section 15 or 16b of Revised Maximum Price Regulation No. 86, and may not, therefore, be increased under those sections of that regulation.

(1) Distributors' ceiling prices for sales in each zone of the "Launderall" automatic washing machine to dealers are as follows:

Model	Quantity	Ceiling price for sales to dealers		
		Zone 1	Zone 2	Zone 3
Launderall	6 or more machines	Each \$167.15	Each \$169.75	Each \$174.40
	3 to 5 machines	171.60	173.95	178.65
	Less than 3 machines	175.20	177.75	182.50

(2) The ceiling price in each zone for sales of the "Launderall" automatic washing machine by dealers to ultimate consumers is as follows:

Model	Ceiling prices for sales to ultimate consumers		
	Zone 1	Zone 2	Zone 3
Launderall	Each \$279.95	Each \$282.95	Each \$289.95

These ceiling prices include delivery and installation. In all other respects they are subject to each dealer's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) For the purpose of this order, installation shall include setting up the machine and bolting it to the floor; making the hot and cold water connections; and providing two one-half inch shut-off valves and two pieces of rubber hose, each up to 4 feet in length, for water lines, and up to 5 feet of drain hose, and up to 5 feet of wire for connection to electric facilities to be provided by the purchaser.

(c) For purposes of this order, zones 1, 2, and 3 comprise the following states:

Zone 1: Minnesota, Iowa, Missouri, Wisconsin, Illinois, Tennessee, Michigan, Indiana, Kentucky, Alabama, Georgia, South Carolina, North Carolina, Ohio, Pennsylvania, West Virginia, Virginia, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, North Dakota, South Dakota, Nebraska, Kansas, New York, Delaware, and District of Columbia.

Zone 2: Florida, Louisiana, Texas, Oklahoma, Mississippi, and Arkansas.

Zone 3: New Mexico, Arizona, California, Oregon, Nevada, Colorado, Utah, Wyoming, Washington, Montana, and Idaho.

(d) At the time of, or prior to, the first invoice to each distributor, the manufacturer shall notify him of the ceiling prices established by this order for resale by the distributor. This notice may be given in any convenient form.

(e) All the provisions of Revised Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except

to the extent that these provisions are modified by this order.

(f) Unless the context requires otherwise, the definitions set forth in the various sections of Revised Maximum Price Regulation No. 86 shall apply to the terms used herein.

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

This order shall become effective on the 5th day of September 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15971; Filed, Sept. 5, 1946; 11:19 a. m.]

[MPR 120, Amdt. 37 to Order 1548]

ELLIOT COAL CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.212 (c) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1548 under Maximum Price Regulation No. 120 is hereby amended in the following respects.

Paragraph (a) is amended by adding thereto the following name of the producer, address, mine name and index number, and preparation plant name, as follows:

Producer and address	Mine names	Mine index Nos.	Location and name of preparation plant through which the coals are prepared
S. J. Azzara Mining Co., Cresson, Pa.	S. J. Azzara Lilly Nos. 3 and 6.	5540-5860	S. J. Azzara Lilly Preparation Plant at Lilly, Pa., on the P. R. R.

This amendment No. 37 to Order No. 1548 under Maximum Price Regulation No. 120 shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15972; Filed, Sept. 5, 1946; 11:19 a. m.]

[MPR 591, Order 803]

MUSTEE HEATER CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 803 under section 16 of Maximum Price Regulation No. 591. Mustee Heater Company, Cleveland, Ohio. Docket No. 6123-591.16-126.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 of Maximum Price Regulation No. 591, *It is ordered:*

(a) *Adjustment of maximum prices for the Mustee Heater Company of Cleveland, Ohio.* (1) This order permits the Mustee Heater Company of Cleveland, Ohio, to increase by 13.5 per-

cent its properly established maximum net prices in effect on June 30, 1946, to each class of purchaser for its line of hot water heaters and accessories and repair parts.

(2) The maximum net prices set forth in (a) (1) above are subject to discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which the Mustee Heater Company extended or rendered or would have extended or rendered to each class of purchaser during March 1942, on comparable sales of hot water heaters and accessories and repair parts.

(b) *Maximum prices for resellers.* (1) All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their properly established maximum prices in effect on June 30, 1946, the percentage increase in cost to them resulting from the adjustment granted the manufacturer by this order.

(c) *Notification to all purchasers.* The Mustee Heater Company shall send the following notice to every purchaser of the commodities covered by the order at or before the first invoice after the effective date of this order.

Order No. 803 under Section 16 of Maximum Price Regulation No. 591 provides for a 13.5 percent increase in maximum net prices in effect on June 30, 1946, for sales by the Mustee Heater Company for its line of hot water heaters and accessories and repair parts.

Resellers (but not manufacturers who purchase these items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost to them resulting from the adjustment granted by Order No. 803.

(d) All requests of the application of the Mustee Heater Company of Cleveland, Ohio not herein granted are denied.

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

This order shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15980; Filed, Sept. 5, 1946; 11:22 a. m.]

[MPR 120, Order 1731]

SIZEMORE COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

SIZEMORE COAL CO., PINEVILLE, KY., SIZEMORE COAL COMPANY MINE, APEX SEAM, MINE INDEX NO. 7754, BELL COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: FERNDALE, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15-16-17	18	19	20-21
Price classification.....	H	H	H	H	F	F	E	D	C	E	D	K	K	K
Rail shipment and railroad fuel.....	456	451	436	436	431	416	396	396	391	446	376	361	356	356
Truck shipment.....	466	446	411	411	381	361	321	316						

STANDARD COAL CO., C/O C. O. FRANCIS, PARTNER, GARRETT, KY., STANDARD COAL COMPANY MINE, ELKHORN NO. 1 SEAM, MINE INDEX NO. 7760, KNOX COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT: PORTER JUNCTION, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

Price classification.....	H	H	H	H	H	H	G	E	C	E	C	H	H	H
Rail shipment and railroad fuel.....	441	436	421	421	406	396	376	376	376	431	361	356	346	341
Truck shipment.....	466	466	411	411	381	361	321	316						

TRAPPORG POCAHONTAS COAL CO., PANTHER, W. VA., TRAPPORG MINE, DOUGLAS SEAM, MINE INDEX NO. 7749, McDOWELL COUNTY, W. VA., SUBDISTRICT 8, RAIL SHIPPING POINT: MOHAWK, W. VA., F. O. G. 130, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 4

Price classification.....	H	H	H	H	D	D	C	A	A	A	A	F	F	F
Rail shipment and railroad fuel.....	441	436	421	421	431	406	386	396	386	466	366	356	351	351
Truck shipment.....	451	431	401	411	381	366	321	316						

WALT AND JACKSON, EMORY GAP, TENN., WALT AND JACKSON NO. 1 MINE, COAL CREEK SEAM, MINE INDEX NO. 7768, MORGAN COUNTY, TENN., SUBDISTRICT 6, RAIL SHIPPING POINT: OLIVER SPRINGS, TENN., F. O. G. 40, STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

Price classification.....	O	O	O	O	H	H	G	G	E	G	C	K	K	K
Rail shipment and railroad fuel.....	421	416	401	401	421	411	391	386	386	421	376	361	356	356
Truck shipment.....	441	421	396	396	381	356	321	316						

WALT AND JACKSON, EMORY GAP, TENN., WALT AND JACKSON NO. 2 MINE, JAYNER SEAM, MINE INDEX NO. 7790, MORGAN COUNTY, TENN., SUBDISTRICT 6, RAIL SHIPPING POINT, OLIVER SPRINGS, TENN., F. O. G. 40, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

Price Classification.....	O	O	O	O	H	H	G	G	E	G	C	K	K	K
Rail shipment and railroad fuel.....	421	416	401	401	421	411	391	386	386	421	376	361	356	356
Truck shipment.....	441	421	396	396	381	356	321	316						

WARREN COAL CO., PENNINGTON GAP, VA., MUSICKS MINE, No. 3 SEAM, MINE INDEX NO. 7810, LEE COUNTY, VA., SUBDISTRICT 7, RAIL SHIPPING POINT, ST. CHARLES, VA., F. O. G. 204, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

Price classification.....	M	M	M	M	R	K	J	G	E	G	D	K	K	K
Rail shipment, railroad fuel.....	411	411	406	406	406	396	376	371	371	406	361	346	341	341
Truck shipment.....	441	421	396	396	381	356	321	316						

HOBART WHITAKER COAL CO., NORTON, VA., HOBART WHITAKER COAL COMPANY MINE, KELLY AND IMBODEN SEAMS, MINE INDEX NO. 7803, WISE COUNTY, VA., SUBDISTRICT 7, RAIL SHIPPING POINT, NORTON, VA., F. O. G. 205, DEEP AND STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

Price classification.....	O	O	O	O	K	K	J	F	C	E	B	F	F	F
Rail shipment and railroad fuel.....	406	401	386	386	406	396	376	376	376	431	366	356	351	351
Truck shipment.....	441	421	396	396	381	356	321	316						

PHILLIPS AND ROBBINS, ROUTE No. 1, KEOKEE, VA., ROBBINS COAL COMPANY MINE, No. 4 SEAM, MINE INDEX No. 7833, LEE COUNTY, VA., SUBDISTRICT 7, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

	Size group Nos.—							
	1	2	3	4	5	6	7	8
Truck shipment.....	441	421	396	396	381	356	321	316

SOUTHWEST MINING CO., INC., RICHLANDS, VA., SOUTHWEST MINING CO., INC., MINE, CARY SEAM, MINE INDEX No. 7795, RUSSELL, BUCHANAN AND TAZEWELL COUNTIES, VA., SUBDISTRICT 9, RAIL SHIPPING POINT, SWORDS CREEK, VA., F. O. G. 20, STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 6

Low Volatile

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification.....	C	C	D	D	D	C	C	H	H	H
Rail shipment.....	451	461	436	396	381	431	376	356	351	346
Truck shipment.....	496	496	491	441	471	406	346	341		

Railroad locomotive fuel for mine index No. 7795:  
 Any single-screened lump or double-screened coals..... 421  
 Run-of-mine..... 406  
 Screenings larger than 1 1/4" x 0, but nothing exceeding 2 1/4" x 0..... 391  
 Screenings 1 1/4" x 0 and smaller..... 366



This order shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15975; Filed, Sept. 5, 1946; 11:20 a. m.]

[MPR 120, Order 1730]

F. R. ZUCK

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

F. R. ZUCK, STROBLETON, PA., RAFF MINE, B SEAM, MINE INDEX No. 5384; CLARION COUNTY, PA., SUBDISTRICT I, RAIL SHIPPING POINT; SHIPPENVILLE, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Rail and truck price classification	F	F	F	F	F
Rail shipment	427	427	427	397	397
Railroad locomotive fuel	412	412	397	387	387
Truck shipment <sup>1</sup>	452	427	427	417	407

<sup>1</sup> Previously established.

F. R. ZUCK, STROBLETON, PA., REX MINE, R SEAM, MINE INDEX No. 5548; CLARION COUNTY, PA., SUBDISTRICT I, RAIL SHIPPING POINT; SHIPPENVILLE, PA., DEEP MINE

	G	G	G	G	G
	Rail and truck price classification	G	G	G	G
Rail shipment	422	422	407	397	397
Railroad locomotive fuel	412	412	397	387	387
Truck shipment <sup>1</sup>	447	422	422	412	402

<sup>1</sup> Previously established.

No. 175—6

This order shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15974; Filed, Sept. 5, 1946; 11:19 a. m.]

[MPR 188, Order 137]

IMPERVIOUS PAINT AND VARNISH CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 137 under paragraph (a) (20) of Order A-2 under § 1499.159 (b) of Maximum Price Regulation No. 188. Manufacturers' maximum prices for consumers' goods other than apparel. Impervious Paint and Varnish Company. Docket No. 6122-188.161 (a) (2)-41.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to paragraph (a) (20) of Order A-2 under § 1499.159 (b) of Maximum Price Regulation No. 188, *It is ordered:*

(a) The maximum net prices for sales of the following trade sales paints by Impervious Paint and Varnish Company, Philadelphia, Pennsylvania, to its various classes of purchasers may be increased by an amount not in excess of the following:

Product	Increase per gallon
Raygee Prepared Paint	\$0.20
Raygee One Coat Enamel	.14
Hy Glo Interior Gloss	.14
Raygee Flat Finish	.16
Oxiron Roof Red	.22
Favorite & Modern Paints	.18
L-Z-T Paste White	.26
Silicated Red Lead	.16
Impervious Prepared Paint	.21
Raygee Ground Color	.16
Impervious Exterior Primer	.27
Master Painter's Enamel	.24
Liquidite Enamel	.38
Raygee Four Hour Enamel	.21
Raygee Porch Floor Deck Enamel	.14
Signet Roof Paint	.11
Ezetone & Enamel Undercoat	.21
Veriquick Spar & Garspar Varnishes	.26
Traffic Zone Paint White	.34
Typaste	.33
Impcrete	.25
Raygee Spar, Floor & Trim, Aquaspar & Everlastic Dull Varnishes	.15
Veriquick Four Hour Enamel	.07
Semiglo Paint	.13
Raygee Varnish Stain	.13
Oxide Roof Paint	.12
Raygee Oil Stain	.14

(b) Any person purchasing any of the commodities described in paragraph (a),

Article	Model No.	For sale by manufacturer—		For sale by any person to consumers
		To jobbers	To retailers	
Highly glazed pottery table lamp and parchment shade.	H107, H108, 666, A443P, A444P.	Each \$6.80	Each \$8.00	Each \$14.40
Glazed pottery table lamp and special parchment shades.	103, 104, 105.	7.06	8.30	14.95
Tall pottery table lamp and special parchment shades.	1080, 1082, 1084, 1086.	9.78	11.50	20.70
Special pottery lamps and rayon silk shades.	1029B, A443S, A444S.	11.48	13.50	24.30

These maximum prices are for the articles described in the manufacturer's application dated August 22, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales

above, for the purpose of resale in the same form may increase his presently established maximum prices under the General Maximum Price Regulation by an amount not exceeding his actual percentage increase in cost resulting from the increase permitted the manufacturer in (a) above.

(c) The Impervious Paint and Varnish Company, Philadelphia, Pennsylvania, shall furnish to each buyer purchasing any of the commodities listed in paragraph (a), above, for resale on or before the date it makes the first delivery at the adjusted price a written statement as follows, filling in the appropriate name of the commodity and price increase applicable:

Effective September 6, 1946 the OPA has granted adjustments in the following commodities:

Commodities Increase per gallon

You are permitted to add to your existing maximum prices for these items the actual percentage increase in your costs resulting from the increase permitted the Impervious Paint and Varnish Company.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15977; Filed, Sept. 5, 1946; 11:20 a. m.]

[MPR 188, Order 5155]

MINUET LAMP INDUSTRIES, INC.

APPROVAL 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 § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Minuet Lamp Industries, Inc., 2239 South Michigan Avenue, Chicago 16, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer—		For sale by any person to consumers
		To jobbers	To retailers	
Highly glazed pottery table lamp and parchment shade.	H107, H108, 666, A443P, A444P.	Each \$6.80	Each \$8.00	Each \$14.40
Glazed pottery table lamp and special parchment shades.	103, 104, 105.	7.06	8.30	14.95
Tall pottery table lamp and special parchment shades.	1080, 1082, 1084, 1086.	9.78	11.50	20.70
Special pottery lamps and rayon silk shades.	1029B, A443S, A444S.	11.48	13.50	24.30

and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Chicago, Illinois, and are subject

to terms of 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer 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.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 6th day of September 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15976; Filed, Sept. 5, 1946;  
11:21 a. m.]

[MPR 592, Order 135]

DELAWARE RIVER SAND DREDGING CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 135 under section 16 of maximum price regulation No. 592. Specified construction materials and refractories. Delaware River Sand Dredging Company. Docket No. 6122-592.16-395.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum adjusted prices for sales by the Delaware River Sand Dredging Company of Bordentown, N. J., to its various classes of purchasers, f. o. b. operations, shall be:

\$0.40 per ton, sand on barges.  
\$0.60 per ton, sand on trucks.  
\$1.35 per ton, gravel on trucks.

(b) Any person purchasing any of the commodities described in paragraph (a) above from the Delaware Sand Dredging Company for purpose of resale in the same form may increase his present maximum prices established under the General Maximum Price Regulation by the percentage increase in cost to him resulting from the increase permitted the manufacturer in paragraph (a) above. However, notwithstanding the provisions of this paragraph (b), in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(c) The maximum prices established herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(d) The Delaware Sand Dredging Company shall furnish to each buyer purchasing the product described in (a) above, from its operations base, for resale in the same form on or before the date it makes delivery at the adjusted price a written statement as follows, filling in the appropriate product and adjustment therefor in the blank spaces:

The OPA has granted an adjustment of ----- per ----- in the maximum prices for -----, you are permitted to add the percentage amount of your increased cost resulting from the increase permitted the Delaware River Sand Dredging Company to your existing maximum prices for this product purchased from them, except in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(e) All provisions of Maximum Price Regulation No. 592 not inconsistent with this order shall apply to sales covered by this order.

(f) All requests of the application not granted herein are denied.

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

This order shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15981; Filed, Sept. 5, 1946;  
11:22 a. m.]

[MPR 478, Order 203]

WEYMOUTH ART LEATHER CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10 of Maximum Price Regulation 478, *It is ordered:*

(a) The maximum prices for sales to manufacturers, supply jobbers and retailers by the Weymouth Art Leather Company, Inc., South Braintree, Mass., or by any other reseller of the following coated fabrics shall be as follows:

Commodity	Manufacturer	Supply jobber	Retailer
54" T-L-21187 quality, 60" 38 x 40 1.87 sheeting, dyed, coated with 4 1/2 dry ozs. of vinylite (purchased from Fostex, Inc.) and further coated with 8.8 dry ozs. of vinylite.....	Per linear yard \$1.35496	Per linear yard \$1.33221	Per linear yard \$1.40307
54" T-11878 quality, 60" 38 x 40 1.87 sheeting, dyed, coated with 6.4 dry ozs. of pyroxylin coating (purchased from Fostex) and further coated with 10 wet ozs. of pyroxylin.....	.98096	.96421	1.09507
54" T-11876 quality, 60" 38 x 40 1.87 sheeting, dyed, coated with 6.4 dry ozs. of pyroxylin (purchased from Fostex) and further coated with 5 wet ozs. of pyroxylin.....	.90696	.88421	1.01507
54" T-L-11787 quality, 60" 38 x 40 1.87 sheeting, dyed, coated with 4 1/2 dry ozs. of vinylite coating (purchased from Fostex) and further coated with 4.8 dry ozs. of vinylite.....	1.11496	1.09221	1.22307

(b) With or prior to the first delivery of the coated fabrics covered by this order to a wholesaler, the seller shall notify such person in writing of the specific maximum prices applicable to his resale of these coated fabrics to manufacturers, supply jobbers, and retailers which are the maximum prices set forth in paragraph (a) above.

(c) All provisions of Maximum Price Regulation 478 not inconsistent with this order shall apply to sales covered by this order.

(d) All requests not granted herein are denied.

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

This order shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15978; Filed, Sept. 5, 1946;  
11:21 a. m.]

[Rev. SO 119; Order 330]

CRANE CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 330 under Revised Supplementary Order No. 119. Crane Company, Chattanooga, Tennessee. Docket No. 6123-119-166.

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

(a) *Maximum prices for the Crane Company of Chattanooga, Tenn.*  
(1) The above manufacturer may determine his maximum prices for his line of cast iron enamelware by increasing by 29.7 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

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

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March, 1942.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual percentage increase in cost to them resulting from the increase granted the manufacturer.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 330 under Revised Supplementary Order No. 119 authorizes a 29.7 percent increase in October 1, 1941 net prices for sales of cast iron enamelware manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost resulting from the increase granted by Order No. 330.

(d) All prayers for relief not granted herein are denied.

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

This order shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15982; Filed, Sept. 5, 1946; 11:15 a. m.]

[MPR 478, Order 204]

A. F. (SMALLY) SCHMALZRIED AND CO.  
AUTHORIZATION OF MAXIMUM PRICES

For reasons set forth in an opinion simultaneously issued herewith and filed with the Division of the Federal Register, and pursuant to section 10 of Maximum Price Regulation 478, *It is ordered:*

(a) The maximum prices for sales at wholesale to manufacturers, supply jobbers, and retailers by the A. F. (Smally) Schmalzried and Company, 2642 Main Street, Dallas, Tex., or by any other reseller of the following coated fabrics, shall be as follows:

Commodity	Manufacturer	Supply jobber	Retailer
32" duck back pyroxylin coated fabric Masland Duraleather's Code No. Durateen 80 32" plain finish:			
Automobile.....	\$0.8313	\$0.7824	\$0.8867
Upholstery.....	.8313	.7824	.8867
All others.....	.7824	.7824	.8867
32" duck back pyroxylin coated fabric, all colors except red Spanish finish and all red colors plain finish, Masland Duraleather's Code Durateen 80 32":			
Automobile.....	.8688	.8177	.9267
Upholstery.....	.8688	.8177	.9267
All others.....	.8177	.8177	.9267
32" duck back pyroxylin coated, red colors, Spanish finish (Masland's No. Durateen 80 32"):			
Automobile.....	.9063	.8529	.9667
Upholstery.....	.9063	.8529	.9667
All others.....	.8529	.8529	.9667
34" pyroxylin coated duck Masland's No. Durateen 80 34", all colors except red plain finish:			
Automobile.....	.8844	.8324	.9433
Upholstery.....	.8844	.8324	.9433
All others.....	.8324	.8324	.9433
34" pyroxylin coated duck Masland's No. Durateen 80 34", all colors except red, Spanish finish and all red colors plain finish:			
Automobile.....	.9219	.8676	.9833
Upholstery.....	.9219	.8676	.9833
All others.....	.8676	.8676	.9833
34" pyroxylin coated duck Masland's No. Durateen 80 34", all red colors, Spanish finish:			
Automobile.....	.9594	.9029	1.0233
Upholstery.....	.9594	.9029	1.0233
All others.....	.9029	.9029	1.0233
50" plastic coated twill Du Pont's No. 4324 50", black, plain finish:			
Automobile.....	1.2688	1.2882	1.46
Upholstery.....	1.2688	1.2882	1.46
All others.....	1.2882	1.2882	1.46
50" plastic coated twill Du Pont's No. 4324 50", red colors plain finish and brown colors, Spanish finish:			
Automobile.....	1.4313	1.3471	1.5267
Upholstery.....	1.4313	1.3471	1.5267
All others.....	1.3471	1.3471	1.5267
50" plastic coated twill Du Pont's 4325, red colors, Spanish finish:			
Automobile.....	1.4938	1.4059	1.5933
Upholstery.....	1.4938	1.4059	1.5933
All others.....	1.4059	1.4059	1.5933
50" plastic coated canvasburg undyed back, green colors, Spanish finish, Du Pont's 1232:			
Automobile.....	1.7781	1.6735	1.8967
Upholstery.....	1.7781	1.6735	1.8967
All others.....	1.6735	1.6735	1.8967
50" plastic coated canvasburg undyed back, red colors, Spanish finish Du Pont's 1232:			
Automobile.....	1.8031	1.6971	1.9233
Upholstery.....	1.8031	1.6971	1.9233
All others.....	1.6971	1.6971	1.9233
55/56" pyroxylin coated duck, brown colors, Spanish finish, Du Pont's No. 140:			
Automobile.....	1.0313	.9706	1.10
Upholstery.....	1.0313	.9706	1.10
All others.....	.9706	.9706	1.10

Commodity	Manufacturer	Supply jobber	Retailer
55/56" pyroxylin coated duck, red colors, Spanish finish, Du Pont's No. 140:			
Automobile.....	\$1.0719	\$1.0088	\$1.1433
Upholstery.....	1.0719	1.0088	1.1433
All others.....	1.0088	1.0088	1.1433

The maximum price for sales in cut yardages shall be 110 percent of the prices established for full roll yardages. This price differential applies only where the sale consists of a single cut length of a given fabric.

(b) With or prior to the first delivery of these coated fabrics covered by this order to a wholesaler, the seller shall notify such person in writing of the specific maximum prices applicable to his resale of these coated fabrics to manufacturers, supply jobbers, and retailers which are the maximum prices set forth in paragraph (a) above.

(c) All provisions of Maximum Price Regulation 478 not inconsistent with this order shall apply to sales covered by this order.

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

This order shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15979; Filed, Sept. 5, 1946; 11:21 a. m.]

[MPR 120, Amdt. 2 to Order 1716]

EDWARD TOMAJKO ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.213.(d) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1716 under Maximum Price Regulation No. 120 is hereby amended in the following respects:

Paragraph (a) is amended by adding thereto the following name of the producer, address, mine name and index number, and preparation plant name as follows:

Producer and address	Mine name	Mine index No.	Location and name of preparation plant through which the coals are prepared
Dominick Pontarero, Owner—Pontarero Coal Co., Masontown, Pa.	Diamond No. 1.....	4376	Martin preparation plant at Martin, Pa., on the M. R. R.

[Rev. SO 119, Order 331]

WESTINGHOUSE ELECTRIC CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 331 under Revised Supplementary Order 119. Docket No. 6123-SO 119-176. Westinghouse Electric Corporation, Mansfield, Ohio.

For the reasons set forth in an opinion issued simultaneously herewith and filed

This Amendment No. 2 to Order No. 1716 under Maximum Price Regulation No. 120 shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15973; Filed, Sept. 5, 1946; 11:19 a. m.]

with the Division of the Federal Register and pursuant to section 13 of Revised Supplementary Order No. 119, it is ordered:

(a) *Maximum prices for Westinghouse Electric Corporation, Mansfield, Ohio.*

(1) The above manufacturer shall determine his maximum prices for his line of Westinghouse Electric Water Heaters and repair parts by increasing by 12 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

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

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March 1942.

(b) *Resellers maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual percentage increase in cost resulting from the increase granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 331 under Revised Supplementary Order No. 119 authorizes a 12 percent increase in October 1, 1941 net prices for sales of Westinghouse Electric Water Heaters manufactured by this company. Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost resulting from the increase granted by Order No. 331.

(d) All requests for relief not granted herein are denied.

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

This order shall become effective September 6, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-15983; Filed, Sept. 5, 1946;  
11:18 a. m.]

[Rev. SO 119, Amdt. 1 to Order 206]

AMERICAN FIXTURE AND MFG. CO.  
ADJUSTMENT OF CEILING 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: That Order No. 206 under Revised Supplementary Order No. 119 be amended in the following respect:

1. Paragraph (a) (1) is amended to read 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 28.2 percent.

This amendment shall become effective on the 5th day of September 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16034; Filed, Sept. 5, 1946;  
4:25 p. m.]

[Rev. SO 119, Order No. 335]

NATIONAL WOOD PRODUCTS CO.

ADJUSTMENT OF CEILING 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.* National Wood Products Co., 1630 South Eleventh Street, Milwaukee 5, Wisconsin, may compute its adjusted ceiling prices for all articles of card tables and tilt-top tables 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 27 percent.

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

(3) The manufacturer's adjusted ceiling price fixed in accordance with this order is 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.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580, and a wholesaler who must determine his ceiling prices under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a ceiling price, the reseller shall compute his ceiling prices under those regulations as they have been modified

by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale price under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling prices under that regulation as modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price", the reseller shall calculate his ceiling price by adding to his invoice cost the same percentage mark-up 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 of the following tests:

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

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

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

(iv) 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.

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by 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 regulations.

(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) Order No. G-3 under Supplementary Order No. 119 is hereby revoked.

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

This order shall become effective September 5, 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16035; Filed, Sept. 5, 1946; 4:25 p. m.]

[SO 148, Order 36]

TROUTMAN CHAIR CO.

ADJUSTMENT OF CEILING 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 5 of Supplementary Order No. 148; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain wood chairs manufactured by Troutman Chair Company, Troutman, North Carolina.

(1) For all sales and deliveries of the following articles by the manufacturer to the class of purchaser specified below, the adjusted maximum prices are as follows:

Article	Model No.	Adjusted maximum price to retailers <sup>1</sup>
Chair.....	14	Per dozen \$16.85
	11	18.25

<sup>1</sup> That class of retailers to which the manufacturer customarily made sales in largest volume.

(2) For sales and deliveries by the manufacturer to all other classes of purchasers the maximum prices are the adjusted maximum prices set forth in paragraph (a) (1), adjusted to reflect the manufacturer's customary differentials for sales to those other classes of purchasers.

(b) Resellers of articles which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580 and a wholesaler who must determine his ceiling prices under Maximum Price Regulation No. 590 shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a ceiling price, the reseller shall compute his ceiling prices under those regulations as they have been modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale price under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a ceiling price, shall compute his ceiling prices under that regulation as modified by

Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price," the reseller shall calculate his ceiling price by adding to his invoice cost the same percentage mark-up which he had 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 of the following tests:

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

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

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

(iv) 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.

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by 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 regulations.

(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) The manufacturer shall comply with the invoicing and reporting provisions of Order No. 4800 under Maximum Price Regulation No. 188.

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

(g) This order shall become effective on the 5th day of September 1946.

Issued this 5th day of September 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-16036; Filed, Sept. 5, 1946; 4:25 p. m.]

Regional and District Office Orders.

[Birmingham Order G-2 Under Gen. Order 50]

MALT AND CEREAL BEVERAGES IN ALABAMA, EXCEPT JEFFERSON COUNTY

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Birmingham District Office of Region IV, of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, it is hereby ordered:

SECTION 1. *Purpose of order.* This Order G-2 under Revised General Order No. 50 is issued for the purpose of establishing maximum prices for malt and cereal beverages including those commonly known as ale, beer, and near-beer either in containers or on draught when sold or offered for sale at retail by any eating or drinking establishment in all counties except Jefferson County.

SEC. 2. *Relationship between this and previous orders.* This Order G-2 under Revised General Order No. 50 supersedes 2d Revised Order No. G-1 and all amendments thereto affecting the following counties: Baldwin, Barbour, Bullock, Covington, Dallas, Escambia, Greene, Henry, Houston, Lee, Lowndes, Mobile, Montgomery, Perry, Pike and Russell. This Order G-2 under Revised General Order No. 50 does not replace Revised Order G-1 under General Order No. 50, or any amendments thereto, issued by the Birmingham District Office and affecting Jefferson County.

SEC. 3. *Geographical applicability.* The provisions of this order extend to all eating and drinking places or establishments located in the State of Alabama, with the exception of Jefferson County.

SEC. 4. *Ceiling prices.* (a) On and after July 29, 1944, if you operate an eating or drinking establishment, you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed in the appendices hereof. You may, of course, charge lower prices at any time.

(b) If you sell any beverage subject to this order which is not specifically listed herein, and if you believe that the maximum price specified herein for such beverage is not appropriate to such beverage, you may make application to the Birmingham District Office of the Office of Price Administration requesting that such beverage be specifically included in the appendices hereof.<sup>1</sup> With or without such application, the Birmingham District Office of the Office of Price Administration may, at any time, and from time to time, add new or unlisted beverages, brands, types or sizes together with maximum prices for same to the lists set forth in the appendices hereof.

(c) You may not add any taxes to your ceiling prices set forth in the appendices hereof except those specifically provided therein, as all other taxes have been taken into consideration in establishing the ceiling prices for each group of sellers, with the following exception:

<sup>1</sup> Filed as part of the original document.

All new or additional taxes imposed on the sale of malt and cereal beverages by any ordinance or statute subsequent to June 1, 1945, and separately stated, collected and paid by the retail seller may be rounded to the nearest cent and passed on to the ultimate consumer.

**SEC. 5. How to figure your ceiling prices.** Your ceiling prices and group classification are determined by subparagraphs (a), (b), (c) and (d) of section 4 of this order, if your establishment is located in any one of the following counties: Baldwin, Barbour, Bullock, Covington, Dallas, Escambia, Greene, Henry, Houston, Lee, Lowndes, Mobile, Montgomery, Perry, Pike and Russell. If your eating and drinking establishment is located in any other county of Alabama, other than Jefferson County, your ceiling prices and group classification are determined by subparagraph (c) of section 4 of this order.

(a) This order divides eating and drinking establishments into three different groups and gives each group a different ceiling price. The group to which you belong depends on your legal ceiling prices in effect during the base period of April 4-10, 1943. You must figure the group to which you belong on the basis of your correct legal ceiling prices for that period.

(b) The group to which you belong depends on your legal ceiling prices for the beverages subject to this order in effect during the base period of April 4-10, 1943. If your legal ceiling prices for various brands and types of beverages subject to this order vary so that your ceiling prices on some brands or types seem to place you in one particular group and ceiling prices on others seem to classify you into a different group, you must classify yourself into the particular group representative of the prices at which the greater number of your sales were made. For the purpose of determining your classification, as herein provided, no consideration may be given to sales of beverages listed in appendices other than Appendix A hereof. You must figure the group to which you belong as follows:

(1) **Group 1-B.** Your establishment belongs to Group 1-B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than the prices listed in Appendix A hereof for Group 1-B establishments.

(2) **Group 2-B.** Your establishment belongs to Group 2-B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A<sup>1</sup> hereof for Group 2-B establishments, but were less than those provided in Appendix A for Group 1-B establishments.

(3) **Group 3-B.** Your establishment belongs to Group 3-B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were less than the prices listed in Appendix A hereof for Group 2-B establishments. All establishments not in operation during the base period of April 4-10, 1943, and all

establishments which began operating after the effective date of this order also belong to Group 3-B.

(c) If your eating or drinking establishment was not in operation during the base period of April 4-10, 1943, but was in operation prior to the effective date of this order, and, if the nearest similar eating or drinking establishment of the same type is one which is properly classified in Group 1-B or 2-B, you may, but not later than the first day of October 1944, file an application with the Birmingham District Office of the Office of Price Administration, requesting that your establishment be reclassified into the same group to which its nearest similar eating or drinking establishment of the same type belongs. Until your application is acted upon, and unless your establishment is reclassified, it must retain the classification of a Group 3-B seller, and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the following information:

(1) Name and address of the establishment and of its owner or owners.

(2) A description of the establishment showing its type (such as night club, hotel, restaurant, tavern) and the date it began operation.

(3) The selling prices by brand name of all beverages sold since the beginning of its operation.

(4) The names of the three nearest eating and drinking establishments of the same type, and their group number as determined under this order.

(5) Any other information pertinent to such application or which may be requested by the Office of Price Administration.

(d) If your eating and drinking establishment begins operation after the effective date of this order, you are classified as a Group 3 seller and may not sell or offer for sale beverages subject to this order at prices higher than those set forth for Group 3-B sellers in the appendices hereof. However, if your nearest eating and drinking establishment of the same type is one which is properly classified as a Group 1-B or Group 2-B seller, you may, within and not later than 30 days from the time you begin operating, file an application with the Birmingham District Office, requesting that your establishment be reclassified into the same group in which its nearest eating and drinking establishment of the same type belongs. Until your application is acted upon and unless your establishment is reclassified, it must retain the classification of Group 3-B and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the same information required by paragraph (c) of this section.

(e) If your establishment is located in a county of Alabama where the sale of malt and cereal beverages was not contrary to the laws of Alabama during the week of April 4-10, 1943, or any date prior to that time, or that your establishment is a successor or transferee of an establishment in existence prior to April 4-10, 1943: *And provided*, That the establishment is not located in any one of the counties specifically enumerated hereinabove, your establishment is auto-

matically placed into Group 3-B; and your maximum prices for malt and cereal beverages cannot exceed the maximum prices established in the appendices hereinafter listed for said group. However, if you can furnish written evidence that demonstrates to the satisfaction of the District Director of the Birmingham District Office that the establishment did sell malt and cereal beverages at prices in excess of Group 3-B prices, prior to April 4-10, 1943, the District Director shall by order authorize said establishment to be reclassified as a Group 2-B or Group 1-B establishment, as such written evidence warrants.

All new sellers beginning business after March 19, 1946, in those counties where it is provided that malt and cereal beverages can be sold: *And provided*, Such counties are not specifically listed hereinabove, shall be classified as Group 3-B establishments. Such establishments shall be entitled to reclassification on the basis of the provisions of section 4, subparagraph (d).

(f) After you have figured your proper group number under this section and have filed the required statement with your War Price and Rationing Board as provided in section 5, you may not change your group classification except as otherwise provided by this order.

**SEC. 6. Filing with War Price and Rationing Board.** (a) When you have figured your proper group under section 4 above, you must, on or before August 10, 1944, file with your War Price and Rationing Board a signed statement with the name and address of your establishment, its type (such as night club, hotel, restaurant, tavern) and the group to which it belongs. Thereupon the War Price and Rationing Board will send you a card bearing your group number. If you begin operating your establishment after the effective date of this order, you must likewise file said signed statement in this manner as soon as you begin operating.

(b) If you are now in operation and have not filed the signed statement showing the group number to which you belong as provided in paragraph (a) above, you must do so immediately. If you have failed to file said signed statement as herein required, you are hereby classified as a Group 3-B seller and you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed for Group 3-B sellers in the appendices hereof. Failure to file said signed statement as herein provided is a violation of this order and also subjects you to the other penalties herein provided.

**SEC. 7. Modification of prices.** After you have determined your group and have put into effect the ceiling prices provided in this order for that group, the Office of Price Administration District Director for the District in which your establishment is located may direct you to charge lower ceiling prices.

(a) If, on the basis on your April 4-10, 1943, legal ceiling prices or ceiling prices prior to that date, this order, properly applied, requires you to be placed into a group with lower ceiling prices.

<sup>1</sup> Filed as part of the original document.

(b) If, as a result of speculative, unwarranted, or abnormal increases, contrary to the purpose of the Emergency Price Control Act, as amended, your legal ceiling prices on April 4-10, 1943, or prior to that date, were excessive in relation to the legal ceiling prices of other comparable establishments in the District.

**SEC. 8. Exempt Sales.** The following sales are exempt from the operation of this order. However, unless they are otherwise exempt from price control, they shall remain subject to the appropriate maximum price regulation or order:

(a) Sales by persons on board common carriers (when operated as such) including railroad dining cars, club cars, bar cars, and buffet cars, or sales otherwise governed by Restaurant Maximum Price Regulation 1 (Dining Car Regulation).

(b) Sales by public and private hospitals insofar as they serve to patients.

(c) Sales by eating cooperatives formed by members of the Armed Forces (as for example, officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual) which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to members of the Armed Forces who are members of the cooperative.

(d) Sales where the beverages subject to this order are included in, and sold as part of, a meal and where the price of such beverage is included in the price of the meal. (Such sales remain under Restaurant Maximum Price Regulation 2.)

(e) Sales by the War Department or the Department of Navy of the United States through such Departments' sales stores, including commissaries, ships' stores ashore, and by stores operated as army canteens, post exchanges, or ships' activities.

(f) Bona fide private clubs insofar as such clubs sell only to members or bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking establishment and subject to this order. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless such club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue and unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and unless it is otherwise operated as a private club.

No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with the District Office of the Office of Price Administration of the area in which it is located, furnishing such information as may be required, and has received a communication from such office authorizing exemption as a private club.

**SEC. 9. Evasion.** If you are an operator of an eating or drinking establish-

ment you must not evade the ceiling prices established by this order by any type of scheme or device; among other things (this is not an attempt to list all evasive practices) you must not:

(a) Institute any cover, minimum, bread and butter, service, corkage, entertainment, checkroom, parking or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4-10, 1943, or

(b) Increase any cover, minimum, bread and butter, service, corkage, entertainment, checkroom, parking or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4-10, 1943, or

(c) Require as a condition of sale of a beverage the purchase of other items or meals, except that during the hours from 11:30 a. m. to 1:30 p. m. and the hours from 6:00 p. m. to 8:00 p. m., any eating or drinking establishment which derives not less than 70% of its gross revenue from the sales of prepared food items (not including beverage items) sold for consumption on the premises may refuse to sell beverages subject to this Order for consumption on the premises during those hours to persons who do not also purchase food items.

**SEC. 10. Records and menus.** If you are an operator of an eating or drinking establishment subject to this order you must observe the requirements of General Order 50, as well as Restaurant Maximum Price Regulation No. 2, either as revised and amended or as may be revised and amended, with reference to the filing and keeping of menus and the preservation and keeping of customary and future records. Among other provisions of General Order 50, are the following:

(a) Preserve all existing records relating to prices, cost and sales of food items, meals and beverages;

(b) Continue to prepare and maintain such records as have been ordinarily kept;

(c) Keep for examination by the Office of Price Administration two copies of each menu used by the establishment each day, or a daily record in duplicate of the prices charged for food items, beverages and meals. If the establishment has customarily used menus, it must continue to do so.

**SEC. 11. Posting of Prices.** (a) If you own or operate an eating or drinking establishment offering malt beverages subject to this order you must comply with the provisions of Order No. 2, issued under Restaurant Maximum Price Regulation 2 on March 10, 1945, and effective the same date, either as heretofore or hereafter revised and amended, which order provides in part that you must on or before April 16, 1945, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for all beer and other malt beverages which you offer for consumption on your premises.

(b) If you begin operating your establishment after April 16, 1945, you must obtain the price poster applicable to your establishment from your local War Price and Rationing Board and post same immediately.

(c) No establishment which fails to comply with the posting requirements of Order No. 2 issued under Restaurant Maximum Price Regulation No. 2 on March 10, 1945, and effective the same date, either as heretofore or hereafter revised and amended, may sell any beverage subject to this order at higher prices than the prices provided for Group 3-B sellers as set forth in the appendices hereof during such time as such establishment is not in compliance with said order.

**SEC. 12. Posting of group number.** (a) If you operate an eating or drinking establishment selling at retail beverages subject to this order you must post, and keep posted, in the premises a card or cards clearly visible to all purchasers showing the group number of your establishment as classified under this order. The card must read "OPA 1-B", "OPA 2-B", or "OPA 3-B", whichever is applicable. You may use the card or cards furnished you for this purpose by the War Price and Rationing Board.

(b) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3 sellers in the appendices hereof during such time as such establishment is not in compliance with this section.

**SEC. 13. Receipts and sales slips.** Regardless of whether or not receipts have customarily been issued, upon request by any customer at the time of payment a receipt containing a full description of the beverage sold and the price of same must be issued. Such receipts must show the date of issue and bear the signature of the person issuing same. If you have customarily issued receipts or sales slips, you may not now discontinue the practice.

**SEC. 14. Operation of several places.** If you own or operate more than one place selling beverages subject to this order, you must do everything required by this regulation for each place separately.

**SEC. 15. Enforcement.** If you violate any provision of this regulation you are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspensions of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

**SEC. 16. Licensing.** The provisions of Licensing Order No. 1 licensing all persons who make sales under price control, are applicable to all sellers subject to this order. If you are a seller subject to this order your license may be suspended for violation of the license or of the order. If your license is suspended you may not, during the period of suspension, make any sale for which your license has been suspended.

**SEC. 17. Relation to other maximum price regulations.** This order supersedes the provisions of Maximum Price Regulation No. 259 and the General Maximum Price Regulation insofar as such provisions were applicable to sales at retail by eating and drinking establishments of beverages subject to this order. Sales of

beverages subject to this order when sold as part of a meal and when the price of same is included in the price of the meal remain subject to the provisions of Restaurant Maximum Price Regulation 2.

**SEC. 18. Definitions.** (a) "Malt beverage" is any malt beverage produced either within or without the Continental United States, and includes those commonly designated as beer, lager beer, ale, porter and stout.

(b) "Cereal beverage" is any beverage produced from cereals either within or without Continental United States and commonly known as "near-beer".

(c) "On draught" means dispensed by a seller at retail from any container of  $\frac{1}{8}$  barrel or larger size.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Sell and sale" include the service of beer for a consideration, with a license to consume on the premises.

(f) "Eating or drinking establishments" means any place in which meals, food items or beverages are sold and served primarily for consumption on or about the premises. The term includes but is not limited to restaurants, hotels, cafes, cafeterias, delicatessens, soda fountains, boarding houses, catering establishments, athletic stadiums, field kitchens, lunch wagons, hot dog carts.

(g) "Other definitions". Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the other terms used herein.

(h) "On-premises sales" means those sales made for consumption by the customers either in, on, or about the premises of the seller, or in the immediate vicinity thereof, and includes curb service sales, and sales made to customers served in automobiles located on or about the premises of the seller.

**SEC. 19. Transfers of business or stock in trade.** If the business assets, or stock in trade of any establishment are hereafter sold or otherwise transferred, or have been sold or transferred subsequent to April 4, 1942 or April 10, 1943, and the transferee carries on the business or continues to sell malt beverages covered by this order in the same location, the maximum prices of the transferee shall be the same as those to which its transferor would have been subject if no such transfer had taken place, and its obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record-keeping requirements of this order. If there is a lapse of business operations in connection with such a transfer for a period of sixty days, selling prices shall be deter-

mined as provided in section 4 for a new seller.

**SEC. 20. Changes in location.** If any establishment is hereafter moved to a new location, the establishment shall be considered a new seller under this order and shall determine its ceiling prices under the provisions of section 4.

**SEC. 21. Petitions for amendment.** Any person dissatisfied with any of the provisions of this order may request the Office of Price Administration to amend the order. Such petition for amendment must be filed in pursuance of the provisions of Revised Procedural Regulation No. 1, except that the petition for amendment shall, be directed to be filed with, and acted upon, by the District Director of the Birmingham District Office.

**SEC. 22. Revocation and amendment.** This order may be revoked, amended, or corrected at any time.

**SEC. 23. Effective Date.** This Order No. G-2 shall become effective June 15, 1946.

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

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong., E. O. 9250, 7 F. R. 7871, E. O. 9328, 8 F. R. 4681; G. O. 50, 8 F. R. 4808)

Issued at Birmingham, Alabama, this 10th day of June 1946.

SAM J. WATKINS,  
District Director.

[F. R. Doc. 46-15868; Filed, Sept. 4, 1946;  
12:31 p. m.]

[Pittsburgh Adopting Order 43 Under Basic  
[Order 1 Under Gen. Order 68, Amdt. 1]

**BUILDING AND CONSTRUCTION MATERIALS  
IN PITTSBURGH, PA., DISTRICT**

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Pittsburgh District Office, *It is hereby ordered:*

1. Adopting Order No. 43 under Basic Order No. 1 as amended, under General Order No. 68, as amended, is hereby amended by striking out Schedule A annexed to said order and inserting in place thereof Revised Schedule A hereto annexed,<sup>1</sup> and made a part of this amendment and of said adopting order.

2. Adopting Order No. 43 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by striking out section 7 of said

order and inserting in place thereof the following:

**SEC. 7. Records and sales slips.** (a) The provisions of section (e) of Basic Order No. 1 as amended covering sales slips and records are adopted in and applicable to this order as though specifically set forth herein; and also on any sale of \$25 or more each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) *Maximum prices for insufficiently described items.* Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size or quantity of the commodity, and thus determine the maximum price fixed by Revised Schedule A of this order, the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Revised Schedule A of this order in accordance with the incomplete description.

3. Adopting Order No. 43 under Basic Order No. 1 as amended, under General Order 68 as amended, is further amended by adding a new section 3 (a) as follows:

**SEC. 3 Adjustment to reflect increase in supplier's price—(a) Applicability.** This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders under General Order 68) may increase their maximum prices for the commodity in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by an industry-wide or area-wide amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

4. Except as hereby amended, adopting Order No. 43 under Basic Order No. 1 as amended, under General Order No. 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

This amendment shall become effective immediately.

Issued this 24th day of August 1946.

WILLIAM K. HARRISON,  
District Director.

[F. R. Doc. 46-15886; Filed, Sept. 4, 1946;  
12:37 p. m.]

<sup>1</sup> Filed as part of the original document.



[Omaha Order 1 Under Gen. Order 68, Amdt. 4]

**HARD BUILDING MATERIALS IN OMAHA, NEBR., AREA**

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 1 issued under the authority of General Order No. 68 is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A which is incorporated into and made a part of this order.<sup>1</sup>

This Amendment No. 4 to Order No. 1 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

EDWIN F. MORAN,  
*District Director.*

[F. R. Doc. 46-15877; Filed, Sept. 4, 1946; 12:34 p. m.]

[Omaha Order 2 Under Gen. Order 68, Amdt. 3]

**HARD BUILDING MATERIALS IN LINCOLN, NEBR., AREA**

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 2 issued under the authority of General Order No. 68 is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A which is incorporated into and made a part of this order.<sup>1</sup>

This Amendment No. 3 to Order No. 2 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

EDWIN F. MORAN,  
*District Director.*

[F. R. Doc. 46-15878; Filed, Sept. 4, 1946; 12:35 p. m.]

[Omaha Order 3 Under Gen. Order 68, Amdt. 2]

**HARD BUILDING MATERIALS IN SOUTH-EASTERN NEBRASKA AREA**

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 3 issued under the authority of General Order No. 68 is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A which is incorporated into and made a part of this order.<sup>1</sup>

<sup>1</sup> Filed as part of the original document.  
No. 175—7

This Amendment No. 2 to Order No. 3 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

EDWIN F. DORAN,  
*District Director.*

[F. R. Doc. 46-15879; Filed, Sept. 4, 1946; 12:35 p. m.]

[Omaha Order 4 Under Gen. Order 68, Amdt. 2]

**HARD BUILDING MATERIALS IN FREMONT, NEBR., AREA**

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 4 issued under the authority of General Order No. 68 is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A which is incorporated into and made a part of this order.<sup>1</sup>

This Amendment No. 2 to Order No. 4 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

EDWIN F. MORAN,  
*District Director.*

[F. R. Doc. 46-15880; Filed, Sept. 4, 1946; 12:35 p. m.]

[Omaha Order 5 Under Gen. Order 68, Amdt. 3]

**HARD BUILDING MATERIALS IN COLUMBUS, NEBR., AREA**

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 5 issued under the authority of General Order No. 68 is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A which is incorporated into and made a part of this order.<sup>1</sup>

This Amendment No. 3 to Order No. 5 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

EDWIN F. MORAN,  
*District Director.*

[F. R. Doc. 46-15871; Filed, Sept. 4, 1946; 12:32 p. m.]

[Omaha Order 6 Under Gen. Order 68, Amdt. 3]

**HARD BUILDING MATERIALS IN NORFOLK, NEBR., AREA**

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 6 issued under the authority of General Order No. 68 is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A which is incorporated into and made a part of this order.<sup>1</sup>

This Amendment No. 3 to Order No. 6 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

EDWIN F. MORAN,  
*District Director.*

[F. R. Doc. 46-15872; Filed, Sept. 4, 1946; 12:32 p. m.]

[Omaha Order 7 Under Gen. Order 68, Amdt. 3]

**HARD BUILDING MATERIALS IN NEBRASKA AREA, EASTERN DIVISION**

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 7 issued under the authority of General Order No. 68 is amended in the following respect:

Maximum price set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A which is incorporated into and made a part of this order.<sup>1</sup>

This Amendment No. 2 to Order No. 7 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

EDWIN F. MORAN,  
*District Director.*

[F. R. Doc. 46-15873; Filed, Sept. 4, 1946; 12:33 p. m.]

[Omaha Order 8 Under Gen. Order 68, Amdt. 3]

**HARD BUILDING MATERIALS IN NORTH-EASTERN NEBRASKA AREA, WESTERN DIVISION**

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 8 issued under the authority of General Order No. 68 is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A which is incorporated into and made a part of this order.<sup>1</sup>

This Amendment No. 3 to Order No. 8 under General Order No. 68 shall become effective August 24, 1946.

Issued this 23d day of August 1946.

EDWIN F. MORAN,  
*District Director.*

[F. R. Doc. 46-15874; Filed, Sept. 4, 1946; 12:33 p. m.]

[Pittsburgh Adopting Order 51 Under Basic Order 1, under Gen. Order 68]

**BUILDING AND CONSTRUCTION MATERIALS IN PITTSBURGH, PA., DISTRICT**

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order No. 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated to all District Directors in Region II, it is hereby ordered:

**SECTION 1. What this order covers.** This adopting order under Basic Order No. 1 as amended, under General Order No. 68 as amended, covers sales by all persons to ultimate users or to purchasers for resale on an installed basis, of certain building materials listed in Schedule A hereto annexed and generally known as "hard mason materials". All provisions of Basic Order No. 1 as amended, under General Order 68 as amended, are adopted in this order and are just as much a part of this order as if specifically set forth herein. If Basic Order No. 1 as amended, is further amended in any respect, the provisions of said order, as amended, shall likewise without further action, become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1 as amended under General Order 68 as amended, and should be familiar with the provisions of said order.

**SEC. 2. Territory covered by this order.** The geographical area covered by this order is the area consisting of the Counties of Warren, Forest, Venango, Armstrong, Jefferson, and Clarion, all in the State of Pennsylvania.

**SEC. 3. Maximum prices.** The maximum prices for the building materials covered by this order are set forth in Schedule A hereto annexed<sup>1</sup> and made a part of this order. The prices fixed in Schedule A cover all sales in the territory covered by this order, regardless of the location of the place of business of the seller.

(a) **Adjustment to reflect increase in suppliers price—(a) Applicability.** This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(b) **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by an industry-wide or area-wide amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this order is increased for this product the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your suppliers maximum price.

**SEC. 4. Discounts, allowances, and terms of sale.** All customary allowances, discounts and differentials must be pre-

<sup>1</sup> Filed as part of the original document.

served. The maximum prices set forth in Schedule A are delivered prices unless otherwise stated in such Schedule A.

**SEC. 5. Relationship of this order to Basic Order No. 1 as amended, Under General Order 68 as amended, and to General Maximum Price Regulation, and other maximum price regulations.** As previously stated, all provisions of Basic Order No. 1 as amended, are adopted by this order. The maximum prices fixed by this order supersede any maximum price or pricing method previously established by the General Maximum Price Regulation, or by any other applicable regulation or order. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulations, or of any other applicable regulation or order shall remain applicable to sales covered by this order.

**SEC. 6. Posting of maximum prices.** Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each place of business within the area covered by this order.

**SEC. 7. Records and sales slips.—(a) Required information.** The provisions of section (e) of Basic Order No. 1 as amended, covering sales slips and records are adopted in and applicable to this order, as if specifically set forth herein, and also on any sale of \$25 or more, each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) **Maximum prices for insufficiently described items.** Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size, or quantity of the commodity, and thus determine the maximum price fixed by Schedule A of this order the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Schedule A of this order in accordance with the incomplete description.

**SEC. 8. Revocation or amendment.** This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective August 24th, 1946.

WILLIAM K. HARRISON,  
District Director.

[F. R. Doc. 46-15887; Filed, Sept. 4, 1946; 12:37 p. m.]

[Region III Order G-21 under RMPR 251]

RE-ROOFING MATERIALS IN TOLEDO, OHIO,  
AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Re-

vised Maximum Price Regulation No. 251, and pursuant to the provisions of Regional Basic Order No. 1-B under Revised Maximum Price Regulation No. 251, this order is issued:

**SECTION 1. What this order does.** This adopting order establishes dollars-and-cents maximum prices for the composition roofing materials specified in section 4, hereof, when sold installed on residential structures in the Toledo, Ohio, area.

**SEC. 2. Area covered.** For the purposes of this order, the "Toledo, Ohio area" consists of the County of Lucas in the State of Ohio.

**SEC. 3. Applicability of Basic Order No. 1-B.** All the provisions of Basic Order No. 1-B, consistent with this Adopting Order No. G-21, are hereby adopted by, and incorporated by reference into, this order and are just as much a part of this order as though fully rewritten herein. If Basic Order No. 1-B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1-B.

**SEC. 4. Maximum prices.** The maximum prices for the specified re-roofing material on an installed basis shall be as follows:

	Per square
12 in. (3 in line) asphalt strip shingles, 210 lbs.....	\$15.60
11½ in. hexagon strip shingles, 167 lbs.....	12.25
Roll roofing, mineral surface, 90 lbs.....	8.00

On any job consisting of the application of five squares or less of any of the above roofing materials, the seller may charge a price not more than fifty percent in excess of the applicable price listed above.

The above maximum prices include related materials and services as defined in section 11 of Basic Order No. 1-B, under Revised Maximum Price Regulation No. 251, and mastic or plastic flashing around chimneys.

Reissued: August 6, 1946.

Effective: August 20, 1946.

J. F. KESSEL,  
Regional Administrator.

[F. R. Doc. 46-15914; Filed, Aug. 29, 1946; 4:16 p. m.]

[Pittsburgh Adopting Order 25, under Basic Order 1, under General Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN  
PITTSBURGH, PA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Pittsburgh District Office, it is hereby ordered:

1. Adopting Order No. 25 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is hereby amended by striking out Schedule A annexed to said order and inserting in place thereof Revised Schedule A hereto annexed,<sup>1</sup> and made a part of this amendment and of said adopting order.

2. Adopting Order No. 25 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by striking out section 7 of said order and inserting in place thereof the following:

**SEC. 7. Records and sales slips.** (a) The provisions of section (e) of Basic Order No. 1 as amended covering sales slips and records are adopted in and applicable to this order as though specifically set forth herein; and also on any sale of \$25 or more each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) *Maximum Prices for insufficiently described items.* Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size or quantity of the commodity, and thus determine the maximum price fixed by Revised Schedule A of this order, the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Revised Schedule A of this order in accordance with the incomplete description.

3. Adopting Order No. 25 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by adding a new section 3 (a) as follows:

**SEC. 3. Adjustment to reflect increase in supplier's price—(a) Applicability.** This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by an industry-wide or area-wide amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

4. Except as hereby amended, Adopting Order No. 25 under Basic Order No. 1

as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

This amendment shall become effective immediately.

Issued this 24th day of August 1946.

WM. K. HARRISON,  
District Director.

[F. R. Doc. 46-15882; Filed, Sept. 4, 1946; 12:36 p. m.]

[Pittsburgh Adopting Order 28, under Basic Order 1 under Gen. Order 68, Amdt 2]

#### BUILDING AND CONSTRUCTION MATERIALS IN PITTSBURGH, PA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, and by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated to such Regional Administrator to the District Director, Pittsburgh District Office, *It is hereby ordered:*

1. Adopting Order No. 28 under Basic Order No. 1 as amended, under General Order No. 68, as amended, is hereby amended by striking out Schedule A annexed to said order and inserting in place thereof Revised Schedule A' annexed and made a part of this amendment and of said adopting order.

2. Adopting Order No. 28 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by adding a new section 3 (a) as follows:

**SEC. 3. Adjustment to reflect increase in supplier's price—(a) Applicability.** This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area order issued under General Order 68) may increase their maximum prices for the commodity in question.

(b) *Maximum prices.* You may increase the price listed in this order by the amount permitted for resellers by an industry-wide or area-wide amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supercede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

3. Except as hereby amended, Adopting Order No. 28 under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

4. This amendment shall become effective immediately.

Issued this 24th day of August 1946.

WILLIAM K. HARRISON,  
District Director.

[F. R. Doc. 46-15883; Filed, Sept. 4, 1946; 12:36 p. m.]

[Pittsburgh Rev. Adopting Order 29 Under Basic Order 1 Under Gen. Order 68]

#### BUILDING AND CONSTRUCTION MATERIALS IN JOHNSTOWN, PA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942, as amended, by General Order No. 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated to all District Directors in Region II, it is hereby ordered:

**SECTION 1. What this order covers.** This adopting order under Basic Order No. 1 as amended, under General Order No. 68 as amended, covers sales by all persons to ultimate users or to purchasers for resale on an installed basis of certain building materials listed in Schedule A hereto annexed<sup>1</sup> and generally known as "hard mason materials." All provisions of Basic Order No. 1 as amended, under General Order No. 68 as amended, are adopted in this order and are just as much a part of this order as if specifically set forth herein. If Basic Order No. 1 as amended is further amended in any respect, the provisions of said order, as amended, shall likewise without further action, become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1 as amended under General Order 68 as amended, and should be familiar with the provisions of said order.

**SEC. 2. Territory covered by this order.** The geographical area covered by this order is the area of Johnstown, Pa., consisting of the counties of Cambria, Fulton, Indiana, Somerset and all of Bedford County except the Townships of Bloomfield, Hopewell, Kimmel, King, Liberty, South Woodbury, and Woodbury; all in the State of Pennsylvania.

**SEC. 3. Maximum prices.** The maximum prices for the building materials covered by this order are set forth in Schedule A hereto annexed and made a part of this order. The prices fixed in Schedule A cover all sales in the territory covered by this order, regardless of the location of the place of business of the seller.

(a) *Adjustment to reflect increase in supplier's price—(1) Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(2) *Maximum price.* You may increase the price listed in this order by the

<sup>1</sup> Filed as part of the original document.

amount permitted for resellers by an industry-wide or area-wide amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

**SEC. 4. Discounts, allowances, and terms of sale.** All customary allowances, discounts and differentials must be preserved. The maximum prices set forth in Schedule A are delivered prices unless otherwise stated in such Schedule A.

**SEC. 5. Relationship of this order to Basic Order No. 1 as amended, under General Order 68 as amended, and to General Maximum Price Regulation, and other maximum price regulations.** As previously stated, all provisions of this order supersede any maximum price or pricing method previously established by the General Maximum Price Regulation, or by any other applicable regulation or order. Except to the extent that they are inconsistent with the provisions of this order all other provisions of the General Maximum Price Regulations, or of any other applicable regulation or order shall remain applicable to sales covered by this order.

**SEC. 6. Posting of maximum prices.** Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each place of business within the area covered by this order.

**SEC. 7. Records and sales slips—(a) Required information.** The provisions of section (e) of Basic Order No. 1 as amended, covering sales slips and records are adopted in and applicable to this order, as if specifically set forth herein, and also on any sale of \$25 or more, each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) **Maximum prices for insufficiently described items.** Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size, or quantity of the commodity, and thus determine the maximum price fixed by Schedule A of this order the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Schedule A of this order in accordance with the incomplete description.

**SEC. 8. Revocation or amendment.** This order may be revised, amended, re-

voked or modified at any time by the Office of Price Administration.

This order shall become effective August 24th, 1946.

WILLIAM K. HARRISON,  
District Director.

[F. R. Doc. 46-15884; Filed, Sept. 4, 1946; 12:36 p. m.]

[Pittsburgh Adopting Order 38 under Basic Order 1, under Gen. Order 68, Amdt.1]

BUILDING AND CONSTRUCTION MATERIALS IN  
PITTSBURGH, PA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Pittsburgh District Office, *It is hereby ordered:*

1. Adopting Order No. 38 under Basic Order No. 1 as amended, under General Order No. 68, as amended, is hereby amended by striking out Schedule A annexed to said order and inserting in place thereof Revised Schedule A hereto annexed and made a part of this amendment and of said adopting order.

2. Adopting Order No. 38 under Basic Order No. 1 as amended, under General Order No. 68, as amended, is further amended by striking out section 7 of said order and inserting in place thereof the following:

**SEC. 7. Records and sales slips.** (a) The provisions of section (e) of Basic Order No. 1 as amended covering sales slips and records are adopted in and applicable to this order as though specifically set forth herein; and also on any sale of \$25 or more each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) **Maximum prices for insufficiently described items.** Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size or quantity of the commodity, and thus determine the maximum price fixed by Revised Schedule A of this order, the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Revised Schedule A of this order in accordance with the incomplete description.

3. Adopting Order No. 38 under Basic Order No. 1 as amended, under General Order No. 68, as amended, is further amended by adding a new section 3 (a) as follows:

<sup>1</sup> Filed as part of the original document.

**SEC. 3. Adjustment to reflect increase in suppliers price.**

(a) **Applicability.** This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(b) **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by an industry-wide or area-wide amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

4. Except as hereby amended, Adopting Order No. 38 under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

This amendment shall become effective immediately.

Issued this 24th day of August 1946.

WM. K. HARRISON,  
District Director.

[F. R. Doc. 46-15885; Filed, Sept. 4, 1946; 12:36 p. m.]

DEPARTMENT OF THE INTERIOR.

Fish and Wildlife Service,  
ALASKA FISHERIES GENERAL REGULATIONS  
FOR 1947 SEASON

REVISED HEARING DATES ON PROPOSED  
CHANGES

1. Notice is hereby given that hearings on proposed amendments to the Alaska Commercial Fisheries Regulations for the 1947 season heretofore scheduled to be held in Alaska at Kodiak, Anchorage, and Cordova on September 10, 13, and 16 will be held, instead, as follows:

Kodiak	Oct. 3
Anchorage	Oct. 7
Cordova	Oct. 9

OSCAR L. CHAPMAN,  
Acting Secretary of the Interior.

SEPTEMBER 4, 1946.

[F. R. Doc. 46-16149; Filed, Sept. 6, 1946; 11:40 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

UTAH

FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the De-



VIRGINIA

FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Cong., approved June 22, 1946), no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U. S. C. 1000-1006), excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of Virginia named below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

VIRGINIA

County	Limitation	County	Limitation
Accomac	\$8,000	Lancaster	\$9,000
Albemarle	10,000	Lee	12,000
Alleghany	8,000	Loudoun	12,000
Amelia	7,500	Louisa	6,500
Amherst	8,000	Lunenburg	7,000
Appomattox	7,500	Madison	8,500
Augusta	12,000	Mathews	8,000
Bath	9,000	Mecklenburg	7,500
Bedford	7,500	Middlesex	8,000
Bland	10,000	Montgomery	10,000
Botetourt	\$11,000	Nansemond	8,000
Brunswick	7,500	Nelson	7,500
Buchanan	6,000	New Kent	7,500
Buckingham	6,000	Norfolk	10,000
Campbell	7,500	Northampton	12,000
Caroline	7,500	Northumberland	9,000
Carroll	9,000	Nottoway	7,500
Charles City	8,500	Orange	10,000
Charlotte	7,500	Page	10,000
Chesterfield	6,500	Patrick	7,500
Clarke	12,000	Pittsylvania	7,500
Craig	8,000	Powhatan	6,500
Culpeper	11,000	Prince Edward	7,500
Cumberland	6,000	Prince William	11,000
Dickenson	6,000	Princess Anne	10,000
Dinwiddie	7,500	Pulaski	12,000
Elizabeth City	11,000	Rappahannock	9,000
Essex	9,000	Richmond	9,000
Fairfax	12,000	Roanoke	11,000
Fauquier	12,000	Rockbridge	11,000
Floyd	7,500	Rockingham	12,000
Fluvanna	6,000	Russell	12,000
Franklin	7,500	Scott	10,000
Frederick	11,000	Shenandoah	11,000
Giles	10,000	Smyth	12,000
Gloucester	8,000	Southampton	8,000
Goochland	7,000	Spotsylvania	7,500
Grayson	10,000	Stafford	7,500
Greene	7,000	Surry	8,500
Greensville	7,500	Sussex	7,500
Halifax	7,500	Tazewell	12,000
Hanover	8,000	Warren	11,000
Henrico	10,000	Warwick	11,000
Henry	7,500		
Highland	8,000		
Isle of Wight	8,000		
James City	11,000		
King and Queen	7,000		
King George	8,000		
King William	7,500		

VIRGINIA—continued

County	Limitation	County	Limitation
Washington	\$12,000	Wise	\$10,000
Westmoreland	10,500	Wythe	12,000
		York	12,000

Issued this 5th day of September 1946.

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

[F. R. Doc. 46-16102; Filed, Sept. 6, 1946; 11:12 a. m.]

ARIZONA, CALIFORNIA AND NEVADA

FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946), no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U. S. C. 1000-1006), excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of Arizona, California and Nevada named below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

ARIZONA

County	Limitation	County	Limitation
Apache	\$11,000	Greenlee	\$12,000
Cocconino	10,000	Navajo	11,000
Gila	12,000		

CALIFORNIA

County	Limitation	County	Limitation
Eldorado	\$12,000	Trinity	\$10,500
Nevada	12,000		

NEVADA

County	Limitation	County	Limitation
Churchill	\$12,000	Mineral	\$12,000
Clark	12,000	Nye	12,000
Lincoln	12,000	White Pine	12,000

Issued this 5th day of September 1946.

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

[F. R. Doc. 46-16101; Filed, Sept. 6, 1946; 11:12 a. m.]

ADMINISTRATOR OF CIVIL AERONAUTICS.

FEDERAL-AID AIRPORT PROGRAM

NOTICE OF HEARINGS ON PROPOSED RULES AND REGULATIONS

Notice of informal public hearings to be held at Washington, D. C., commencing October 28, 1946, on proposed rules and regulations pertaining to the Federal Airport Act (Public Law 377, 79th Congress, approved May 13, 1946).

Notice is hereby given that beginning at 9:30 a. m. on October 28, 1946, in the Auditorium of the Department of Commerce Building, 14th Street between

Constitution Avenue and E Street NW., Washington, D. C., and continuing through October 30, 1946, unless sooner concluded, informal hearings will be held on the attached proposed rules and regulations governing the Federal-aid airport program authorized by the Federal Airport Act, to be issued as Part 550 of the rules and regulations of the Administrator of Civil Aeronautics.

All interested parties and organizations are invited to be present or represented at said hearings, and will be afforded an opportunity to be heard within the limitations of the time available. For the accuracy of the record, all important facts and opinions should be submitted in writing as much in advance of the hearings as possible. All those desiring to be heard are requested to register their intention in advance, stating the amount of time desired. It is requested that all organizations desiring to present oral statements limit their presentation to one spokesman.

Following the opening statement by the Administrator of Civil Aeronautics, the following organizations will be first heard in the order listed:

1. U. S. Conference of Mayors.
2. American Municipal Association.
3. National Institute of Municipal Law Officers.
4. Council of State Governments.
5. National Association of State Aviation Officials.

All parties will be permitted to file briefs and memoranda subsequent to the hearings, providing same are filed by not later than November 8, 1946.

All papers are to be mailed to or filed with Charles B. Donaldson, Assistant Administrator for Airports, Civil Aeronautics Administration, Room 1083, Temporary "T" Building, 14th Street and Constitution Avenue NW., Washington, D. C.

T. P. WRIGHT, Administrator of Civil Aeronautics.

PART 550—FEDERAL-AID AIRPORT PROGRAM

Pursuant to the provisions of Public Law No. 377, 79th Congress, approved May 13, 1946, entitled the "Federal Airport Act" empowering the Administrator of Civil Aeronautics Administration to carry out a Federal-Aid Airport Program for the development of public airports in the United States, the Territory of Alaska, the Territory of Hawaii, and Puerto Rico, by making grants of funds to public agencies, the following Rules and Regulations governing the operation of such Program, except as to sections 16 and 17 of the act which will be the subjects of separate regulations, are hereby prescribed:

Sec.	Definitions.
550.00	Definitions.
550.01	General.
550.010	Federal financial assistance in public airport development.
550.011	National airport plan.
550.012	Federal funds.
550.0120	Authorized appropriations.
550.0121	Distribution of funds appropriated for projects in States.
550.01210	General.
550.01211	Funds to be apportioned by Administrator.
550.012110	Apportionment of funds among States.

Sec.		Sec.	
550.012111	Use of apportioned funds.	550.11110	Detailed estimate of cost of contract.
550.012112	Notice to States and other public agencies concerning apportionments.	550.11111	Periodic cost estimate of contract.
550.01212	The discretionary fund.	550.11112	Progress reports sketch.
550.0122	Distribution of funds appropriated for projects in territories and Puerto Rico.	550.11113	Cost estimate summary.
550.0123	Notice to territories and Puerto Rico of division of funds.	550.1112	Payroll, project data and conditions.
550.02	Eligible projects.	550.112	Construction by force account.
550.020	Types of airport development.	550.1120	When permissible.
550.0200	Construction work.	550.1121	Documents required.
550.021	Minimum development.	550.113	Construction by contract.
550.022	Maximum development.	550.1130	General.
550.023	Prior commitments.	550.1131	Approval of district airport engineer.
550.024	Conformity to CAA standards.	550.1132	Documents required.
550.025	Relation to national airport plan.	550.1133	Letting of contracts.
550.026	Congressional authorization.	550.11330	Invitation for bids.
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550.030	General.	550.11332	Opening of bids.
550.031	Time.	550.11333	Award of contract.
550.032	Necessity.	550.11334	Documents required.
550.033	Reasonableness.	550.1134	Contract security.
550.034	Costs not allowable as project costs.	550.1135	Contractor's insurance.
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550.0353	Engineering costs.	550.1140	Qualifications for employment.
550.0354	Administrative and other incidental costs.	550.1141	Minimum wage rates.
550.04	United States share of project costs.	550.1142	Payment of employees.
550.040	Class 3 or smaller airport projects.	550.1143	Kick-back statute and regulations.
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550.042	Land acquisition costs.	550.11431	Regulations issued pursuant to so-called kick-back statute pursuant to the provisions of Public Law No. 324, Seventy-Third Congress, approved June 13, 1934 (48 Stat. 948), concerning rates of pay for labor.
550.05	Eligible applicants and sponsors.	550.11432	Construction of regulations.
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550.110	Responsibility of sponsor.		
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Note: Appendices C, D, E, F, I, K, L, DD, EE, and FF are omitted from this publica-

tion. Appendices A, B, G, H, J, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, and CC are included.

§ 550.00 *Definitions.* (a) "Act" means the Federal Airport Act of 1946 (Public Law No. 377, 79th Congress, 2d Session; 60 Stat. 170).

(b) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(c) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representatives.

(d) "Regional Administrator" means the directing head of the CAA for the respective CAA region or his duly authorized representatives.

(e) "Superintendent of Airports" means the director of the Airports Branch of a CAA regional office or his duly authorized representatives.

(f) "District Airport Engineer" means the director of a district office of the Airports Branch of a CAA regional office or his duly authorized representatives.

(g) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(h) "Airport development" means (1) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport administrative buildings and the removal, lowering, relocation, and marking and lighting of airport hazards, and (2) any acquisition of land or of any interest therein, or of any easement through or other interest in air space, which is necessary to permit any such work or to remove or mitigate, or prevent or limit the establishment of, airport hazards; but such term does not include the construction, alteration, or repair of airport hangars.

(i) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such an airport, which obstructs the air space required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(j) "Project" means a project for the accomplishment of airport development with respect to a particular airport as set forth in the National Airport Plan or in a Project Request or Project Application submitted in accordance with these Rules and Regulations.

(k) "Project costs" means any costs involved in accomplishing a project under the Act, including those of making field surveys, preparation of plans and specifications, supervision and inspection of construction work, procurement of the accomplishment of such work by contract, and acquisition of land or interests therein or easements through or other interests in air space, and also including administrative and other incidental costs incurred specifically in connection with the accomplishment of a project,

which would not have been incurred otherwise.

(l) "Public agency" means the United States Government or an agency thereof; a State, the Territory of Alaska, the Territory of Hawaii, or Puerto Rico, or an agency of any of them; a municipality or other political subdivision; or a tax-supported organization.

(m) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(n) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, as cosponsor, according to the terms of a project, has or will have control of the airport or airport site to be developed under such project and assumes or will assume the obligations of sponsorship as set forth in these rules and regulations.

(o) "Applicant" means a sponsor, or a public agency which acts in behalf of a sponsor in the submission of a Project Request or a Project Application or in meeting the requirements of these rules and regulations in any other respect.

(p) "United States share" means that portion of the project costs of approved projects which is to be paid from appropriations made under authority of the act.

(q) "Military and naval aircraft" means aircraft owned and operated by the United States Army, the United States Navy, the United States Coast Guard, or the United States Marine Corps.

(r) "State" means a State of the United States or the District of Columbia.

(s) "Class 4 or larger airport" means an airport which upon completion of the project proposed would, in the opinion of the Administrator, meet generally the standards of Table 3 of the Civil Aeronautics Administration Bulletin, "Airport Design", dated April 1, 1944, for a Class 4 or larger airport. A copy of said table is attached hereto as Appendix A.

(t) "National Airport Plan" means the plan for the development of public airports in the United States, including the Territory of Alaska, the Territory of Hawaii, and Puerto Rico, prepared and revised annually by the Administrator pursuant to section 3 of the act.

(u) "Program" means a program prepared by the Administrator listing proposed projects to be undertaken within the next fiscal year, except that projects for the fiscal year ending June 30, 1947 are expected to be undertaken during such year.

(v) "Project request" means a preliminary expression of interest in participating in the Federal-aid Airport Program, in the form and containing the information required by § 550.07.

(w) "Project application" means a formal application, containing detailed data, for a grant of Federal funds for a project, submitted as provided in § 550.09.

(x) "Land acquisition" means the acquiring of any land or interest therein, on any easement through or other interests in air space.

#### § 550.01 General.

§ 550.010 *Federal financial assistance in public airport development.* The act authorizes the Administrator, within the limits of appropriations made from time to time for the purposes, to assist and participate, pursuant to a National Airport Plan prepared and annually revised by him, in the development of public airports by grants of Federal funds to public agencies, in order to bring about the establishment of a Nation-wide system of public airports adequate to meet the present and future needs of civil aeronautics.

§ 550.011 *National Airport Plan.* The act authorizes and directs the Administrator to prepare, and revise annually, a National Airport Plan for the development of public airports in the United States, including the Territory of Alaska, the Territory of Hawaii, and Puerto Rico (Act-Section 3) and provides that no airport development shall be undertaken under the Federal-aid Airport Program unless included in the then current revision of such Plan (Act-Section 9 (a)). The Administrator, in formulating and revising such Plan, will take into account the needs of both air commerce and private flying, and, to the extent feasible, consult with and give consideration to the views and recommendations of, among others, the States, the Territories, Puerto Rico, and their political subdivisions. The National Airport Plan of 1947 will be announced by the Administrator on or about December 1, 1946. Thereafter, such Plan will be revised on or about November 1 of each year, beginning with November 1, 1947. Such Plan and each annual revision thereof will specify in terms of general location and type the public airport development then considered by the Administrator as necessary to meet the needs of civil Aeronautics during the succeeding three years.

#### § 550.012 Federal funds.

§ 550.0120 *Authorized appropriations.* For the purpose of carrying out the act in the several States, annual appropriations are authorized to the Administrator in the aggregate amount of \$500,000,000 over a period of seven fiscal years, beginning with the fiscal year ending June 30, 1947, not to exceed \$100,000,000 to be appropriated for any one fiscal year. For the purpose of carrying out the Act in the Territories of Alaska and Hawaii and in Puerto Rico, annual appropriations are authorized to the Administrator in the aggregate amount of \$20,000,000 over a period of seven fiscal years, beginning with the fiscal year ending June 30, 1947.

§ 550.0121 *Distribution of funds appropriated for projects in States.*

§ 550.01210 *General.* Within thirty days after each appropriation is made by Congress under section 5 (b) of the act for projects in the States, the total amount so appropriated will be distributed by the Administrator into three separate funds as follows:

(a) The portion of each such appropriation specified in the appropriation act as available for necessary planning

and research and for administrative expenses incident to the administration of the Act in the States will first be set apart for such purposes by the Administrator and will be deducted from the total amount of such appropriation before any apportionment or distribution is made of funds for projects in the States. The remainder of such appropriation, after such deduction will be available for grants for projects in the States. (Act-Section 5 (b).)

(b) Seventy-five per cent of the amount available for grants for projects in the States will be apportioned by the Administrator among the several States in the manner hereinafter provided. (Act-Section 6 (a)).

(c) The remainder of the amount available for grants for projects in the States (twenty-five per cent) will constitute a discretionary fund, and will be set apart as such. (Act-Section 6 (b)).

#### § 550.01211 Funds to be apportioned by Administrator.

§ 550.012110 *Apportionment of funds among States.* That part of the amount of each appropriation available for grants for projects in the States which is to be apportioned among the States (seventy-five per cent) will be apportioned by the Administrator among such States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States. As used herein, the term "population" means the population according to the census of the United States taken in 1940, and the term "area" includes both land and water as indicated by Tables I and IV of Bureau of Census Publication "Areas of the United States: 1940" (Act-Section 6 (a)). The detailed apportionment among the several States will be made in accordance with the following table of percentages derived as provided above:

Table of Percentages for Apportionment of Funds Among States

State:	Percentage
Alabama	1.918105
Arizona	2.023758
Arkansas	1.597642
California	5.186370
Colorado	2.103727
Connecticut	.739193
Delaware	.140066
Dist. of Columbia	.252916
Florida	1.694043
Georgia	2.137585
Idaho	1.548422
Illinois	3.934163
Indiana	1.891303
Iowa	1.872574
Kansas	2.012346
Kentucky	1.732813
Louisiana	1.697513
Maine	.875805
Maryland	.890241
Massachusetts	1.788030
Michigan	3.553733
Minnesota	2.453419
Mississippi	1.608671
Missouri	2.562139
Montana	2.588131
Nebraska	1.746739
Nevada	1.826639
New Hampshire	.836873
New Jersey	1.712497
New Mexico	2.166365
New York	5.989666



Table of Percentages for Apportionment of Funds Among States—Continued

State:	Percentage
North Carolina.....	2.207371
North Dakota.....	1.324722
Ohio.....	3.344477
Oklahoma.....	2.016145
Oregon.....	1.980422
Pennsylvania.....	4.503299
Rhode Island.....	.290713
South Carolina.....	1.225071
South Dakota.....	1.488155
Tennessee.....	1.789361
Texas.....	6.752518
Utah.....	1.580025
Vermont.....	.291560
Virginia.....	1.700249
Washington.....	1.799027
West Virginia.....	1.112680
Wisconsin.....	2.260586
Wyoming.....	1.676132

§ 550.012111 *Use of apportioned funds.* All sums of money apportioned to a State will thereupon become available to pay the United States share of the allowable project costs of approved projects, and will remain so available until June 30, 1953, unless sooner expended. Such sums so apportioned to a State will be available only to pay the United States share of the allowable project costs of approved projects which are sponsored by that State or an eligible public agency thereof and, in addition, are located in (1) that State, (2) an adjoining State, (3) a national park, national recreation area, national monument or national forest which lies wholly within the boundaries of that State or of an adjoining State or (4) that part of a national park, national recreation area, national monument or national forest which lies wholly within the boundaries of that State or of an adjoining State. Where a project has two or more sponsors all of which are not public agencies of the same State, the United States share of the allowable costs of the project will be charged against the moneys apportioned to the States concerned in proportion to the amounts contributed by these States and their public agencies as the sponsors' share of the costs of the project.

§ 550.012112 *Notice to States and other public agencies concerning apportionments.* Promptly upon making an apportionment of funds among the States as provided in section 6 (a), the Administrator will send to the Governor of each State and to the executive heads of the District of Columbia and of each public agency which has made a written request for such information the following:

- A copy of the Federal Airport Act.
- A copy of the current Rules and Regulations under the Act.
- Information as to the appropriate District and Regional Offices for handling project requests, project applications and similar matters so far as the particular State or other public agency is concerned.
- Information as to the amount which has been apportioned for each State under the current apportionment of funds among the States.
- Information as to the amount remaining unallocated to specific projects out of any prior apportionment of funds for the particular State.

(f) Notification that the sums apportioned to the States will not be withdrawn before June 30, 1953, but will continue to be available until that time.

§ 550.01212 *The discretionary fund—*  
(a) *Use of the discretionary fund.* The discretionary fund will remain available until June 30, 1953, to pay the United States share of the allowable project costs of approved projects in the several states as the Administrator may deem to be most appropriate for carrying out the National Airport Plan without regard to the state in which such projects may be located. In making allocations from this fund for approved projects, the Administrator will consider the following:

- The existing airport facilities in the several states and the need for or lack of development of airport facilities in the several states;
- The tentative program formulated annually for the use of all regularly apportioned funds in the several states;
- The availability of regularly apportioned funds for approved projects sponsored by public agencies within the state involved;

*Provided,* No such allocation will be made from the discretionary fund until all regularly apportioned funds for approved projects in the specific state have been exhausted.

(b) *Use of the discretionary fund for projects in the several States.* That part of the discretionary fund made available by the Administrator to any approved project in a state will be used in the same manner and subject to the same requirements and conditions as are prescribed for the use of apportioned funds.

(c) *Use of the discretionary fund for projects sponsored by Federal agencies.* The discretionary fund is the only source from which grants will be made for projects sponsored by the United States or an agency thereof and located in national parks, national recreation areas, national monuments or national forests. The discretionary fund is not available to pay any part of the sponsor's share of the allowable costs of such projects. The sponsor's share of such allowable project costs may be paid only out of appropriations specifically authorized for the purpose of paying such share or moneys contributed to the sponsor for this purpose. The act expressly authorizes the receipt and use by the sponsor of moneys for such purpose.

§ 550.0122 *Distribution of funds appropriated for projects in Territories and Puerto Rico.* Within thirty days after each appropriation is made by Congress under section 5 (c) for projects in the Territories of Alaska and Hawaii and in Puerto Rico, the total amount so appropriated will be divided by the Administrator into separate funds as follows:

- Planning, research and administrative expense fund.* The amount of each such appropriation specified in the appropriation act as available for necessary planning and research and for administrative expenses incident to the administration of the Act with respect to projects in the Territories of Alaska and Hawaii and in Puerto Rico will first be

set apart for such purposes by the Administrator and will be deducted from the total amount of such appropriation before any division of such funds is made among the Territories of Alaska and Hawaii and in Puerto Rico.

(b) *Grant fund.* The remainder of such appropriation, after such deduction, will be available for grants for projects in the Territories of Alaska and Hawaii and in Puerto Rico (Act—Section 5 (c)), fifty per centum thereof for projects in the Territory of Alaska, twenty-five per centum for projects in the Territory of Hawaii, and twenty-five per centum for projects in Puerto Rico. All sums of money so available for grants for projects in the Territory of Alaska, in the Territory of Hawaii or in Puerto Rico and set apart for such purpose, will remain available until June 30, 1953, unless sooner expended. Such sums of money will be available only to pay the United States share of the allowable project costs of such approved projects therein as the Administrator may deem most appropriate for carrying out the National Airport Plan.

§ 550.0123 *Notice to Territories and Puerto Rico of division of funds.* Promptly after making a division of funds among Puerto Rico and the Territories of Alaska and Hawaii as provided in section 5 (c) of the act, the Administrator will send to the Governors of the Territories of Alaska, Hawaii and Puerto Rico, and to the executive head of each public agency thereof which has made a request for such information, the following:

- A copy of the Federal Airport Act.
- A copy of the current Rules and Regulations under the Act.
- Information as to the appropriate Regional Offices for handling project requests, project applications and similar matters as far as the particular Territory or insular possession or public agency thereof is concerned.
- Information as to the amount which has been made available to each of such Territories and to Puerto Rico under the current appropriations.
- Information as to the amount remaining unallocated to specific projects out of any prior division of funds among such Territories and Puerto Rico.
- Notification that the funds appropriated for projects in the Territories of Alaska and Hawaii and in Puerto Rico will not be withdrawn before June 30, 1953, but will continue to be available until that time.

§ 550.02 *Eligible projects.* A project shall be eligible for inclusion in a program, and for approval by the Administrator, only if it is determined by the Administrator that such project meets all of the applicable requirements of this section and of § 550.03.

§ 550.020 *Types of airport development.* A project shall include only such types of airport development as are eligible for inclusion in a project as provided in this section.

§ 550.0200 *Construction work.* The following types of construction work shall be eligible for inclusion in a project:

(a) Clearing, grubbing, and grading of the airport or airport site or portion thereof;

(b) Dredging of seaplane anchorages and channels;

(c) Drainage work either on or off the airport or airport site;

(d) Paving of runways, taxiways, aprons, and automobile parking areas within the limits of the airport or airport site;

(e) Construction, alteration and repair of seaplane ramps, docks and other seaplane base facilities other than hangars and living quarters;

(f) Construction, alteration, and repair of access roads and walks, either on or off the airport or airport site;

(g) Landscaping, seeding, and sodding of the airport or airport site;

(h) Fencing of the airport or airport site;

(i) Installation, alteration and repair of airport lighting facilities and equipment;

(j) Installation, alteration and repair of aircraft servicing facilities, such as equipment for storing and dispensing aircraft fuel and other supplies;

(k) Construction, alteration, and repair of administration, terminal and service buildings and structures necessary for the proper use, operation, management, and maintenance of the airport as a public facility, other than hangars and living quarters;

(l) Construction, installation and connection of utilities either on or off the airport or airport site;

(m) Removal, lowering, relocation, marking, and lighting of airport hazards; and

(n) Such other construction work as may be permissible under the Act and is specifically approved by the Administrator for inclusion in a particular project.

§ 550.021 *Minimum development.* A project shall include sufficient airport development to provide, or make possible the establishment of, a usable and useful airport facility, or to add materially to the safety or utility of an existing airport. All airport development included in a project shall be such as to meet the minimum standards for a Class 1 or larger airport as set forth in Table 3 of CAA bulletin of Airport Design dated April 1, 1944 (See Appendix A).

§ 550.022 *Maximum development.* A project shall not include any airport development which cannot reasonably be expected to be completed within one year of the time it is to be undertaken.

§ 550.023 *Prior commitments.* No airport development shall be eligible for inclusion in a project, which the sponsor or any other agency is contractually obligated to the United States or required by law to accomplish without cost to the United States.

§ 550.024 *Conformity to CAA standards.* All airport development included in a project shall be in accordance with standards established by the Administrator for such development.

§ 550.025 *Relation to National Airport Plan.* All airport development included

in a project shall be within the scope of a project contained in the then-current revision of the National Airport Plan.

§ 550.026 *Congressional authorization.* Any airport development included in a project for development of a Class 4 or larger airport contained in the then-current revision of the National Airport Plan shall be eligible for inclusion as a project in an annual program only if the undertaking of such project has been authorized by the Congress pursuant to section 8 of the act.

§ 550.03 *Allowable project costs.*

§ 550.030 *General.* The Administrator will pay to the sponsor or applicant, as the case may be, the United States share as defined in § 550.04 of all project costs of an airport development accomplished under an eligible project as defined in § 550.02, to the extent that such project costs are allowable. In order to be an allowable project cost of a project for the purpose of computing the amount of the grant, a project cost paid or incurred, in the determination of the Administrator, must meet the requirements of this section.

§ 550.031 *Time.* The project cost must have been incurred for airport development accomplished within the scope of the project described in and in accordance with the provision of the Grant Agreement, and subsequent to the date of execution of such Grant Agreement, except that planning costs as described in § 550.0353 (a) and land acquisition costs as described in § 550.0350 shall be allowable though incurred prior to the execution of such Grant Agreement: *Provided*, That no project cost shall be allowable if it was incurred prior to May 13, 1946, the date of approval of the act. For the purpose of this section, a cost shall be deemed to have been incurred if the sponsor or applicant, paid or legally obligated itself to pay any sum of money for or in connection with the accomplishment of the airport development in conformity with the approved plans and specifications and in accordance with the terms and conditions of the Grant Agreement.

§ 550.032 *Necessity.* The project cost must be a necessary cost, i. e., relating directly to, and necessarily required in the accomplishment of, the project described in the Grant Agreement, and a cost which would not have been incurred except in the accomplishment of such project.

§ 550.033 *Reasonableness.* The project cost must be reasonable in amount. If the Administrator determines that a project cost exceeds the amount reasonably required to accomplish the purpose for which the cost was incurred, the Administrator will approve as an allowable project cost only such portion of said project cost as he determines to be fair and reasonable.

§ 550.034 *Costs not allowable as project costs.* Costs of the types hereinafter enumerated, although incurred by the sponsor or applicant in connection with the accomplishment of an approved project, will not be included in the al-

lowable project costs for the purpose of computing the amount of the grant, namely:

(a) Any cost of obtaining title to or the use of lands or any interest in air space under section 16 of the act;

(b) Any cost of rehabilitation or repair for which funds have been appropriated by the Congress under section 17 of the act;

(c) The value (replacement cost, new, minus depreciation) of hangars or living quarters for personnel where the project includes the purchase of an existing private airport;

(d) The payment of wages or salaries to persons employed in violation of section 15 (b) or section 15 (c) of the act;

(e) The costs of materials and supplies owned by the sponsor or applicant or furnished from a source of supply owned by the sponsor or applicant and used by it in construction work on a force account project, where such costs are not supported by vendors' invoices or other documentary evidence;

(f) The purchase price of machinery, tools or equipment purchased by the sponsor or applicant for use in prosecuting a force account project;

(g) The costs of general area, urban or state planning of airports, as distinguished from the specific project as approved; and

(h) Payments of interest made or obligations for interest incurred by the sponsor or applicant.

§ 550.035 *Classification of project costs.* For purposes of determining which costs are allowable, the term project costs shall include the types of costs described and classified in this section.

§ 550.0350 *Land acquisition costs.* If the approved project covered by the Grant Agreement includes land acquisition, the allowable project costs in connection with such acquisition may include the cost of items such as the following:

(a) *Land, easements and interests in land.* The purchase price of such land acquisition as may be reasonably required for and in connection with an airport development.

(b) *Incidental expenses connected with land.* Incidental costs in accomplishing such acquisition, including fees, expenses, cost of appraisal, surveys, negotiations, abstracts, title examinations, title guarantees, title insurance, condemnation proceedings (including the fees and expenses of expert witnesses), suits to clear title, advertising, revenue stamps, recording fees and necessary travel expenses in connection with the foregoing.

§ 550.0351 *Construction costs; contract.* If the approved project covered by the Grant Agreement includes construction which is accomplished by contract, the allowable project costs in connection with such construction may include such items as the following:

(a) *Construction contract obligations.* Obligations running to a contractor for materials furnished or work performed under a construction contract and in compliance with its terms.

(b) *Sponsor's incidental construction costs.* The cost of performance by the sponsor or applicant of any obligations properly imposed or assumed in the performance of such work, including insurance premiums.

§ 550.0352 *Construction costs; force account (see also § 550.112).* If any construction under an approved project is accomplished by force account, the allowable project costs in connection with such construction may include items such as the following:

(a) *Wages.* The wages of laborers, mechanics and others employed for work on the project.

(b) *Materials and supplies.* Materials and supplies purchased for and incorporated into the project, including materials and supplies furnished by the sponsor or applicant from a source of supply owned by it or on hand, *Provided*, That approval is first obtained from the Administrator for the use of such materials and supplies, including quality, location, and the unit price thereof.

(c) *Rental charges.* The rental of all machinery, tools, and equipment required and employed in the performance of the work, including machinery, tools and equipment owned or purchased for the project by the sponsor or applicant; *Provided, however,* That the rental charge for machinery, tools or equipment owned or purchased for the project by the sponsor or applicant shall not exceed two-thirds of the prevailing local rate for the rental of such machinery, tools and equipment, *And provided further,* That the use thereof has been specifically approved by the Administrator.

(d) *Insurance premiums.* All insurance premiums and other costs necessary for insurance protection of the project.

§ 550.0353 *Engineering costs.* If the approved project covered by the Grant Agreement requires engineering services, the allowable project costs in connection with such services may include items such as the following:

(a) *Tests, data, applications, plans and specifications.* The expenses of formulating and planning a specific project (as distinguished from expenses of general area, urban or state planning, which are not allowable as project costs), including all costs involved in the making of field surveys and special studies and tests, such as borings and tensility tests, the collection and assembling of data, and the preparation of plans and specifications, charts, sketches, maps, tables, project requests and project applications, and including the fees, salaries and other charges for the services of engineers, survey men, architects and others who render necessary personal services to the sponsor or applicant in connection with such work.

(b) *Supervision and inspection.* The costs of supervision and inspection of construction work under a project, including the fees, salaries and other charges for the services of engineers, survey men, architects, inspectors and others who render necessary personal services to the sponsor or applicant in connection with such work.

§ 550.0354 *Administrative and other incidental costs.* Administrative and other incidental costs in the accomplishment of an approved project covered by the Grant Agreement are allowable project costs and may include items such as the following:

(a) *Preparation of documents.* All expenses incurred in connection with the preparation of contract documents, advertising for and acceptance of bids, and the awarding and execution of contracts.

(b) *Necessary fees and salaries.* The costs of legal proceedings and fees, salaries, and other compensation for the services of accountants, attorneys, auditors, clerks, stenographers, and others who are necessarily employed in connection with the project. The compensation of regular and continuing employees of the sponsor or applicant who perform work on the project within the scope of their regular employment is not an allowable project cost. Work on or in connection with the project outside of the scope of such employment and for which the sponsor or applicant would normally pay additional compensation is an allowable project cost in an amount not to exceed such additional compensation.

(c) *Necessary incidental expenses.* Travel expenses, expenses for telegrams and telephone calls, and other necessary incidental expenses of agents and employees of the sponsor or applicant in connection with the project.

§ 550.04 *United States share of project costs.*

§ 550.040 *Class 3 or smaller airport projects.* The United States share of the project costs (other than costs of land acquisition) of an approved project for the development of a class 3 or smaller airport shall be a percentage of the total allowable project costs of the project (other than costs of land acquisition). Such percentage shall depend upon the State, Territory, or possession in which the airport or airport site is located. The United States share shall be 50 per centum for an approved project in any State, the Territory of Hawaii, and Puerto Rico, except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, shall be increased by whichever is the smaller of the following percentages thereof: (a) 25 per centum, or (b) a percentage equal to one-half the percentage that the area of all such lands in such State is of its total area. The United States share of allowable project costs of projects in the Territory of Alaska shall be 75 per centum. The following table states the percentages for the various States, Territories, and possessions:

Territory of Alaska.....	75.00
Territory of Hawaii.....	50.00
Puerto Rico.....	50.00
District of Columbia.....	50.00
Alabama.....	50.00
Arizona.....	60.53
Arkansas.....	50.00
California.....	54.12

Location of Project and United States Percentage Share of Allowable Project Costs—Continued

Colorado.....	53.34
Connecticut.....	50.00
Delaware.....	50.00
Florida.....	50.00
Georgia.....	50.00
Idaho.....	56.36
Illinois.....	50.00
Indiana.....	50.00
Iowa.....	50.00
Kansas.....	50.00
Kentucky.....	50.00
Louisiana.....	50.00
Maine.....	50.00
Maryland.....	50.00
Massachusetts.....	50.00
Michigan.....	50.00
Minnesota.....	50.00
Mississippi.....	50.00
Missouri.....	50.00
Montana.....	53.57
Nebraska.....	50.00
Nevada.....	62.50
New Hampshire.....	50.00
New Jersey.....	50.00
New Mexico.....	56.87
New York.....	50.00
North Carolina.....	50.00
North Dakota.....	50.00
Ohio.....	50.00
Oklahoma.....	51.67
Oregon.....	56.02
Pennsylvania.....	50.00
Rhode Island.....	50.00
South Carolina.....	50.00
South Dakota.....	53.09
Tennessee.....	50.00
Texas.....	50.00
Utah.....	62.16
Vermont.....	50.00
Virginia.....	50.00
Washington.....	51.88
West Virginia.....	50.00
Wisconsin.....	50.00
Wyoming.....	57.47

§ 550.041 *Class 4 or larger airport projects.* The United States share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 4 or larger airport shall be a percentage of the total allowable project costs of the project (other than costs of land acquisition). Insofar as such allowable project costs, when added to the total allowable project costs incurred in connection with other approved projects, if any, for the development of the same airport (other than costs of land acquisition), are less than \$2,000,000 the United States percentage share of such allowable project costs of the project shall be the percentage which would apply if the project were one for the development of a Class 3 or smaller airport, as prescribed in Section 550.040. For each additional \$1,000,000 or portion thereof over and above such \$2,000,000 figure and up to \$11,000,000, the percentage used in determining the United States share of such portion of the allowable project costs of the project shall be 5 per centum less; for that portion of allowable project costs of the project above \$11,000,000 the percentage used in determining the United States share of such portion shall be the same as the percentage used with respect to allowable project costs between \$10,000,000 and \$11,000,000. This formula for determining the United States share of allowable project costs for approved Class 4 or larger airport projects is set out in tabular form in Appendix B. For

example, if the total allowable project costs (other than costs of land acquisition) of a Class 4 or larger airport project located in Missouri are \$3,000,000 and the allowable project costs (other than costs of land acquisition) which have already been incurred for the development of that airport under another project total \$1,500,000, the United States share of the allowable project costs (other than costs of land acquisition) of the new project is 50 per centum of the first \$500,000 (or \$250,000), plus 45 per centum of \$1,000,000 (or \$450,000) plus 40 per centum of \$1,000,000 (or \$400,000) plus 35 per centum of \$500,000 (or \$175,000), making a total of \$1,275,000. As a further example, if the total allowable project costs (other than costs of land acquisition) of a Class 4 or larger airport project located in Utah are \$4,500,000, and the allowable project costs (other than costs of land acquisition) which have already been incurred under another project total \$1,500,000, the United States share of the allowable project costs (other than costs of land acquisition) of the new project is 62.16 per centum of the first \$500,000 (or \$310,800) plus 57.16 per centum of \$1,000,000 (or \$571,600) plus 52.16 per centum of \$1,000,000 (or \$521,600) plus 47.16 per centum of \$1,000,000 (or \$471,600) plus 42.16 per centum of \$1,000,000 (or \$421,600), making a total of \$2,297,200.

§ 550.042 *Land acquisition costs.* The United States share of the project costs of an approved project which represent the costs of land acquisition shall be 25 per centum of the allowable costs of such acquisition regardless of the size of the airport to be developed.

§ 550.05 *Eligible applicants and sponsors.*

§ 550.050 *Eligible applicants.*

§ 550.0500 *Project requests.* An applicant shall be eligible to submit a Project Request for Federal aid when, acting individually or jointly, such applicant is:

(a) The United States Government or an agency thereof, and the project is located in the Territory of Alaska, the Territory of Hawaii, Puerto Rico, a national park, or national recreation area, a national monument or a national forest; or

(b) A State or agency thereof; or

(c) The Territory of Alaska, the Territory of Hawaii or agency thereof; or

(d) Puerto Rico or agency thereof; or

(e) A municipality or other political subdivision; or

(f) A tax-supported organization;

*Provided, however,* That when the law of any State prohibits a municipality or other public agency from the submission of a Project Application or from receiving grants of Federal funds for airport development or requires approval by the State prior to submission of a Project Application, such municipality or other public agency shall not be eligible to submit a Project Request unless such submission is by, through, or with the approval of the State or appropriate agency thereof and is in accordance with applicable State law. In those cases

when the applicant is acting as an agent on behalf of a sponsor, satisfactory evidence of the authority to act in such capacity shall be submitted to the District Airport Engineer; a formal statement from the sponsor to this effect will be satisfactory evidence.

§ 550.0501 *Project applications.* An applicant shall be eligible to submit a Project Application if and when such applicant, acting individually or jointly, has submitted a Project Request for Federal aid and the Administrator has made a tentative allocation of funds for airport development included within the scope of the Project Request. If the applicant is the sponsor, it must meet the conditions for sponsor's eligibility stated in § 550.051. If it is acting as a duly authorized agent of a sponsor, either by reason of law or agreement of the parties, the contract of agency shall be submitted to the District Airport Engineer. The Administrator will examine such contract of agency as to its scope and the relationship of the parties and may require that the applicant meet such of the conditions for sponsor eligibility, and such other conditions, as he may deem reasonable and necessary.

§ 550.051 *Eligible sponsors.* A sponsor shall be eligible to sponsor a project if it meets the following conditions at or prior to the execution of the Sponsor's Assurance Agreement as required by § 550.08.

§ 550.0510 *Public agency.* The sponsor shall be:

(a) The United States Government or an agency thereof, if the project is located in the Territory of Alaska, the Territory of Hawaii, Puerto Rico, a national park, or national recreation area, a national monument or a national forest; or

(b) A State or agency thereof; or

(c) The Territory of Alaska, the Territory of Hawaii or agency thereof; or

(d) Puerto Rico or agency thereof; or

(e) A municipality or other political subdivision; or

(f) A tax-supported organization.

§ 550.0511. *Powers.* The sponsor shall satisfy the Administrator that it has the legal power and authority, of itself or through an agent, to submit a Project Application and to receive a grant of Federal funds under the act; to engage in the airport development as contemplated in the project and in the act; to acquire, own or control land needed for the project and the operation of the airport; to establish, maintain and operate an airport; to raise necessary funds to meet the sponsor's share of project costs and to finance the operation and maintenance of the airport; to execute all necessary covenants and agreements and to assume the obligations of sponsorship as required by the regulations in this part.

§ 550.0512 *Financial ability.* The sponsor shall satisfy the Administrator that it has sufficient funds available or is able to obtain sufficient funds to defray all estimated project costs which will not be borne by the United States under the act and that it has financial ability to engage in the airport development as

proposed, to operate and maintain the airport and to carry out all project sponsorship obligations prescribed by and under the authority of the act and in the regulations in this part.

§ 550.0513 *Outstanding litigation.* There shall be no pending or threatening litigation or other legal proceeding and no misrepresentation of any relevant fact which might interfere with the conduct or completion of the project or with public operation, maintenance or use of the airport.

§ 550.0514 *Outstanding obligations.* The sponsor shall not be in default on any obligation with the Government relative to the development, operation and maintenance of an airport.

§ 550.0515 *Land.*

§ 550.05150 *Property interests required.* The sponsor shall have or be in a position to acquire the fee simple title to all lands which in the judgment of the Regional Administrator are necessary for the development of the airport to the class proposed in the current revision of the National Airport Plan, and to all lands to be improved under the project and all easements or other property interests which in the judgment of the Regional Administrator are necessary for the project; except that instead of fee simple title, the sponsor may hold a long-term lease from another public agency for a nominal consideration or for a substantial consideration paid in full and in advance for the term of the lease.

The sponsor shall have or be in a position to acquire such easements or other property interests as in the judgment of the Regional Administrator may be required for the prevention, abatement or mitigation of airport hazards; or to permit the flight of aircraft over nearby property, or for drainage, utilities, egress and ingress and such other rights and interests as may be necessary for the operation of the project.

§ 550.05151 *Encumbrances permitted.* The title to the landing area and building area shall be free from all liens, leases, reservations, easements and other encumbrances except those that in the judgment of the Regional Administrator will not interfere with the development and operation of the project or airport. In any event, no such encumbrances will be regarded as acceptable which fail to meet the minimum requirements of the following paragraphs:

(a) *Use agreements.* Any agreement granting the right to use the airport must contain provisions reserving to the sponsor the right, during time of war or national emergency, to lease the landing area or any part thereof to the United States Government for military or naval use, and suspending the provisions of the agreement during such period, insofar as they are inconsistent with the provisions of the lease to the Government. Any such agreement must be consistent with the regulations in this part and by its terms be subordinate to the provisions of any existing or future agreement between the sponsor and the United States, relative to the operation or maintenance of the airport, the execution of which has

been or may be required as a condition precedent to the expenditure or grant of Federal funds for the development of the airport. It must also contain a statement that nothing contained in it shall be construed to grant or authorize the granting of an exclusive right within the meaning of section 303 of the Civil Aeronautics Act of 1938, as amended.

(b) *Airport operation agreements.* Any agreement granting the right to operate the airport, in addition to the provisions described in paragraph (a) of this section, must contain provisions obligating the operator to operate the airport for the use and benefit of the public; to make available all airport facilities and services to the public without unjust discrimination, and to refrain from imposing or levying excessive, discriminatory, or otherwise unreasonable charges or fees for any use of the airport or its facilities or for any airport service.

(c) *Leases.* Any agreement which actually leases any part of the landing area of an airport to be developed under a project must contain, in addition to all the provisions described in paragraphs (a) and (b) of this section, provisions reserving to the sponsor the right to further develop or improve the landing area of the airport as it sees fit, regardless of the desires or views of the lessee, and without interference or hindrance. It must also contain provisions reserving to the lessor the right (but not necessarily imposing on the lessor the obligation) to maintain and keep in repair the landing area of the airport and all publicly owned facilities of the airport, together with the right to direct and control all activities of the lessee in this regard. It must also reserve to the lessor the right to take any action it considers necessary to protect the serial approaches of the airport against obstruction, together with the right to prevent the lessee from erecting or permitting to be erected, any building or other structure on the airport which, in the opinion of the lessor, would limit the usefulness of the airport or constitute a hazard to aircraft.

(d) *Mineral or timber rights.* Any outstanding oil, gas, mineral, or timber right must be so limited that their holder has no right to carry on any activity which would constitute an airport hazard or interfere with the operation of the project or the use of the airport.

(e) *Rights of way.* Any outstanding rights of way, such as easements for pipe lines, pole lines, or roads must be so limited that their holder has no right to use the land in a manner which would constitute an airport hazard or interfere with the operation of the project or the use of the airport.

§ 550.06 *Applicant and sponsor requirements.*

§ 550.060 *Applicant requirements.* An eligible applicant shall meet the requirements of this section.

§ 550.0600 In those cases where the applicant is the sponsor, it shall meet the sponsor requirements stated in § 550.061.

§ 550.0601 If the applicant is acting as an agent of the sponsor, it shall meet such sponsor requirements, and such other requirements, as may be deemed

reasonable and proper by the Administrator after determination of the scope of the agency contract and relationship of the parties, and after consideration of the facts and circumstances of the particular project.

§ 550.061 *Sponsor requirements.* An eligible sponsor shall meet the requirements of this section.

550.0610 *Funds.* The sponsor, at the time of the submission of the Project Application, shall have sufficient funds on hand, or shall submit evidence satisfactory to the Administrator that sufficient funds of the sponsor are, or will be available, to pay all estimated costs of the project which are not to be borne by the United States. The availability of such funds shall be evidenced by a certificate from an approved depository stating that a specific amount of money is on deposit with such depository to the credit of the sponsor, in the fund specified in § 550.131, sufficient to meet all estimated costs of the project which are not to be borne by the United States; or to the extent such funds have not been deposited, the sponsor shall furnish assurances satisfactory to the Administrator that proceeds from some specific non-Federal, public or private fund or from the sale of bonds or other evidences of indebtedness, guarantee the availability of such funds as needed.

§ 550.0611 *Land.*

§ 550.06110 *General.* As soon as possible after execution of the Grant Agreement and in any case prior to the date of commencement of any construction work under the project, the Sponsor shall acquire all necessary land, rights in air space, and property interests therein required by § 550.0515, which it does not already possess whether or not such property interests are to be acquired under the project; except that the required property interests may be acquired within a reasonable time after construction starts if the property interests not yet acquired relate to land which is not necessary for any construction work included in the project and is not to be used for airport purposes upon completion of such work. If there are any lands, rights in air space or other property interests required by § 550.0515 which the Sponsor does not possess at the time it executes the Sponsor's Assurance Agreement, such agreement shall contain an express covenant to acquire such property interests within a time specified therein which shall be subject to the approval of the Regional Administrator.

§ 550.06111 *Appraisers and appraisals.* Where land, improvements, easements, roadways, rights in air space or any other property interests are to be acquired or extinguished by the sponsor as part of a project, the sponsor shall, prior to such acquisition or extinguishment and for the information and guidance of the Administrator, obtain and submit to the District Airport Engineer two independent appraisals thereof.

The selection of the appraisers by the sponsor shall be subject to the approval of the District Airport Engineer. The appraisers should have a background of experience in this field, should be famil-

iar with values and trends in the neighborhood of the site, should have an established reputation in the community for ability and integrity, should be able to qualify as expert witnesses and, preferably, should have had previous experience as witnesses in litigation involving real property valuations. The appraisers shall certify that they have no personal interest, present or prospective, in the property and interests appraised.

Where such property interests were acquired or extinguished by the sponsor, subsequent to May 13, 1946, and prior to submission of the project application, and were appraised for the sponsor at or before the time of such acquisition, or extinguishment, the District Airport Engineer may in his discretion accept such appraisals. If such appraisals are not accepted, or in case such property interests were not appraised for the sponsor at such time, such property interests shall be appraised in accordance with this section with a view to determining their value as of the time of acquisition or extinguishment.

§ 550.06112 *Negotiators.* In negotiating for the purchase of any lands, rights in air space or other property interests included in a project, the sponsor may elect to use its own employees as negotiators or to employ others. If the latter are used, the negotiators shall be established real estate brokers with a reputation for integrity and ability in sales negotiation. The appraisers are not to be used as negotiators. The selection of the negotiators, by the sponsor, is subject to the approval of the District Airport Engineer. The negotiators shall certify that they have no personal interest, present or prospective, in the property interest to be acquired.

§ 550.06113 *Surveys.* A qualified licensed surveyor shall be employed to prepare a property line map showing each parcel of land and each property interest acquired or to be acquired as a part of a project. Leases, easements, rights in air space and other interest in land are to be included in the said map. The map shall be made to a sufficient scale to show all pertinent information. The location and boundaries of the approach, turning and transition zones and the applicable height limits shall be superimposed on this property map. CAA Office of Airports, Drawing No. 672, Airport Approach Standards, dated September 1, 1946 shall be used in preparing such map.

§ 550.06114 *Evidence of title.* Evidence of title in satisfactory form shall be submitted with respect to all land acquisition included in a project. Such evidence of title may be of either the following types unless neither of such types of title evidence is reasonably available to the sponsor in which event, the Regional Administrator will determine what evidence of title will be acceptable:

(a) A title certificate prepared by title or abstract company or by public agency pursuant to applicable land registration or Torrens System Legislation; or

(b) A title insurance policy insuring the sponsor's title to the lands included in the project in an amount approved by the District Airport Engineer.

Duplicate copies of each title certificate, title insurance policy, or other evidence of title shall be furnished the District Airport Engineer at the time the project application is submitted, where the land acquisition was accomplished prior thereto and otherwise at the time application is made for payment of the United States share of the cost of such land acquisition.

§ 550.06115 *Final Land Acquisition Report.* Upon completion of all land acquisition included in the project, a summary report of such acquisition shall be submitted on Form ACA 1646 (Appendix FF) to the District Airport Engineer. The report shall show, for each parcel, the parcel number, the interest acquired by the sponsor, names of immediately preceding owner or owners, appraised values, assessed value, the price paid or award made in condemnation, date of closing and exact surveyed area.

§ 550.0612 *Further development.* Whenever a project is approved, which upon completion will not result in the establishment of a useful and useable airport facility, written assurance satisfactory to the Administrator must be given by the sponsor that it will refund to the United States a sum equal to all grant payments made for that project, in the event that such a useful and useable airport facility is not completed under the Act or otherwise within five years following date of completion of the project.

§ 550.0613 *Special conditions.* Such additional requirements and conditions may be imposed by the Administrator as may be reasonably necessary in the circumstances surrounding the individual project.

§ 550.0614 *Other requirements.* In addition to the requirements of § 550.061, the sponsor of an approved project shall meet the requirements of § 550.08 and such other requirements of the regulations in this part as are not to be met solely by an agent of the sponsor acting as the applicant, according to a contract of agency satisfactory to the Regional Administrator.

§ 550.07 *Submission of project requests; programming; tentative allocation of funds.*

§ 550.070 *Project requests.* An eligible applicant under § 550.05 desiring to obtain Federal aid for the development of an eligible project, under § 550.02, shall, as the first step, submit to the District Airport Engineer of the District wherein the sponsor is located a Project Request for Federal aid on Form ACA 1623 (Appendix G), in quadruplicate. Co-sponsors of an airport not located in the same District shall submit the Project Request to the District Airport Engineer wherein the project is to be located. Such Project Request will be considered as a preliminary notice of intent in order to permit the District Airport Engineer to evaluate the project in the preparation of a tentative annual program and will serve as the basis and justification for the Administrators' consideration for inclusion of the project in the annual program. Upon receipt of a Project Re-

quest the District Airport Engineer will acknowledge its receipt and to the extent necessary will arrange for consultation with the sponsor or applicant concerning the project and for inspection of proposed sites.

§ 550.071 *Project programming.* The filing of a Project Request will in all instances be necessary before any proposed project will be considered for inclusion in a Program. However the filing of such request does not necessarily imply that the proposed project will be included in the Program, nor will it in any way obligate the sponsor or applicant to perform any work or expend any funds in connection therewith.

§ 550.072 *Tentative allocation of funds.* If a project is selected by the Administrator for inclusion in a program, the Administrator will make a tentative allocation of funds for the project and will transmit a notice of such allocation to the applicant or sponsor, as the case may be, through the District Airport Engineer. Such notices will be transmitted on Form ACA 1641. (Appendix AA.)

§ 550.073 *Withdrawal of tentative allocation.* A tentative allocation will be withdrawn only upon failure of the applicant or sponsor to submit a Project Application satisfactory to the Administrator as required by § 550.090 or to comply with the regulations in this part or the act in some other material respect.

§ 550.08 *Sponsor's Assurance Agreement.* As soon as possible after the Administrator has made a tentative allocation for a project, the sponsor shall execute a Sponsor's Assurance Agreement and submit such agreement in quadruplicate to the Administrator through the District Airport Engineer. Such agreement shall be executed only if and when the sponsor has the legal power and authority and financial ability to assume the obligations and make the warranties set forth therein. The Sponsor's Assurance Agreement shall be adopted as a resolution by the governing body of the sponsor and shall be recorded in the public land records of the country or recording jurisdiction where the lands described therein are located. The place and date of recording and the volume and page wherein the agreement is recorded, shall be noted on the conformed copies of the agreement submitted to the Administrator. The Sponsor's Assurance Agreement shall follow, in form and substance, Form ACA 1642 (Appendix BB) except that it may be changed with the approval of the Administrator when a provision of such agreement does not conform or is not applicable to the facts of the particular case or does not conform to the laws applicable to the sponsor.

§ 550.09 *Submission and approval of Project Application.*

§ 550.090 *Submission (See also § 550.14).* At the earliest practicable date after receiving notice of a tentative allocation of funds, the applicant shall submit a Project Application, in quadruplicate, on Form ACA 1624 (Appendix H) to the Administrator through the

District Airport Engineer. Such Project Application shall be accompanied by the final plans and specifications, and where the project involves land acquisition, by a survey map as provided in § 550.06. The plans and specifications shall be prepared in such manner as to assure the completion of the project in accordance with the provisions of the regulations in this part, and with all the applicable laws, ordinances and regulations, except to the extent that valid waivers are obtained from the appropriate authorities. All necessary approvals and permits of state, local, planning, zoning, building and other boards or bodies or the duly authorized officers thereof, shall be obtained before the construction contracts are awarded.

§ 550.091 *Approval.* The Administrator will not approve the Project Application unless he is satisfied that the applicable requirements of the regulations in this part have been met; that the project, when completed, will contribute to the accomplishment of the purposes of the act; and that the sponsor will carry the project through to final completion in accordance with the requirements of the act and the regulations in this part.

§ 550.10 *Grant Agreement.* The offer of the Government to pay a portion of the allowable project costs and the sponsor's, or where applicable, the applicant's acceptance thereof shall constitute the Grant Agreement.

§ 550.100 *Offer.* The Administrator shall make an offer on Form ACA 1632 (Appendix G) to pay the United States share of the allowable project costs of the project. Such offer will be transmitted to the sponsor, and in addition to the applicant if the sponsor is not the applicant or the applicant is to assume any of the obligations of the Grant Agreement. The offer will state a definite amount as the maximum obligation of the United States and shall be submitted in quadruplicate.

§ 550.101 *Terms and conditions.* In addition to such special terms and conditions as may be applicable to a particular project, the offer shall be subject to the following terms and conditions:

(a) Sponsor or applicant in undertaking the development of a project will comply with and carry out the provisions of the act, the regulations in this part, the Sponsor's Assurance Agreement and the Project Application, and will complete the project in accordance with the plans and specifications and the Grant Agreement.

(b) Sponsor or Applicant will accept or reject the offer within sixty days of its receipt, except that in the event of unusual and unforeseen circumstances, which, in the judgment of the Administrator, create an undue hardship on the sponsor or applicant, or will operate in the sponsor's or applicant's disadvantage and prejudice the successful accomplishment of the purposes of the act, the Administrator may, in his discretion, extend the time for acceptance.

(c) Sponsor or applicant will begin work on the project within a reasonable time after the execution of the Grant Agreement.

(d) If, prior to acceptance of the offer, it appears that the amount offered is in excess of the amount required to pay the United States share of the allowable project costs, the Administrator may in his discretion revise and reduce the offer accordingly.

§ 550.102 *Insufficiency of grant offer.* If at any time prior to the acceptance of an offer the sponsor or applicant determines that the amount offered is insufficient to cover the United States share of the allowable project costs and desires to secure a larger offer, the offer should be returned through the District Airport Engineer not later than the date established pursuant to § 550.101, accompanied by a complete justification in support of a request for a larger offer.

If at any time prior to the acceptance of an offer the Administrator determines that the offer is insufficient to meet the United States share of the allowable project costs, he may in his discretion withdraw the offer, or submit a revised offer, and if desirable, request a revision of the plans, specifications, the Project Application, and the Sponsor's Assurance Agreement. If it appears that the project cannot be completed at a reasonable cost and within the estimates, or within the limits of the revised offer, he may in his discretion withdraw the tentative allocation of funds for the project and allocate such funds elsewhere.

§ 550.103 *Acceptance.* If the amount of the United States share as stated in the offer, and all other terms thereof, are satisfactory it shall be accepted and executed in quadruplicate within the time prescribed in § 550.101 (b) by an official of the sponsor or applicant duly designated to take such action by a resolution of the sponsor's governing body, which shall set forth at length the terms of the offer. Three copies of the accepted offer to each of which a certified copy of the above resolution has been attached shall be transmitted to the District Airport Engineer.

§ 550.104 *Obligation of the Government.* Unless and until a Grant Agreement has been executed in accordance with the requirements of this section with respect to a project, the United States shall not pay, nor be obligated to pay, any portion of the project costs which have been or may be incurred in carrying out the project.

§ 550.11 *Performance of construction work.*

§ 550.110 *Responsibility of sponsor.* The sponsor or applicant in developing the project shall be primarily responsible for: (a) Adherence to established CAA standards, policies and procedures; (b) furnishing to the Administrator a list of the various classes of labor to be employed in construction work; (c) advertising for bids; (d) opening bids; (e) awarding contracts; (f) supervision of construction; (g) payments to the contractor; and (h) securing compliance with the act, the regulations in this part, all construction contracts and the plans and specifications.

§ 550.111 *Supervision by Administrator.*

§ 550.1110 *Construction review.* The sponsor or applicant shall require of the contractor that the Administrator shall be permitted (and the sponsor or applicant will permit the Administrator) to inspect and review all work, materials, pay rolls, records of personnel, conditions of employment, invoices of materials, books of accounts, and other relevant data and records. The sponsor or applicant shall provide and maintain or will make available during the construction of the project, if required by the Administrator, adequate facilities at the project site for the use of the Administrator's representatives or agents who may be assigned to review the project.

§ 550.1111 *Construction Reports.*

§ 550.11110 *Detailed Estimate of Cost of Contract.* Prior to the start of construction, the sponsor or applicant shall prepare and submit five copies of the Detailed Estimate of Cost of Contract on Form ACA 1628 (Appendix M) to the District Airport Engineer for approval. This Detailed Estimate shall be based on the items used in the bid proposal. If, during the course of the contract, the sponsor or applicant determines that the original Detailed Estimate of Cost of Contract is inaccurate, the sponsor or applicant shall submit a revised Detailed Estimate of Cost of Contract for approval. In case of lump sum contracts for buildings, the Detailed Estimate shall be broken down for each class of work, such as performance bonds, excavation, foundation, brickwork, framework, plastering, roofing, flooring, plumbing, and electrical work. The Detailed Estimate for force account projects shall be based on labor, material, rental of equipment, and other pertinent items of cost.

§ 550.11111 *Periodic Cost Estimate of Contract.* Not later than the 5th of each month, the sponsor or applicant shall furnish the District Airport Engineer five copies of a Periodic Cost Estimate of Contract, showing the total cost of the construction performed to date, by items, on Form ACA 1629 (Appendix N).

§ 550.11112 *Progress Report Sketch.* The Periodic Cost Estimate of Contract under § 550.11111, shall be accompanied by a progress report sketch, the legend of which will indicate the items of work under the contract, and will show the percentage of completion of such item of the report. The sketch will show the airport property, the landing area layout, and location of specific work, and will be illustrated in vari-colored pencil. No progress report sketch will be required for projects covering buildings only. The percentage of completion shown on the Periodic Cost Estimate of Contract will be sufficient.

§ 550.11113 *Cost Estimate Summary.* Where there has been more than one contract let on a project, the sponsor or applicant shall submit with each Periodic Cost Estimate, a Cost Estimate Summary on Form ACA 1630 (Appendix O).

§ 550.1112 *Payroll, project data and conditions.* The sponsor or applicant shall require each contractor and sub-

contractor engaged in the work at the site of the project to prepare or the sponsor or applicant shall, on a force account project, prepare his payrolls on Form ACA 1645 (Appendix EE); and not later than the 7th day after payment of wages, the sponsor or applicant or each contractor shall submit to the District Airport Engineer a certified legible copy of each such payroll. Each payroll of a contractor and subcontractor shall be sworn to in accordance with the "Regulations Issued Pursuant to the So-Called Kick-Back Statute", which regulations are set forth in § 550.1143. The sponsor or applicant shall furnish the District Airport Engineer such evidence as he may require that all bills for services rendered, materials and supplies have been paid. The sponsor or applicant shall keep a record of project costs in accordance with the classification of such costs as prescribed by the Administrator.

§ 550.112 *Construction by force account.*

§ 550.1120 *When permissible.* Construction work may be accomplished by force account if the Regional Administrator determines that the project or portion thereof, can be more effectively and economically accomplished in such manner. However, with the exception of Federally sponsored projects and projects in the territories and possessions, construction by force account will in no instance be approved if the United States share of the construction and related engineering costs, except planning costs, for any one project in any one year's program exceed \$15,000.

§ 550.1121 *Documents required.* The sponsor or applicant shall submit to the District Airport Engineer the following in support of its application for authority to undertake construction work by force account: (a) Adequate plans and specifications showing the nature and extent of the construction work to be done by force account; (b) a schedule of the construction equipment available to the sponsor or applicant; (c) a complete schedule of operation indicating the date on which the construction equipment will be available for use on the project and the estimated completion date of the project; and (d) an assurance that adequate supervisory engineering and inspection personnel will be provided.

§ 550.113 *Construction by contract.*

§ 550.1130 *General.* With the exception of force account work, all construction work in connection with an approved project shall be accomplished by contract, using Form ACA 1637 (Appendix V). Contracts for construction work shall be awarded only after open and competitive bidding.

§ 550.1131 *Approval of District Airport Engineer.* The sponsor or applicant shall not enter into any contract relative to the development of a project without the approval of the District Airport Engineer and shall at all times retain, reserve, and enforce all of its rights under all contracts entered into by it related to the development of the project, and will not amend or modify or consent to any change in any contract,

or waive, release, or compromise any right or claim which it may have under any contract, without the approval of the District Airport Engineer.

§ 550.1132 *Documents required.* The sponsor or applicant shall submit to the District Airport Engineer:

(a) Three copies of each proposed contract with any person, firm, or corporation, that is to furnish or perform any professional or executive work or service in connection with the project, including architects, engineers, appraisers, title examiners, attorneys, land negotiators, surveyors, and consultants, prior to the execution of such contract;

(b) Three copies of each proposed contract document related to the development of the project;

(c) An Abstract of Bids and Recommendations for Award for each contract related to the construction and equipping of the project on Form ACA 1631 (Appendix P), together with a complete set of the executed documents relating to the construction or equipping of the project and three sets of conformed copies thereof, before any work or service is performed or any material or equipment is furnished thereunder;

(d) Three copies of each proposed change order as to any consideration contract related to the project, before such order is issued;

(e) All proposed insurance policies to be issued in connection with the development of the project before such policies are purchased;

and, after having submitted to the District Airport Engineer the documents above-mentioned, the sponsor or applicant shall not proceed without being advised to do so in writing by the District Airport Engineer.

§ 550.1133 *Letting of contracts.*

§ 550.11330 *Invitation for bids.* The sponsor or applicant may advertise for bids for constructing and equipping a project at any time after the Administrator has approved the plans and specifications and advised the sponsor or applicant the minimum wage rates which the contractor shall pay to skilled and unskilled labor. The Invitation for Bids shall be published in accordance with applicable local law but in any event not less than once each week for two consecutive weeks in not less than one daily newspaper of general circulation in the state in which the sponsor or applicant is located, on Form ACA 1633 (Appendix R). The Invitation for Bids as to all contracts for work involving labor shall contain the minimum wage rates as determined by the Secretary of Labor. The Invitation for Bids shall require that the bidder submit either a Bid Bond equal to 5% of the bid on Form ACA 1634 (Appendix S) or a certified check payable to the sponsor or applicant in a sum equal to 5% of the bid, as bid security.

§ 550.11331 *Safekeeping of bids.* The sponsor or applicant shall provide a safe and secure place for the sealed bids to be kept until their opening. No bids shall be opened until the time fixed in the Invitation for Bids and no person other than the one responsible for the

safekeeping of such bids shall be permitted to have access to them.

§ 550.11332 *Opening of bids.* Bids shall be publicly opened and read aloud at the time and place specified in the Invitation for Bids. Adequate space at the place of opening shall be provided to accommodate no fewer than the bidders, the District Airport Engineer, and the sponsor's or applicant's representatives.

§ 550.11333 *Award of contract.* After the opening of bids, the sponsor or applicant shall submit to the District Airport Engineer the Abstract of Bids and Recommendations for Award, on Form ACA (Appendix P) 1631. Under ordinary circumstances approval will not be given for acceptance of other than the lowest responsible bid received. However, if the sponsor or applicant considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bid may be recommended for approval by giving full justification for the proposed action. In no case shall any bid be accepted without written approval of the Regional Administrator. After the Abstract of Bids has been reviewed and the Recommendations for Award have been approved by the Regional Administrator, the sponsor or applicant shall award the contract, using the Award of Bid, Form ACA 1636 (Appendix U).

§ 550.11334 *Documents required.* After the award and execution of the contract, the sponsor or applicant shall submit to the District Airport Engineer a complete set of the executed documents related to the construction or the equipping of the project and three sets of conformed copies thereof as set out in § 550.1132 (c).

§ 550.1134 *Contract security.* The sponsor or applicant shall require each construction contractor to furnish a Performance Bond on Form ACA 1638A (Appendix W) as security for the faithful performance of his contract and a Payment Bond on Form ACA 1638B (Appendix X) as security for the payment of all persons performing work and furnishing materials in connection therewith. Each of such bonds shall be in an amount not less than the minimum required by applicable State or territorial law: *Provided*, That if the State or territorial law prescribes no minimum requirement as to the amount of the bonds, or if the minimum requirement is less than 50% of the contract price, or if there is no applicable State or territorial law with respect to such bonds, they shall be in an amount not less than 50% of the contract price for the first million dollars and decreased thereafter by 5% for each additional million dollars.

§ 550.1135 *Contractor's insurance.* The sponsor or applicant shall require each construction contractor to maintain, until the work to be performed under his contract has been accepted by the sponsor or applicant, insurance with responsible insurance companies as follows:

(a) Adequate insurance, with the sponsor or applicant named as co-insured under each policy, covering all

work, labor, and materials furnished by such contractor and all his subcontractors against loss by fire, wind storm, lightning, flood, or explosion and against all additional risks in respect to which insurance is commonly carried on buildings and materials during construction, in the locality in which the project is located; *Provided*, That the sponsor or applicant may itself purchase the insurance required in this paragraph in lieu of requiring the contractor to provide such insurance; *And provided further*, That no contractor shall be required to carry insurance on any part of the project after the time at which such part is accepted by the sponsor or applicant;

(b) Adequate compensation insurance for all such contractor's employees who will be engaged in work at the site of the project (and if any part of such contractor's contract is sublet, the contractor will require his subcontractor to maintain such insurance for all the subcontractor's employees who will be so engaged, unless the latter's employees are protected by the principal contractor's insurance);

(c) Adequate public liability and, if recommended by the Administrator, property damage insurance to protect such contractor and all of his subcontractors from claims for damages for personal injury, accidental death, or injury or damage to property, which may arise from operations under the contract whether such operations be carried on by the contractor or by any subcontractor or by any one directly or indirectly employed by either of them.

§ 550.1136 *Contractor's assignments.* The sponsor or applicant will require the contractor to obtain its written consent to any proposed assignment of any interest in or part of any contract relating to the construction or equipping the project, before such assignment thereof is made.

§ 550.1137 *Payments to contractor.* The sponsor or applicant shall make partial payments to each contractor on the basis of an estimate of work performed and materials delivered to the site as often as may be agreed upon by the sponsor or applicant and contractor, but will retain at least 10 per centum of the amount of each such estimate until final completion and acceptance of all work covered by the particular contract: *Provided*, That when 50 per centum of the work has been completed and if the work is otherwise progressing satisfactorily, the sponsor or applicant may make the remaining partial payments in full for the work subsequently completed, but shall retain the prior withheld sums until final payment is authorized. Before making final payment to any contractor, the sponsor or applicant will furnish the District Airport Engineer a Certificate of Completion on Form ACA 1640 (Appendix Z) accompanied by a Certificate and Release on Form ACA 1643 (Appendix CC) executed by the contractor.

§ 550.1138 *Wage claims and adjustments.* In case of under-payment of wages by any contractor, the sponsor or applicant shall withhold from such con-



tractor, out of payments due, an amount sufficient to pay persons employed on the work covered by the contract the difference between the wages contained in the advertised specifications and the wages actually paid such employees for the total number of hours worked. The amounts withheld shall be disbursed by the sponsor or applicant for and on account of the contractor, to the respective employees to whom they are due.

§ 550.114 Labor requirements.

§ 550.1140 Qualifications for employment. The sponsor or applicant shall require that no convict labor shall be employed in the development of the project. The sponsor or applicant shall require that in the employment of labor (except executive, administrative or supervisory) preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States as defined in section 101 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940, and who have been honorably discharged from such service; Provided, That such preference shall apply only where such labor is available and qualified to perform the work to which the employment relates.

§ 550.1141 Minimum wage rates. The sponsor or applicant shall furnish to the District Airport Engineer not less than 60 days prior to the date it proposes to advertise for bids, a list of the various classes of labor to be employed in the construction work of the project, together with a schedule of the minimum wage rates proposed to be paid to skilled and unskilled labor. The minimum wage rates which the contractor shall pay to skilled and unskilled labor will be determined by the Secretary of Labor and will be furnished to the sponsor or applicant by the Administrator prior to the issuance of the Invitation for Bids.

§ 550.1142 Payment of employees. The sponsor or applicant shall require the contractor or subcontractor to pay, or the sponsor or applicant shall pay on a force account project, each of the employees engaged in work at the site of the project in full (less deductions made mandatory by law) and not less often than once each week in cash; or by check if the sponsor or applicant, contractor or subcontractor provides or secures convenient and satisfactory facilities for cashing of the same without cost or expense to the employees.

§ 550.1143 Kick-back Statute and Regulations. The applicable provisions of the Kick-Back Statute and regulations issued pursuant thereto, as set forth in §§ 550.11430 and 550.11431, shall be incorporated in every construction contract awarded by the sponsor or applicant.

§ 550.11430 Kick-Back Statute. The so-called Kick-Back Statute, Public Law No. 324, Seventy-third Congress, approved June 13, 1934 (48 Stat. 948), reads as follows:

An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation con-

tracted for thereunder, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall induce any person employed in the construction, prosecution, or completion of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, or in the repair thereof to give up any part of the compensation to which he is entitled under his contract of employment, by force, intimidation, threat of procuring dismissal from such employment, or by any other manner whatsoever, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

To aid in the enforcement of the above section, the Secretary of the Treasury and the Secretary of the Interior jointly shall make reasonable regulations for contractors or subcontractors in any such building or work, including a provision that each contractor and subcontractor shall furnish weekly a sworn affidavit with respect to the wages paid each employee during the preceding week.

§ 550.11431 Regulations issued pursuant to so-called Kick-Back Statute pursuant to the provisions of Public Law No. 324, Seventy-third Congress, approved June 13, 1934 (48 Stat. 948), concerning rates of pay for labor. The Secretary of the Treasury and the Secretary of the Interior have jointly made the following regulations:

SECTION 1. (This section quotes the Kick-Back Statute).

SEC. 2. Each contractor and subcontractor engaged in the construction, prosecution, or completion of any building or work of the United States or of any building or work financed in whole or in part by loans or grants from the United States, or in the repair thereof, shall furnish each week an affidavit with respect to the wages paid each employee during the preceding week. Said affidavit shall be in the following form:

STATE OF \_\_\_\_\_  
County of \_\_\_\_\_, ss:  
I, \_\_\_\_\_  
(Name party signing affidavit) (Title)  
do hereby certify that I am the employee of \_\_\_\_\_ who supervises \_\_\_\_\_  
(Name of contractor or subcontractor)  
the payment of the employees of said contractor or (subcontractor); that the attached payroll is a true and accurate report of the full weekly wages due and paid to each person employed by the said contractor (subcontractor) for the construction of \_\_\_\_\_, for the weekly payroll period from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that no rebates or deductions from any wages due any such person as set out on the attached payroll have been directly or indirectly made; and that, to the best of my knowledge and belief, there exists no agreement or understanding with any person employed on the project, or any person whatsoever, pursuant to which it is contemplated that I or anyone else shall, directly or indirectly, by force, intimidation, threat, or otherwise, induce or receive any deductions or rebates in any manner whatsoever from any sum paid or to be paid to any person at any time for labor performed or to be performed under the contract for the above named project.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

SEC. 3. Said affidavit shall be executed and sworn to by the officer or employee of the contractor or subcontractor who supervises the payment of its employees.

Said affidavit shall be delivered, within seven days after the payment of the payroll to which it is attached, to the Government representative in charge at the site of the particular project in respect of which it is furnished, who shall forward the same promptly to the Federal agency having control of such project. If no Government representative is in charge at the site, such affidavit shall be mailed within such seven-day period to the Federal agency having control of the project.

SEC. 4. At the time upon which the first affidavit with respect to the wages paid to employees is required to be filed by a contractor or subcontractor pursuant to the requirements of these regulations, there shall also be filed in the manner required by section 3 hereof a statement under oath by the contractor or subcontractor, setting forth the name of its officer or employee who is in a position to have full knowledge of the facts set forth in the form of affidavit required by section 2 hereof. A similar affidavit shall be immediately filed in the event of a change in the officer or employee who supervises the payment of employees. In the event that the contractor or subcontractor is a corporation, such affidavit shall be executed by its president or a vice president. In the event that the contractor or subcontractor is a partnership, such affidavit shall be executed by a member of the firm.

SEC. 5. These regulations shall be made part of each contract executed after the effective date hereof by the Government for any of the purposes enumerated in section 2 hereof.

SEC. 6. These regulations shall become effective on January 15, 1935.

§ 550.11432 Construction of regulations. The clause in the payroll affidavit which reads " \* \* \* that the attached payroll is a true and accurate report of the full weekly wages due and paid to each person employed by the said contractor \* \* \*" is construed to mean: (a) Wages due are the wages earned during the pay period by each person employed by the contractor, less any deductions required by law; (b) at the time of signing the affidavit, the wages due each employee have either been paid to him in full or are being held subject to claim by him; (c) such unpaid wages will be paid in full on demand of the employee entitled to receive them.

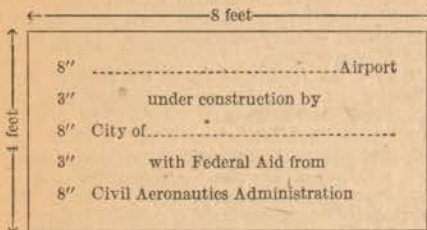
The clause " \* \* \* that no rebates or deductions from any wages due any such person as set out on the attached payroll have been directly or indirectly made" does not apply to any legitimate deductions mentioned above which enter into the computation of full weekly wages due.

The "Regulations Issued Pursuant to So-Called Kick-Back Statute" shall not be construed to prohibit deductions required by law.

§ 550.1144 Accident prevention. The sponsor or applicant shall require of all contractors that precautions shall be exercised at all times for the protection of persons (including employees) and property, that the safety provisions of applicable laws and of applicable building construction codes shall be observed, and that machinery, equipment, and explosives shall be guarded and all hazards shall be eliminated in accordance with the safety provisions of the Manual of Accident Prevention and Construction, published by the Associated General Contractors of America, to the extent

that such provisions are not in contravention of applicable law.

§ 550.115 *Signs.* The sponsor or applicant shall cause to be erected on the site of the project in conspicuous positions, at least two signs of the following dimensions and specifications:



§ 550.12 *Accounting procedure.* The sponsor or applicant shall establish and maintain an accounting system adequate for an accurate and expeditious determination of the allowable costs of each project. Project costs shall be so segregated and grouped that the sponsor or applicant will be able to furnish, whenever required, cost data in the following cost classifications:

- (a) *Purchase price of land.* All costs allowable under § 550.0350 (a).
- (b) *Incidental costs of land acquisition.* All costs allowable under § 550.0350 (b).
- (c) *Costs of construction; contract.* All costs allowable under § 550.0351.
- (d) *Costs of construction; force account.* All costs allowable under § 550.0352.
- (e) *Engineering costs; plans and design.* All costs allowable under § 550.0353 (a).
- (f) *Engineering costs; supervision and inspection.* All costs allowable under § 550.0353 (b).
- (g) *Other administrative costs.* All costs allowable under § 550.0354.

§ 550.120 *Documentary evidence.* The sponsor or applicant shall maintain in its files such documentary evidence as will indicate the type and amount of indebtedness and the date and manner of satisfying the indebtedness. This evidence shall be retained by the sponsor or applicant until all liabilities, actual and contingent, incurred by the sponsor or applicant and arising out of the project have been discharged and for a period of time not less than the period set forth in the statute of limitations of the particular jurisdiction in which the indebtedness arose.

§ 550.13 *Grant payments.*

§ 550.130 *General.* The aggregate of all payments made at any time by the Administrator under any project shall not exceed the United States share of the costs incurred in performing the work completed under the project; *Provided, however,* That if the Administrator shall determine at any time that the aggregate of such payments exceeds the United States share of the allowable project costs the United States shall be entitled, upon demand made by the Administrator, to recover any excess promptly from the sponsor.

§ 550.131 *Designation and certification of payee, depository and account.*

Within ten days after acceptance of the Grant Offer, the sponsor or applicant, as the case may be, shall designate an official or officials or depository, authorized by law to receive public funds, to receive payments representing the United States share of the project costs. An account shall be established with such official, officials or depository to handle such payments, together with those funds to be supplied by other than the United States, which shall be separate and distinct from all other accounts, and shall be entitled "Federal Airport Project, (name of airport)." The sponsor or applicant shall certify in writing to the District Airport Engineer that the official, officials or depository so designated or authorized by local and State law to receive and hold such payments and that the sponsor or applicant has established an account with the depository as required herein.

§ 550.1310 *Payment of United States share.* Provided the payee and depository designated by the sponsor or applicant are satisfactory to the District Airport Engineer, the Administrator will pay the United States share of the project costs to the official or officials or depository so designated and certified by the sponsor or applicant.

§ 550.1311 *Deposit and withdrawal of United States share and other funds.* All payments representing the United States share of the project costs, when received by the payee, shall be deposited in the depository and in the account so designated and certified by the sponsor or applicant. No other funds shall be deposited in said account, except other money for the development of the project. The funds so deposited shall be withdrawn by the sponsor or applicant only in payment of the project costs of development of the project. In case any balance of unexpended funds shall remain in the account after completion of the project and the payment of all of the costs thereof, the sponsor or applicant shall not withdraw such balance without the prior written approval of the Regional Administrator.

§ 550.132 *Land acquisition.*

§ 550.1320 *Provisions concerning land acquisition.* At any time subsequent to the execution of the Grant Agreement and after completion of any land acquisition included in the project, and after the start of actual construction work on a project, if the project includes any such work, the sponsor or applicant may apply to the Administrator on Form ACA 1625 (Appendix J) for payment of the United States share of the allowable project costs of land acquisition. Upon receipt of such application, payment of the United States share as provided in the regulations in this part will be made in full.

§ 550.1321 *Application for payment.* The application for payment of the United States share of land acquisition costs may be made separately from the application for payment of the United States share of other project costs.

§ 550.133 *Project costs other than land acquisition.*

§ 550.1330 *General.* No grant payment will be made to the sponsor or applicant except for airport development which has been accomplished as of the date of payment.

§ 550.1331 *Partial grant payments.* In the absence of an agreement otherwise, application for partial grant payments will be made when the progress of the project has reached the twenty, forty, seventy, and eighty-five per cent stages of completion. However, the Administrator and the sponsor or applicant may enter into an agreement coincidental with or subsequent to the execution of the Grant Agreement establishing other stages of completion for payment of the United States share; *Provided,* That only one application for partial grant payment may be made by a sponsor in any one calendar month. Form ACA 1625 (Appendix J) will be used in making applications for partial grant payments. Such partial grant payments, in their aggregate amount, shall not exceed a percentage of the estimated cost of the airport development previously accomplished, as indicated by the latest approved cost estimate, such percentage to be no more than that percentage of the allowable project costs of such development established by the Grant Agreement as the United States share of such costs and in no event shall exceed the amount stated in the Grant Agreement as the maximum obligation of the United States. As an example, if under the Grant Agreement the United States share is 50 percent of the allowable project costs, partial grant payments up to 40% of the grant offer (or 20% of the project costs) may not be made prior to completion of at least 40% of the development to be undertaken in the project.

§ 550.1332 *Progress audit.* The District Airport Engineer, at any time during the construction of a project, may cause a progress audit to be made. The sponsor or applicant, likewise, may request at any time during the construction of a project that a progress audit be made by the District Airport Engineer. However, if the United States share of the project costs exceeds \$250,000 a progress audit will be made at either the seventy or eighty-five per cent stage of completion. Form ACA 1626 (Appendix K) will be used in reporting the progress made.

§ 550.1333 *Final grant payments.* At such time as the project has been wholly completed and the sponsor or applicant has accepted all work on the project by taking the requisite action as required by local laws or regulations and in compliance with the terms of the grant agreement, the sponsor or applicant shall file an application for final grant payment on Form ACA 1625 (Appendix J). The Administrator shall make the final grant payment only when he has determined that the following conditions have been met:

- (a) A final inspection of all work at the project site has been conducted not more than fifteen days prior to the date of application for final grant payment by representatives of the sponsor, the Dis-

trict Airport Engineer, the Regional Administrator, and the contractors;

(b) A final audit of the work done under the project has been completed;

(c) The sponsor or applicant has furnished the Administrator five (5) copies of the final Periodic Cost Estimate and the Final Physical Progress Sketch.

(d) A certificate has been signed and verified by an officer(s) of the sponsor or applicant designated by resolution on Form ACA 164 (Appendix Z) stating that the development of the project has been completed in accordance with the Rules and Regulations, the construction contract and the plans and specifications, and that all liabilities of the sponsor or applicant, actual and contingent, of the sponsor or applicant incurred for, or in connection with, the development of the project, except as specifically set forth in this certificate, have been discharged through payment or other means, and that those liabilities not yet discharged will be discharged upon receipt by the sponsor or applicant of the final grant payment.

§ 550.1334 *Amount of final grant payment.* Based upon the final inspection, audit, and documents required by § 550.1333, the Administrator will determine the total amount of the allowable project costs of the project pursuant to § 550.03 and pay the sponsor or applicant the United States share of such amount less the total amount of all prior payments. *Provided, however,* That the aggregate of all payments made shall not exceed the amount stated in the grant agreement as the maximum obligation of the United States.

§ 550.14 *Memoranda and hearings.*

§ 550.140 *Memoranda.*

§ 550.1400 *Who may file.* Any public agency, person, association, firm, or corporation, having a substantial interest in the disposition of any Project Application, may file a memorandum in support of or in opposition to the Project Application. The Administrator may by such memorandum be informed of data or conditions not otherwise available to him or be given advice and suggestions as to the disposition of a Project Application.

§ 550.1401 *Time and place of filing and notice thereof.* A memorandum shall be filed in duplicate with the District Airport Engineer of the District in which the proposed project is located not later than twenty days subsequent to publication by the sponsor or applicant of a notice that the Project Application has been submitted. This notice shall be published by the sponsor or applicant, within three days after the date of submitting a Project Application, in a publication of general circulation in the city or county in which the proposed project is located, stating:

(a) That the Project Application has been submitted;

(b) The date of submission;

(c) A general description of the work proposed;

(d) The location of the airport and of land or interests therein to be required, in sufficient detail to permit ready identification in the community;

(e) That any public agency, person, firm, or corporation having a substantial interest in the disposition of such Project Application may file a memorandum in support of or in opposition to the Project Application with the Administrator through the District Airport Engineer (setting forth the correct address of the District Airport Engineer), and may request a public hearing with respect to the location of the airport.

(f) That, to insure proper consideration prior to disposition of the Project Application, such memorandum must be filed in duplicate not later than twenty days subsequent to the date of publication of the notice.

The sponsor or applicant shall furnish, as soon as possible, a copy of the published notice to the District Airport Engineer.

§ 550.1402 *Consideration of memoranda.* If a memorandum in duplicate is received by the District Airport Engineer within the specified time, a copy will be made a part of the record of the Project Application, the disposition of which it supports or opposes; the other copy will be furnished to the sponsor or applicant by the District Airport Engineer. No Project Application will be disposed of until all memoranda filed within the specified period have been considered.

§ 550.1403 *Memoranda requesting public hearing with respect to location of an airport.* The party filing a memorandum in support of or in opposition to a Project Application may request a public hearing with respect to the location of the airport, the development of which is proposed. If, in the opinion of the Administrator, the party filing the memorandum has a substantial interest in the matter, a public hearing will be held in accordance with § 550.141.

§ 550.141 *Hearings.*

§ 550.1410 *Time, place, and notice.* If a request for a public hearing is made and approved as set forth in § 550.1403, the time and place of the hearing will be set by the Administrator. The time will be set so that it will least delay consideration of a Project Application but will afford reasonable time for all parties concerned to prepare for the hearing. The place of hearing will be at a place convenient to the sponsor or applicant. The Administrator will give notice of time and place by mail to the party filing the memorandum, to the sponsor or applicant, and to such other persons as the Administrator deems necessary.

§ 550.1411 *Procedure.* A representative of the Administrator will conduct the hearing on behalf of the Administrator in such manner as he deems adequate to afford a fair exploration of the question involved. All parties may appear in person or by counsel. The burden of substantiating allegations contained in the memorandum shall be on the party filing it. All parties will be given an opportunity to be heard and permitted to produce witnesses and to introduce evidence. The Administrator's representative shall decide the time to be consumed, the type of testimony to be heard, and other matters with respect to the conduct of the hearing.

§ 550.1412 *Record.* A hearing will be recorded in such form and manner as may be determined by the representative of the Administrator and shall become a part of the record of the Project Application.

§ 550.1413 *Notice of decision.* The decision of the Administrator's representative will be communicated to the parties concerned at the conclusion of the hearing or by mail thereafter.

§ 550.15 *Review of planning decisions.*

§ 550.150 *Definitions.* (a) "Planning decision" means, for the purposes of this section, any formal approval or disapproval in whole or in part of a plan for location and development of airports prepared by any public agency, whether acting individually or jointly, or any formal approval or disapproval with respect to the class, size, location, or type of facilities of any specific airport, but it does not mean any formal approval or disapproval with respect to planning, formulating, or accomplishing a project under the regulations in this part.

(b) "Person" means any individual corporation, partnership, firm, or association owning or operating an airport, whether public or private, or engaged in air transport operations, whether scheduled or non-scheduled, or engaged in the business of servicing aircraft, or engaged in a business in which use of aircraft is indispensable, such as aerial photography and crop dusting; and any public agency.

§ 550.151 *Request that Regional Administrator review planning decision.*

§ 550.1510 *Who may file.* Any person whose rights or interests have been or might be adversely affected in a substantial manner by a planning decision of the Regional Administrator or any of his subordinates, may file a request that the Regional Administrator review such decision.

§ 550.1511 *Time limitation.* In order that proper consideration may be given to a request for review, it must be filed within 20 days following the making of the decision complained of.

§ 550.1512 *Content of request.* A request for review of a planning decision shall include, but not necessarily be limited to, the following:

(a) Identification of the planning decision of which review is requested;

(b) Description of the nature and extent of the interest of the person filing the request;

(c) Statement of the manner in which that interest has been or might be adversely affected;

(d) A prima facie showing that the adverse effect upon the rights or interests of the person requesting review has been or might be substantial;

(e) The decision which the person filing the request believes would be proper under the circumstances.

§ 550.1513 *Review by the Regional Administrator.* If it is determined by the Regional Administrator that the rights or interests of the person filing the request have been or might be adversely affected in a substantial manner by the planning decision, he will consider the record and such additional information

as has been furnished by the person filing the request. He may, in his judgment it appears advisable, conduct an investigation or may hold a public hearing. In the event the Regional Administrator considers it advisable to hold a public hearing, he will decide the time and place thereof; will give notice to the person filing the request and such other persons as he deems necessary; will conduct the hearing in such manner as he deems adequate to afford a fair opportunity for presentation of information relevant and pertinent to the questions involved; and will arrange for a record of the hearing in such manner and form as he considers adequate.

§ 550.1514 *Decision following the review.* The Regional Administrator, so

far as it is within his authority to do so, may sustain, modify, or reverse the planning decision complained of. He will notify the person filing the request as to his action.

§ 550.152 *Request that the Administrator review planning decision.*

§ 550.1520 *Who may file.* If the Regional Administrator has sustained in whole or in part a planning decision, reviewed by him, the person who filed the request for such review may file with the Regional Administrator a request that the record of the planning decision and review thereof be forwarded to the Administrator for review.

§ 550.1521 *Time limitation.* In order that proper consideration may be given

to such a request, it must be filed with the Regional Administrator within 20 days after the Regional Administrator has sustained the planning decision complained of.

§ 550.1522 *Review by Administrator.* The Administrator will consider the questions involved on the basis of the record. No public hearing will be granted.

§ 550.1523 *Decision following the review.* The Administrator may sustain, modify, or reverse the planning decision as the circumstances warrant, but in no case will he be bound by his decision upon such review if he subsequently concludes on the basis of further information that such decision should be changed.

APPENDIX A

TABLE 3.—AIRPORT SIZE PLANNING STANDARDS

Recommended minimum standards	Class I	Class II	Class III	Class IV	Class V
Length of landing strips <sup>1</sup>	1,800 to 2,700 feet	2,700 to 3,700 feet	3,700 to 4,700 feet	4,700 to 5,700 feet	5,700 feet and over.
Width of usable landing strips	300 feet	500 feet	500 feet	500 feet	500 feet
Length of runways	None	2,500 to 3,500 feet	3,500 to 4,500 feet	4,500 to 5,500 feet	5,500 feet and over.
Width of runways	None	150 feet (night operations) 100 feet (day operations only).	200 feet (instrument) 150 feet (night operations)	200 feet (instrument) 150 feet (night operations)	200 feet (instrument). 150 feet (night operations).
Number of landing strips and runways <sup>2</sup> determined by percentage of winds including calms <sup>3</sup> covered by landing strip and runway alignment.	70 percent	75 percent	80 percent	90 percent	90 percent.
Facilities	Drainage; fencing; marking; wind direction indicator; hangar; basic lighting (optional).	Include class I facilities and lighting; hangar and shop; fueling; weather information; office space; parking.	Include class II facilities and Weather Bureau 2-way radio; visual traffic control; instrument approach system (when required); administration building, taxiways and aprons.	Same as class III.	Same as class IV.

<sup>1</sup> All of the above landing strip and runway lengths are based on sea-level conditions; for higher altitudes increases are necessary. One surfaced runway of dimensions shown above is recommended to reach landing strip for airports in classes II, III, IV, and V.

<sup>2</sup> Landing strips and runways should be sufficient in number to permit take-offs and landings to be made within 22½° of the true direction for the percentage shown above of winds 4 miles per hour and over, based on at least a 10-year Weather Bureau wind record where possible.

<sup>3</sup> Calms: Negligible wind conditions of 3 miles per hour and under.

APPENDIX B

CLASS 4 AND LARGER AIRPORTS

UNITED STATES PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS [OTHER THAN COSTS OF LAND ACQUISITION]

Increments of cumulative allowable project costs <sup>1</sup>	United States percentage share in Territory of Hawaii, Puerto Rico, and States other than listed herein	United States percentage share for States and Territory listed													
		Arizona	California	Colorado	Idaho	Montana	Nevada	New Mexico	Oklahoma	Oregon	South Dakota	Utah	Washington	Wyoming	Alaska
First \$2,000,000	50	60.53	54.12	53.34	56.36	53.57	62.50	56.87	51.67	56.02	53.09	62.16	51.88	57.47	75.00
Next \$1,000,000	45	55.53	49.12	48.34	51.36	48.57	57.50	51.87	46.67	51.02	48.09	57.16	46.88	52.47	70.00
Do.	40	50.53	44.12	43.34	46.36	43.57	52.50	46.87	41.67	46.02	43.09	52.16	41.88	47.47	65.00
Do.	35	45.53	39.12	38.34	41.36	38.57	47.50	41.87	36.67	41.02	38.09	47.15	36.88	42.47	60.00
Do.	30	40.53	34.12	33.34	36.36	33.57	42.50	36.87	31.67	36.02	33.09	42.16	31.88	37.47	55.00
Do.	25	35.53	29.12	28.34	31.36	28.57	37.50	31.87	26.67	31.02	28.09	37.16	26.88	32.47	50.00
Do.	20	30.53	24.12	23.34	26.36	23.57	32.50	26.87	21.67	26.02	23.09	32.16	21.88	27.47	45.00
Do.	15	25.53	19.12	18.34	21.36	18.57	27.50	21.87	16.67	21.02	18.09	27.16	16.88	22.47	40.00
Do.	10	20.53	14.12	13.34	16.36	13.57	22.50	16.87	11.67	16.02	13.09	22.16	11.88	17.47	35.00
Portion exceeding \$10,000,000	5	15.53	9.12	8.34	11.36	8.57	17.50	11.87	6.67	11.02	8.09	17.16	6.88	12.47	30.00

<sup>1</sup> This cumulative cost includes all prior allowable project costs under the Federal Airport Act but does not include costs of land acquisition.

APPENDICES C TO AA

NOTE: Appendix C—Form ACA-1619, Appendix D—Form ACA-1620, Appendix E—Form ACA-1621, Appendix F—Form ACA-1622, Appendix G—Form ACA-1623, Appendix H—Form ACA-1624, Appendix I—Form ACA-1624A, Appendix J—Form ACA-1625, Appendix K—Form ACA-1626, Appendix L—Form ACA-1627, Appendix M—Form ACA-1628, Appendix N—Form ACA-1629, Appendix O—Form ACA-1630, Appendix P—Form

ACA-1631, Appendix Q—Form ACA-1632, Appendix R—Form ACA-1633, Appendix S—Form ACA-1634, Appendix T—Form ACA-1635, Appendix U—Form ACA-1636, Appendix V—Form ACA-1637, Appendix W—Form ACA-1638A, Appendix X—Form ACA-1638B, Appendix Y—Form ACA-1639, Appendix Z—Form ACA-1640, and Appendix AA—Form ACA-1641 were filed as part of the original document. Requests for copies should be addressed to the Civil Aeronautics Administration.

Form ACA 1642

APPENDIX BB

SPONSOR'S ASSURANCE AGREEMENT WITH THE UNITED STATES RELATIVE TO OPERATION AND MAINTENANCE OF THE AIRPORT

Whereas, the Federal Airport Act, Public Law 377, 79th Congress (hereinafter referred to as the "Act") directed the Administrator of Civil Aeronautics of the United States Department of Commerce (hereinafter referred to as the "Administrator") to prepare and

revise annually a national plan for the development of public airports adequate to anticipate and meet the needs of civil aeronautics, and authorized the expenditure of Federal funds for airport development included in this National Plan, and

Whereas, the Administrator in furtherance of the purposes of the Act and to carry out the objectives thereof has designated in the current revision of the National Airport Plan a project for airport development at (location and other identification as stated in the National Airport Plan) and has included such project or part thereof in the development program for the year 194... and

(Following clause to apply to Class IV and larger airports only)

Whereas, authority to undertake the project during the fiscal year (194...) has been granted by the Congress as provided in section 8 of the Act, and

Whereas, the (public agency) (hereinafter referred to as the "sponsor") in accordance with the Rules and Regulations promulgated by the Administrator pursuant to the Act (hereinafter referred to as the "Rules and Regulations"), has submitted a Project Request for Federal aid for development of the (airport) (hereinafter referred to as the "Airport") and has received from the Administrator a notice of tentative allocation of Federal funds for a project, and

Whereas, the sponsor is desirous of securing the Administrator's approval of the project and a grant of funds for an airport or airport development; and

Whereas, as a condition precedent to approval of the project and a grant of Federal funds, the Administrator requires that the sponsor enter into an agreement with the United States (hereinafter referred to as the "Government"), in the manner and form hereof;

Now, therefore, be it resolved by the (governing body) of the (public agency):

SECTION 1. That for and in consideration of the Government's agreement to pay the United States share of the allowable project costs of the project, the sponsor, for itself, its successors, or assigns does hereby covenant and agree with the Government as follows:

(a) The sponsor agrees, insofar as legally possible, that it will maintain a master plan of its airport, including building areas, approach areas, and landing areas indicating present and future proposed development commensurate with the airport and with current approval of the Administrator; and that in establishing additional improvements, the sponsor will conform to such master plan or approved changes thereto. (If the project is in an urban area, the following clause will be added to this covenant, "and that it will maintain an urban plan of airports for the area under its jurisdiction, such plan having been approved by the Administrator; and that it will prevent improvement or development of any airport which would not conform to such plan or approved changes thereto.")

(b) The sponsor agrees that, continuously during the term of this agreement, the airport will be operated as such and for no other purpose and will at all times be operated for the use and benefit of the public, on fair and reasonable terms and without unjust discrimination.

(c) The sponsor covenants and agrees that no landing fee or other direct or indirect charge for the privilege of non-commercial use of the landing area of the airport for landing and taking-off of aircraft will be imposed. Commercial use of the landing area of the airport will be regarded as including any aircraft operation of any person whose use of the airport is for activities in which an aeronautical service is rendered to others for gain or profit, and the aircraft operations

of all other persons shall be regarded as non-commercial. A businessman using an airplane for personal transportation shall not be considered a commercial user.

(d) The sponsor covenants and agrees that it will not exercise, or authorize, or grant any exclusive right within the meaning of Section 303 of the Civil Aeronautics Act of 1938. The sponsor further covenants and agrees that it will not exercise or authorize, or grant any exclusive right to use the airport for air carrier operations, for rental of aircraft to the public, for conducting charter flights, for operation of a flying school, for selling aircraft, aircraft parts and equipment or for repairing aircraft and engines, or for carrying on other airport service or fixed base operations, whether or not such exclusive rights are within the purview of Section 303 of the Civil Aeronautics Act of 1938.

(e) The sponsor covenants and agrees that it will permit all qualified operators, on reasonable terms and without unjust discrimination, to use the landing area of the airport for any aeronautical business or operation. The sponsor further covenants and agrees that it will not grant the right to any one airport service operator to use or control any sponsor owned area, buildings, facility or other improvements on the airport, except when provision is made that such operator shall make available to other operators on equal and reasonable terms, such of the space or facilities as are not reasonably needed for his operations or the sponsor has retained the right to make arrangements with other operators for the use of such space or facilities at the airport.

(f) The sponsor covenants and agrees that it will not grant to any one airport service operator an exclusive right to sell aviation gasoline and oil; and further covenants and agrees that it will not grant an exclusive right to any gasoline company which would limit gasoline and oil sold at the airport solely to its products unless such exclusive right is granted on a competitive basis, it is for a term of not more than 3 years, the contract granting the exclusive right requires the gasoline company to make available its products to all users of the airport on reasonable terms and without unjust discrimination, and the granting of such exclusive right has been approved, in writing, by the Regional Administrator.

(g) Any dispute of fact arising with respect to the reasonableness of terms, rates, charges, exclusive use, or discrimination between the sponsor and airport service operators or between the sponsor and any other agency, individual or corporation, public or private, shall be submitted to the appropriate Regional Administrator of the Civil Aeronautics Administration through the District Airport Engineer, for consideration and determination. The decision of the Regional Administrator shall be final as to all parties concerned and shall be complied with by the sponsor.

(h) The sponsor agrees that it will continuously during the term of this agreement maintain in good and serviceable condition and repair, with due regard to climatic and flood conditions, the entire landing area of the airport and all buildings and other improvements, facilities and equipment which have been or may be installed with Federal aid including all improvements made under the project, other than facilities or equipment owned by the Government, and further covenants and agrees that essential facilities, including night lighting systems, when installed, shall be operated in such a manner as to assure their availability to all authorized users of the airport.

(i) The sponsor covenants and agrees that it will replace and repair all buildings, structures and facilities developed under the project when such are destroyed or damaged, replacing or restoring them to a condition comparable to that preceding the destruction or damage; and that it will carry in full force,

during the life of this agreement, insurance on all buildings, structures and facilities. It is further agreed that such replacement or restoration required under this section will be accomplished without delay, and shall not await, prejudice or preclude the filing of a claim under Section 17 of the Act when the damage is by any Federal agency.

(j) The sponsor covenants and agrees that when the land or improvements thereon, acquired or developed under the project, are sold, condemned, or otherwise disposed of, wholly or in part, the Government will be reimbursed in proportion to its original investment in the property so disposed of, but not exceeding its original share in the portions so disposed of, except that if the proceeds are used by the sponsor for airport purposes or if the transfer is made pursuant to this agreement to another public agency or agencies for operation as an airport, there shall be no reimbursement to the Government.

(k) The sponsor covenants and agrees that insofar as is within its powers and reasonably possible it will prevent the use of any land either within or outside the boundaries of the airport, including the construction, erection, alteration or growth of any structure or other object thereon, which would be a hazard to the landing, taking-off and maneuvering of aircraft at the airport, or otherwise limit its usefulness as an airport. The sponsor further covenants and agrees, with respect to land outside the boundaries of the airport, to remove or cause to be removed any growth, structure or other object thereon, which would be a hazard to the landing, taking-off or maneuvering of aircraft at the airport or otherwise limit its usefulness as an airport, or when such is not feasible, to mark or light such growth, structure or other object. The sponsor agrees that the airport approach standards to be followed in this connection shall be those established by the Administrator in Office of Airports Drawing No. 672 dated September 1, 1946. The sponsor further covenants and agrees that, insofar as legally possible, it will adopt and enforce zoning ordinances and regulations to safeguard aircraft flight operations within the airport hazard areas as defined in the above mentioned drawing, prohibiting the creation, establishment, erection and construction of hazards to air navigation; and agrees, insofar as reasonably possible, to acquire such easements or other interests in lands and air space as may be necessary to perform the covenants of this paragraph.

(l) The sponsor covenants and agrees that all facilities of the airport developed with Federal aid and all those used for the landing and taking-off of aircraft, other than buildings, will be available to the United States for use by military and naval aircraft in common with other aircraft at all times without charge, except that, if the use by such military and naval aircraft shall be more than twenty-five per cent of all civil and military and naval use as determined by the number of operations and weight of aircraft, a reasonable share, to be mutually agreed upon by the sponsor and the Government and proportional to such use, of the cost of operating and maintaining the airport and facilities so used, may be charged.

(m) The sponsor agrees that, if requested to do so by the War Department or Navy Department, at any time during a national emergency declared by the President, it will lease the landing area of the airport to the Government for military or naval use, at a rental of \$1 per annum for such period as the Government may designate: *Provided*, That the lease shall contain an express stipulation that its term shall not exceed the duration of the national emergency and six months thereafter, unless an extension thereof is approved by the Administrator. Such lease shall also contain a covenant on the part of the Government to permit use of the leased premises by commercial,

private, and other non-military aircraft to the extent possible without interfering with military operations, and to bear all of the expenses of maintaining and keeping in good repair the leased premises and all improvements and facilities thereon, other than that proportion of the cost of such maintenance, arising from non-military use.

(n) The sponsor agrees that, in the event the Government determines to acquire any or all of the lands or improvements included within the project and it becomes necessary, for any reason, that the Government institute condemnation proceedings to effect such acquisition, the compensation to be claimed by the sponsor therefrom in said condemnation proceedings, shall not reflect the amount of Federal funds expended under the project in the acquisition and development of the beforementioned lands or improvements, less depreciation, and it specifically agrees that this agreement may be used in any such condemnation proceedings as a stipulation so reducing the compensation to be awarded.

(o) The sponsor covenants and agrees that it will furnish to any civil agency of the Government, without charge (except for light, heat, janitor service, and similar facilities and services at the reasonable cost thereof), such space in airport buildings as may be reasonably adequate for use in connection with any airport air traffic control activities, or weather reporting activities, and communications activities related to airport air traffic control, which are necessary to the safe and efficient operation of the airport and which such agency may deem it necessary to establish and maintain at the airport.

(p) The sponsor covenants and agrees to currently maintain a system of airport accounts and records in connection with the operation and maintenance of the airport, sufficient to provide the Administrator with such annual or special airport financial and operation reports as he may reasonably request. The sponsor covenants and agrees that the airport and all airport accounts and records will be available for inspection at any time, upon reasonable request, to the Regional Superintendent of Airports or his representatives.

(q) In order to protect the rights and interests of the Government under this agreement, the sponsor agrees that it will not enter into any transaction or amend or revise any of the covenants or representations contained in this agreement, which would operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency eligible under the Rules and Regulations to assume such obligations, and having the power, authority and financial resources to carry out all such obligations. If the management and operation of the airport is relinquished wholly or in part, the sponsor agrees that it will reserve sufficient powers and authority to insure that the airport will be operated and maintained in accordance with the Act and these Rules and Regulations. The sponsor further agrees that it will not execute any deed, lease, operation or management agreement, or other instrument, or adopt any law, ordinance, or regulation affecting the airport or any portion or facility thereof or interest therein, unless thirty days written notice of its intention so to do has been given to the Administrator, or unless the Administrator has waived in writing the right to such notice. A copy of the proposed instrument, law, ordinance, or regulation in question shall be attached to said notice, which shall state the date upon which the same is to be executed, adopted or enacted. All leases, operation or management agreements, or other instruments affecting the airport or any portion or facility thereof shall contain a provision that such

instrument shall be subordinate and subject to the provisions of this agreement.

(r) The sponsor agrees that the provisions of all previous agreements between the Government and the sponsor relative to the operation and maintenance of the airport shall remain in full force and effect except insofar as inconsistent with the agreement, in which event the provisions of this agreement shall prevail.

Sec. 2. That in order to satisfy the Administrator that the sponsor is qualified to sponsor the project under the requirements established by the Act and the Rules and Regulations, and to induce the Government to enter into the Grant Agreement with the inspection of the project, the sponsor does hereby warrant and represent to the Government as follows:

(a) That the sponsor holds fee simple title to all lands necessary for development of the airport to the class proposed in the current revision of the National Airport Plan and to all lands to be improved under the project and holds all easements or other interests necessary for the project, all as shown on the outline survey attached hereto as Exhibit "A", and more particularly described as follows:

That the lands held in fee simple are described as follows:

Parcel 1 (recorded in Vol. —, Pg. — of deed records) which Sponsor owns, free and clear of all liens, easements, leases and other encumbrances except

- (a)
- (b)
- (c)

(Repeating the above as to each parcel held in fee except to list in sequence descriptions of those parcels where the encumbrances that follow are the same.)

That the lands in and over which the Sponsor has acquired easements and rights in air space are described as follows:

Parcel 1 with respect to which the Sponsor holds an easement (Prohibiting the presence or erection of any building, structure or other obstacle above the glide angle plane or such other brief description as is generally appropriate) as more fully described in said easement recorded in Vol. —, Pg. — of County deed records, which easement is the first and dominant interest upon the title to said lands except as follows:

- 1.
- 2.
- 3.

That the lands in, upon and under which the Sponsor has acquired surface or sub-surface easements and rights are described as follows:

Parcel 1 with respect to which the Sponsor holds an easement for (storm, sewer, drainage rights, and egress and ingress for vehicular traffic, or such other brief description as is generally appropriate) as more fully described in said easement, recorded in Vol. — Pg. — of County deed records, which easement is the first and dominant interest upon the title to said lands except:

- 1.
- 2.
- 3.

(If the sponsor has not acquired the necessary lands, satisfactory covenants shall be incorporated in section 1 hereof to assure the Administrator that such property interests will be acquired within a specific time.) (See §§ 550.0515 and 550.0611 of the Rules and Regulations.) (If the project is for the acquisition of land only, specific covenants shall be incorporated in section 1 hereof to insure compliance with the provisions of § 550.0612 of the Rules and Regulations.)

(b) That the sponsor has sufficient funds available for that portion of the project costs which is not to be paid by the United States;

(c) That the sponsor has the power and authority, of itself or through an agent, to

receive a grant of Federal funds under the Act;

(d) That the sponsor has the power and authority to adopt this resolution through its (governing body) and to perform all the covenants and agreements contained herein;

(e) That the sponsor is legally and financially able to operate and maintain the airport and to perform all the covenants contained in this agreement;

(f) That there is no pending or threatened litigation or other legal proceeding, and no material or relevant fact, which might adversely affect the prosecution of the project, the operation of the airport, or the performance of any of the covenants contained in sections 1 and 2 hereof, which has not been brought to the attention of the Administrator;

(g) That the (governing body) of the (public agency) is the proper body to adopt this resolution and has complied with all requirements of law in so doing;

(h) That such of the above representations and covenants as involve questions of law are made upon the advice of (chief legal officer) of the (public agency), whose certificate as to such matters has been delivered to the (governing body) and is annexed hereto and made a part hereof, as Exhibit "B";

Sec. 3. That the (chief legal officer) and (other officer) be and they are authorized and directed to furnish the Administrator copies of all documents representing or evidencing the encumbrances described in section 2 (a) hereof, together with such legal and factual information relative to the airport, the project, and this resolution as the Administrator may reasonably request.

Sec. 4. That this agreement shall become effective immediately except that section 1 hereof shall not be effective until the execution of the Grant Agreement and this Agreement shall be incorporated in the Grant Agreement and become a part thereof. This Agreement shall remain in full force and effect for a period of twenty years from the date of the execution of the Grant Agreement.

Sec. 5. That if any provision of this agreement or the application thereof shall be held invalid, such invalidity shall not affect the provision or application of this Agreement which can be given effect without the invalid provision or application.

Sec. 6. That after recordation as provided in § 550.08 of the Rules and Regulations three certified copies of this resolution be sent forthwith to the Administrator, through the appropriate CAA District Airport Engineer.

Sec. 7. That this resolution constitutes the (public agency's) assurance as required under sections 9 and 11 of the Act and shall be referred to as the "Sponsor's Assurance Agreement."

CERTIFICATE

of (Clerk or other Recording Officer)

I, (Name), the duly elected, qualified and acting (title) of the (Public agency), do hereby certify that the foregoing resolution was legally adopted at a meeting of the (governing body) of the (public agency) duly held on the \_\_\_\_\_ day of (month), 19\_\_\_, and that said resolution has been compared by me with the original thereof on file in my office and is a true copy of the whole of said original.

I further certify that there was attached to the said resolution at the time of its adoption an attorney's certificate and outline survey of which the certificate and outline survey annexed hereto are true copies.

In witness whereof, I have hereunto set my hand and seal of the (public agency) this \_\_\_\_\_ day of (Month), 19\_\_\_

[SEAL]

(Signature)

(Title)

EXHIBIT "B"  
 CERTIFICATE  
 of (Chief Legal Officer)

I, (name), the duly appointed and qualified (title) of the (public agency), having read the proposed resolution heretofore submitted to the (public agency) by the Administrator of Civil Aeronautics, the adoption of which is required as a condition precedent to the Administrator's approval of a Project Application and a grant of funds for a project, do hereby certify:

1. That the (public agency) holds fee simple title to all lands necessary for the development of the airport to the class proposed in the current revision of the National Airport Plan and to all the lands to be improved under the project, and holds all easements or other interests necessary for the project, all as shown on Exhibit "A", more particularly described as follows:

Parcel 1 (Recorded in Vol. ---, Pg. --- of deed records) which Sponsor owns, free and clear of all liens, easements, leases and other encumbrances except

- (a)
- (b)
- (c)

(Repeating the above as to each parcel held in fee except to list in sequence descriptions of those parcels where the encumbrances that follow are the same.)

That the lands in and over which the Sponsor has acquire' easements and rights in air space are described as follows:

Parcel 1 with respect to which the Sponsor holds an easement (prohibiting the presence or erection of any building, structure or other obstacle above the glide angle plane or such other brief description as is generally appropriate) as more fully described in said easement recorded in Vol. ---, Pg. --- of County deed records, which easement is the first and dominant interest upon the title to said lands except as follows:

- 1.
- 2.
- 3.

That the lands in, upon and under which the Sponsor has acquired surface or sub-surface easements and rights are described as follows:

Parcel 1 with respect to which the Sponsor holds an easement for (storm sewer, drainage rights, and ingress and egress for vehicular traffic, or such other brief description as is generally appropriate) as more fully described in said easement, recorded in Vol. ---, Pg. --- of County deed records, which easement is the first and dominant interest upon the title to said lands except

- 1.
- 2.
- 3.

2. That the (public agency) has the power and authority, of itself or through an agent, to receive a grant of Federal funds under the Act; to engage in the airport development in accordance with the Rules and Regulations and the Act; to acquire, own and control land needed for the project and the operation of the airport; to establish, maintain and operate an airport; and to lease funds to meet the sponsor's share of the project costs and for the operation and maintenance of the airport. (The Chief Legal Officer shall cite the authority—statute, court decision, or otherwise—upon which this certificate is based.)

3. That the (public agency) has the power to adopt said resolution through its (governing body) and to perform all of the covenants and conditions therein. (The Chief Legal Officer shall cite the authority—statute, court decision, or otherwise—upon which this certificate is based.)

4. That there is no pending or threatened litigation or other legal proceeding which

might adversely affect the prosecution of said project, the operation of said airport, or the performance of any of the covenants contained in said resolution.

Dated this \_\_\_\_\_ day of (month, 19\_\_\_)

-----  
 (Signature)

-----  
 (Title)

APPENDIX CC

NOTE: Appendix CC—Form ACA-1643 was filed as part of the original document. Requests for copies should be addressed to the Civil Aeronautics Administration.

[F. R. Doc. 46-15789; Filed, Sept. 3, 1946; 11:41 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 7807]

ARECIBO BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Arecibo Broadcasting Co., Inc., Arecibo, Puerto Rico; for construction permit, Docket No. 7807, file No. B-P-5047.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August, 1946;

The Commission having under consideration the above entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Arecibo, Puerto Rico;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Mario Acosta (File No. B-P-4562; Docket No. 7449) requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Mayaguez, Puerto Rico, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Mario Acosta (File No. B-P-4562; Docket No. 7449) or in any other

pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

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

By the Commission.

[SEAL]

T. J. SLOWIE,  
 Secretary.

[F. R. Doc. 46-16142; Filed, Sept. 6, 1946; 11:26 a. m.]

[Docket No. 7813]

PERTH AMBOY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of James Stolcz, d/b as Perth Amboy Broadcasting Co., Perth Amboy, New Jersey; for construction permit, Docket No. 7813, file No. B1-P-5101.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1510 kc, 250 w power, daytime only, at Perth Amboy, New Jersey;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Home News Publishing Company (File No. B1-P-5129) requesting a construction permit for a new standard broadcast station to operate on 1510 kc, with 1 kw power, daytime only, at New Brunswick, New Jersey, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the

services proposed in the pending application of Home News Publishing Company (File No. B1-P-5129) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

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

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 46-16143; Filed, Sept. 6, 1946;  
11:26 a. m.]

[Docket No. 7816]

YAKIMA VALLEY BROADCASTING CO.

DESIGNATING APPLICATION FOR CONSOLIDATED  
HEARING ON STATED ISSUES

In re application of C. H. Fisher, C. O. Fisher, B. N. Phillips, and James E. Phillips, d/b as Yakima Valley Broadcasting Company, Yakima, Washington; for construction permit, Docket No. 7816, file No. B5-P-5115.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Yakima, Washington;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Yakima Broadcasting Corporation (File No. B5-P-5099) requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Yakima, Washington, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the

areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Yakima Broadcasting Corporation (File No. B5-P-5099) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

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

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 46-16144; Filed, Sept. 6, 1946;  
11:26 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. G-768]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 5, 1946.

Notice is hereby given that on August 26, 1946, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation, having its principal place of business in Shreveport, La., filed with the Federal Power Commission an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of approximately 7,000 feet of 4½-inch O. D. pipeline and 3,300 feet of 3½-inch O. D. pipeline to be designated as Line AM-111, to extend from Station 2135.99 on Applicant's Line A, approximately 1 mile southeast of Garland City, Arkansas, in an easterly direction to the Spirit Lake oil field, centering about Section 14, Township 16 South, Range 25 West, Lafayette County, Arkansas, including metering and regulating facilities.

The application states that the facilities proposed to be constructed are intended primarily for the rendering of natural gas service to drilling rigs and pumping units in the development and operation of the Spirit Lake oil field. Applicant states that it has received numerous inquiries concerning gas service from drilling companies in that field.

The application further states that gas requirements for drilling rig boilers to be attached to the facilities proposed for construction will be approximately 25,000 to 50,000 cubic feet per hour at pressures of from 25 to 50 pounds per square inch; that pumping unit requirements will not exceed 400 cubic feet per hour; that while uncertainty exists as to the number of drilling rigs to be served at one time

from these facilities, such number will probably be not more than four; and that pressure existing in Applicant's Line A at the point of connection proposed for the proposed Line AM-111 varies, with seasonal demands, between 175 and 250 pounds per square inch. It is submitted that under these conditions, the proposed facilities are adequate for the rendering of the service described.

Applicant estimates that the total over-all capital cost of the proposed construction will be \$12,458.00.

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

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

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

[F. R. Doc. 46-16151; Filed, Sept. 6, 1946;  
11:47 a. m.]

[Docket No. G-771]

NATURAL GAS PIPELINE CO. OF AMERICA AND  
TEXOMA NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 4, 1946.

Notice is hereby given that on August 26, 1946, an application was filed with the Federal Power Commission by Natural Gas Pipeline Company of America ("Natural") and Texoma Natural Gas Company ("Texoma"), each a Delaware corporation with its principal place of business at Chicago, Ill., for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicants jointly, but each in respect to the facilities proposed to be constructed by it, to construct and operate certain facilities, hereinafter more particularly described, which, if constructed, will extend and enlarge Applicants' existing integrated natural gas transportation system. Such existing transportation system, operated under common management, includes a 24-inch main pipeline extending from the Panhandle field in Texas in a general northeasterly direction across portions of Oklahoma, Kansas, Nebraska, Iowa and Illinois to a point near Joliet, Illinois; segments or "loops" of pipelines, 26 inches in diameter paralleling the aforementioned 24-inch pipeline; and a 20-inch branch pipeline extending from Geneseo,



Illinois, northeasterly to a point near the Wisconsin state line.

Natural delivers natural gas for distribution in numerous communities in Illinois, Indiana, Wisconsin, Iowa, Nebraska and Kansas.

On May 10, 1946, in Docket No. G-651, this Commission issued a certificate of public convenience and necessity to Texoma and Natural authorizing said companies to construct and operate certain additional transportation facilities, including additional compressor engines at Texoma's compressor station No. 22 in the Panhandle Field, and certain 26-inch pipeline loops parallel to the present 24-inch pipeline where no 26-inch loops now exist; and authorizing Natural to make proposed sales of natural gas for resale in certain communities in Illinois and Iowa not then served by it. Texoma and Natural have not as yet constructed such additional facilities or commenced making such additional sales.

The facilities which Applicants, in Docket No. G-771, seek authorization to construct and operate are described as follows:

1. As to Texoma:

(a) The addition of nine 1,250 hp. engines and appurtenant facilities to its compressor station No. 22.

(b) The construction in the State of Texas of approximately 11 miles of 26-inch loop line.

No additional gathering lines are presently to be constructed as part of or in relation to additional facilities proposed.

2. As to Natural:

(a) The construction of a 6,250 hp. compressor station in the vicinity of Guymon, Oklahoma.

(b) The addition of a total of thirty-nine 1,250 hp. compressor units to existing main line stations in Oklahoma, Kansas, Nebraska, Iowa, and Illinois.

(c) The construction of 31 miles of 26-inch pipeline from the proposed Guymon Compressor Station to the present main line system at Compressor Station No. 2.

(d) The construction of a total of approximately 35 miles of 26-inch loop line along the route of the present 24-inch pipeline.

(e) The construction of approximately 54 miles of 24-inch pipeline loop between Compressor Station No. 10 and Joliet, Illinois.

(f) The construction of necessary telephone, dehydration plant and other appurtenant facilities.

The application recites that the present capacity of the system, approximately 268,000 Mcf. per day, will be increased by the construction of the facilities authorized in Docket No. G-651 by 81,000 Mcf. per day to a total of 349,000 Mcf. per day; and will be increased by the construction of the facilities proposed in Docket No. G-771 by 135,000 Mcf. per day to a total of 484,000 Mcf. per day.

Natural proposes to deliver additional natural gas for distribution in communities now served by it and in the communities which it was authorized to serve by the certificate of public convenience and necessity issued in Docket No. G-651.

Applicants do not propose at the present time to serve new main line industrial customers from the additional capacity to be afforded by the construction of the new facilities.

The application recites that there is an increased public demand and need for natural gas in the aforesaid communities, to the extent that Natural's present facilities and those for which a certificate has been issued in Docket No. G-651 are and will be insufficient to supply its market requirements, and that the distributing companies to which Natural was authorized to sell natural gas by the certificate issued in Docket No. G-651, have revised and increased their estimates of the quantities of natural gas that will be required by them; and that the granting of the certificate sought in Docket No. G-771 is necessary in order for Natural to supply the increased requirements.

It appears from the application that the estimated total over-all capital cost of the facilities for which a certificate is sought in Docket No. G-771 is approximately \$23,554,136. Natural proposes to lend to Texoma all capital necessary for the construction to be undertaken by Texoma. Natural proposes to finance the cost of such loan to Texoma, and all capital cost of the extension of its own system proposed in Docket No. G-771, in part by the issuance of bonds secured by Texoma's obligation to it and by a first mortgage on all of Natural's physical property and pipeline system, and in part by the issuance of unsecured bank notes.

Applicants plan to start construction of the facilities proposed in Docket No. G-771 in April 1947 and to complete the project by January 1, 1950.

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

Any person desiring to be heard or to make any protest with reference to the application of Natural and Texoma should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen (15) days from date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 46-16152; Filed, Sept. 6, 1946;  
11:47 a. m.]

[Docket No. G-772]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF APPLICATION

SEPTEMBER 4, 1946.

Notice is hereby given that on August 26, 1946, an application was filed with the

Federal Power Commission by Chicago District Pipeline Company ("Applicant"), an Illinois corporation with its principal place of business at Joliet, Ill., 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.

Applicant is engaged in the purchase, transmission and sale of natural gas for resale to The Peoples Gas Light and Coke Company, Public Service Company of Northern Illinois, Western United Gas and Electric Company, and Northern Indiana Public Service Company, which are gas distributing utilities supplying the Chicago metropolitan area, including the northern Indiana area adjacent to the Illinois-Indiana State line. The natural gas which Applicant obtains is produced in Texas, being purchased by it from Natural Gas Pipeline Company of America at a point in Rutland Township, La Salle County, near Wedron, Ill., and at a point in Joliet Township, Will County, near Joliet, Ill.

Applicant's present transmission system consists of two transmission pipelines extending from a point near the City of Joliet to Chicago, Illinois. One of such pipelines, known as the Calumet line, consists of approximately 41 miles of 24-inch pipe and extends easterly from said point near Joliet through the City of Chicago Heights, Illinois, thence northerly to a point of connection with a gas main of The Peoples Gas Light and Coke Company. Applicant's other Pipeline, known as the Crawford line, consists of approximately 34 miles of 24-inch and 20-inch pipe and extends northeasterly from said point near Joliet, following generally the north bank of the drainage canal of the Sanitary District of Chicago to a connection with a gas main of The Peoples Gas Light and Coke Company at the western city limits of Chicago. Applicant's transmission system also has connections with the gas distribution systems of Public Service Company of Northern Illinois, Western United Gas and Electric Company, and Northern Indiana Public Service Company.

On May 10, 1946, in Docket No. G-664, this Commission issued a certificate of public convenience and necessity to Applicant authorizing it, inter alia, to construct and operate two sections of 24-inch loop line, aggregating approximately 23 miles, along its Crawford line. Applicant has not as yet completed the construction of such facilities.

The facilities which Applicant in Docket No. G-772, seeks authorization to construct and operate are described as follows:

A section of 24-inch pipeline, approximately 11 miles in length, completing the looping of the Crawford line.

The application recites that the capacity of the Crawford line will be 220,000 Mcf. per day upon completion of the additional facilities authorized in Docket No. G-664, and after the completion of the facilities for which authorization is now sought will be 315,000 Mcf. per day.

Applicant proposes to deliver additional gas to The Peoples Gas Light and Coke Company, Public Service Company

of Northern Illinois, Western United Gas and Electric Company and Northern Indiana Public Service Company for distribution in and near the communities now served by said companies and any other communities as may hereafter be served by them.

Applicant does not propose to serve any main line industrial customers.

The application recites that the proposed increase in the capacity of the Crawford line is intended (1) to permit transmission through that line of additional natural gas which Natural Gas Pipeline Company of America proposes to make available to Applicant at Joliet, (2) to insure continuity of deliveries through the Crawford line, and (3) to permit transmission through the line of a portion of the gas now transported through the Calumet line in the event the operation of the latter line should be interrupted or the requirements of Applicant's customers make a change necessary in the quantities of gas delivered through the respective lines. The application further recites that the growth of the communities served by certain of said gas distributing utilities and increased utilization of gas as a fuel have increased public demand therefor, to the extent that Applicant's present facilities as augmented by those authorized in Docket No. G-664 will be insufficient to supply the prospective natural gas requirements of said distributing utilities by the time the facilities for which a certificate of public convenience and necessity is now requested can be installed.

It appears from the application that the estimated total over-all capital cost of the extension of Applicant's facilities for which a certificate is sought in Docket No. G-772 is approximately \$750,000. Applicant proposes to borrow all of the funds required in connection with such proposed construction from the Peoples Gas Light and Coke Company, its parent, on Applicant's unsecured note or notes to be due in 20 years from date, the notes to provide for repayment by Applicant, at any time, at its discretion, of portions of the total sum involved in amounts of \$25,000 or multiples thereof.

Applicant proposes to start construction as soon as practicable after receipt of a certificate and complete the construction not later than the fall of 1948.

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

Any person desiring to be heard or to make any protest with reference to the application of Chicago District Pipeline Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, a peti-

tion or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 46-16153; Filed, Sept. 6, 1946;  
11:47 a. m.]

[Docket No. IT-6007]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

SEPTEMBER 6, 1946.

Notice is hereby given that on September 3, 1946, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Florida Power Corporation ("Applicant"), a corporation organized under the laws of the State of Florida and doing business in said State, with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of 200,000 shares of additional common stock of the par value of \$7.50 per share pursuant to a proposed amendment to the Charter or Amended Certificate of Reincorporation of Applicant. Such amendment to Applicant's Charter will authorize an increase of the Common Stock from 1,000,000 shares to 1,200,000 shares of the par value of \$7.50 per share, such additional shares to be in all respects equal to the outstanding shares. The company will first offer the additional shares to present Common stockholders in the ratio of one share for each five shares of Common stock held of record and thereafter negotiate with underwriters for the unsubscribed shares; all as more fully appears in the Application on file with the Commission.

Any persons desiring to be heard or to make any protest with reference to said Application should, on or before the 23rd day of September, 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]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 46-16150; Filed, Sept. 6, 1946;  
11:47 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-336]

NORTH STANDARD MINING CO.

#### ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

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

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 as amended, to determine whether the registration of North Standard Mining Company, com-

mon stock, 10¢ par value, should be suspended or withdrawn. File No. 1-336.

I. It appearing to the Commission:

That North Standard Mining Company, a corporation organized under the laws of the State of Utah, is the issuer of Common Stock, 10¢ Par Value; and

That said North Standard Mining Company registered its Common Stock, 10¢ Par Value, on the Salt Lake Stock Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about April 8, 1935, an application on Form 10, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on July 16, 1935 by general order of the Commission dated July 13, 1935, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said North Standard Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said North Standard Mining Company has a fiscal year ending December 31; that the annual reports for the fiscal years ended December 31, 1943, 1944 and 1945 were due to be filed not later than April 30, 1944, 1945 and 1946, respectively; that registrant made no request for extension of time within which to file said reports; that the times for filing were not extended by the Commission; and that to date registrant has not filed with the Commission any of said annual reports; and

II. The Commission having reasonable cause to believe that:

The said North Standard Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual reports for the years

ended December 31, 1943, 1944 and 1945 within the times prescribed for filing said reports, and (2) it has failed to file such annual reports at any late date or dates; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said act, that a public hearing be held to determine whether North Standard Mining Company has failed to comply with Section 13 of the Securities Exchange Act of 1934, as amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, 10¢ Par Value, of said North Standard Mining Company on the Salt Lake Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John L. Geraghty, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and 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;

It is further ordered, That the taking of testimony in this hearing begin on the 19th day of September, 1946, at 10:00 a. m. Mountain Standard Time, at the Regional Office of the Securities and Exchange Commission, Room 822, 444 17th Street, Denver 2, Colorado, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-16097; Filed, Sept. 6, 1946;  
10:52 a. m.]

[File No. 7-929]

SAN FRANCISCO STOCK EXCHANGE AND  
MONTGOMERY WARD AND CO., INC.

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 5th day of September A. D. 1946.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) 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 Monday, September 23, 1946, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, 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 John G. Clarkson, 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. 46-16099; Filed, Sept. 6, 1946;  
10:52 a. m.]

[File No. 70-1322]

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

ORDER GRANTING APPLICATION AND 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 28th day of August A. D. 1946.

The Commonwealth & Southern Corporation (Commonwealth) a registered holding company, and Commonwealth's public utility subsidiary, Consumers Power Company (Consumers), have filed a joint application-declaration with amendments thereto pursuant to the provisions of the Public Utility Holding Company Act of 1935 with respect to transactions which may be summarized as follows:

Consumers proposes (a) to amend its Certificate of Organization so as to increase the authorized number of shares of its common stock, without par value, from 2,000,000 shares to 6,000,000 shares, (b) to issue 3,623,432 shares of new common stock to Commonwealth in exchange for the 1,811,716 shares of common stock presently owned by it, (c) to sell publicly, pursuant to the competitive bidding provisions of Rule U-50, such number of additional shares of such new common stock as will produce net cash proceeds to Consumers in the amount of \$20,000,000 and (d) to amend its Certificate of Organization so as to provide for certain voting rights for its preferred and common stock, and to provide for proceeds from the sale of additional common stock to be credited to common capital stock account; and

A public hearing having been held after appropriate notice and the Commission having considered the record and

having made and filed its findings and opinion herein:

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective subject to the terms and conditions provided in Rule U-24 and to the following further terms and conditions;

1. That the proposed issuance and sale of additional common stock by Consumers shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light thereof, jurisdiction being reserved for this purpose.

2. That jurisdiction be, and it is, hereby reserved over the payment of all fees and expenses of all counsel incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-16098; Filed, Sept. 6, 1946;  
10:52 a. m.]

[File No. 70-1351]

PUBLIC SERVICE CO. OF INDIANA, INC. AND  
INDIANA GAS & WATER CO., INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of September 1946.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 10, and 12 (f) thereof and Rule U-43 thereunder, by Public Service Company of Indiana, Inc., (Service Company), a public utility subsidiary of The Middle West Corporation, a registered holding company, and by Indiana Gas & Water Company, Inc. (Gas-Water), a public utility subsidiary of Service Company.

Notice is further given that any interested person may, not later than September 16, 1946, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said application-declaration, as filed or as amended, may be granted and permitted to become effective, respectively, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule 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 document which is on file in the offices of the Commission for a statement

of the transactions therein proposed, which are summarized as follows:

1. The amendment by Gas-Water of its articles of incorporation so as to provide for an authorized capital stock consisting of 1,000,000 shares of common stock of the par value of \$10.00 per share;

2. The reclassification of Gas-Water's presently outstanding 277,500 shares of common stock of no par value into 570,948 shares of common stock of \$10.00 par value per share; and

3. The issuance and sale by Gas-Water and the acquisition by Service Company of 29,052 additional shares of common stock of the par value of \$10.00 per share for a cash consideration of \$290,524.24.

Gas-Water proposes to use the proceeds from the sale of its common stock, together with the proceeds of the issuance of short term notes in the aggregate principal amount of \$500,000, for capital improvements.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 46-16100; Filed, Sept. 6, 1946;  
10:52 a. m.]

#### UNITED STATES COAST GUARD.

##### WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4433 and 4491, as amended, 54 Stat. 163-167 (46 U. S. C. 375, 391a, 392, 404, 411, 489, 526-526b), and section 101, Reorganization Plan No. 3 of 1946, the following withdrawal of approval of equipment is prescribed, effective upon the date of publication in the FEDERAL REGISTER:

##### SAFETY VALVES

Coast Guard approval of the following items of equipment is withdrawn:

Withdrawal of approval of pop safety valve, submitted by Star Brass Manufacturing Co., Boston, Mass. (Original approval made in 1898)

Withdrawal of approval of No. 15, size 3" pop safety valve, submitted by Star Brass Manufacturing Co., Boston 18, Mass. (Original approval made in 1929)

Withdrawal of approval of No. 17, size 3½" pop safety valve, submitted by Star Brass Manufacturing Co., Boston 18, Mass. (Original approval made in 1929)

Withdrawal of approval of No. 18, size 4" style lever, twin safety valve, submitted by Star Brass Manufacturing Co., Boston 18, Mass. (Original approval made in 1929)

Withdrawal of approval of No. 19, size 4" style lever, twin safety valve, submitted by Star Brass Manufacturing Co., Boston, 18, Mass. (Original approval made in 1929)

Withdrawal of approval of No. 50, 2" safety valve, submitted by Star Brass Manufacturing Co., Boston 18, Mass. (Original approval made in 1929)

Withdrawal of approval of Consolidated American safety valve, Type 1445, top outlet sizes 1½" to 2", Dwg. No. C-220-A, submitted by Consolidated Safety Valve Division, Manning, Maxwell and Moore, Inc., Bridgeport 2, Conn.

Notwithstanding the withdrawal of approvals of the above items of equipment, any vessel carrying such items may continue to use them so long as in good and serviceable condition.

Dated: September 4, 1946.

[SEAL] J. F. FARLEY,  
Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 46-16140; Filed, Sept. 6, 1946;  
11:16 a. m.]

#### WAR SHIPPING ADMINISTRATION.

##### "GERTRUD" AND "RAGNHILD"

##### DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by Administrator, War Shipping Administration, pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17-78th Congress).

Whereas the title to the vessels of Danish registry named below was requisitioned pursuant to the act of June 6, 1941 (Pub. Law 101, 77th Cong.; 55 Stat. 242), as amended, on or about the date shown opposite the name of each such vessel:

"Gertrud"----- July 12, 1941.  
"Ragnhild"----- July 12, 1941.

and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17-78th Cong.; 57 Stat. 45), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however*, That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner \* \* \*;

and

Whereas neither the full amount nor 75 per centum of just compensation for such vessels has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessels is not required by the United States; and

Whereas the former owners of the said vessels have consented to this determination and to the return of the vessels and to the conversion of the requisition of the title thereto to a requisition of the use thereof in accordance with the act approved March 24, 1943 (Public Law 17, 78th Cong.);

Now, therefore, I, Granville Conway, Administrator, War Shipping Adminis-

tration, acting pursuant to the act approved March 24, 1943 (Public Law 17, 78th Congress), do hereby determine that the ownership of said vessels is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than the title to such vessels shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Date: August 30, 1946.

[SEAL] GRANVILLE CONWAY,  
Administrator.

[F. R. Doc. 46-16030; Filed, Sept. 5, 1946;  
3:53 p. m.]

#### OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6938]

KATHERINE REKELKAMM ET AL.

In re: Interests in bond and mortgage, and property insurance policy owned by Katherine Rekelkamm, Justina Baumann, Johannes Henrick Seip and the heirs, next-of-kin, legatees and distributees, names unknown, of Helena Baumann, deceased.

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 the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

##### Name and Last Known Address

Katherine Rekelkamm, 12 Domeninweg, Kassel, Germany.

Justina Baumann, Marburg, Germany.  
Johannes Henrick Seip, Buschhütten, Kreis Siegen, Austrasse 30, Germany.

Heirs, next-of-kin, legatees and distributees, names unknown, of Helena Baumann, deceased, Germany.

2. That the property described as follows:

a. All right, title and interest of the persons named in subparagraph 1, in and to that certain mortgage which was executed on April 20, 1928, by Gustav Otto and Bertha Otto, his wife, to William A. Wachenfeld, as Trustee under the Last Will and Testament of Stephan Baumann, deceased, and recorded on April 23, 1928, in the office of the Register of the County of Westchester, State of New York, in Liber 2835 of Mortgages, Page 49, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations.

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 233953, issued by The American Union Insurance Company of New York, to the Estate of Gustav Otto, insuring the prem-

ises subject to the mortgage described in subparagraph 2-a hereof, which policy expires February 14, 1949, and which is in the possession of Arthur T. Schmidt, Esq., 92 Liberty Street, New York, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraphs 2-a and 2-b 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 July 3, 1946.

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

[F. R. Doc. 46-15918; Filed, Sept. 5, 1946;  
9:49 a. m.]

[Vesting Order 7097]

ICHIEMON TAKAKURA

In re: Estate of Ichiemon Takakura, deceased. File D-39-18615; E. T. sec. 14492 H-388.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Atsushi Takakura, in and to the Estate of Ichiemon Takakura, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

*National and Last Known Address.*

Atsushi Takakura, Japan.

That such property is in the process of administration of Sibyl Davis, Statutory Administrator, acting under the judicial supervision of the Circuit Court, First Judicial Circuit, Territory of Hawaii;

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 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 July 15, 1946.

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

[F. R. Doc. 46-15919; Filed, Sept. 5, 1946;  
9:49 a. m.]

[Vesting Order 7098]

HELENE THOMAS

In re: Estate of Helene Thomas, deceased. File D-28-10456; E. T. sec. 14871.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Auferman, Franz Thomas and William Thomas, and each of them, in and to the Estate of Helene Thomas, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country (Germany), namely,

*Nationals and Last Known Address*

Anna Auferman, Germany.  
Franz Thomas, Germany.  
William Thomas, Germany.

That such property is in the process of administration by Marie Martha Kibat, as Administratrix c. t. a., acting under the judicial supervision of the County Court of McLennan County, Texas;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 15, 1946.

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

[F. R. Doc. 46-15920; Filed, Sept. 5, 1946;  
9:49 a. m.]

[Vesting Order 7102]

YAO YABE

In re: Estate of Yao Yabe, deceased.  
File D-39-18499; E. T. sec. 14675.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:  
Cash in the amount of \$741.29

is property in the possession of the Alien Property Custodian;

That such property was held by the United States Department of the Interior, War Relocation Authority, Seattle, Washington, for the account of the executor of the Estate of Yao Yabe and is property within the United States owned or controlled by, payable or deliverable to, held on behalf or on account of, or owing to, or which is evidence of ownership or control by a national of a designated enemy country, Japan, namely,

*National and Last Known Address*  
Hidekichi Kobayashi, Japan.

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 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 July 15, 1946.

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

[F. R. Doc. 46-15921; Filed, Sept. 5, 1946;  
9:49 a. m.]

[Vesting Order 7177]

SOPHIA MARIE BONTA

In re: Estate of Sophia Marie Bonta, deceased. File No. D-28-9763; E. T. sec. 13710.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of George Werner, Karoline Schuff, August Schardt, Nettie Schardt and Katherine Schardt, and each of them, in and to the Estate of Sophia Marie Bonta, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

George Werner, Germany.  
Karoline Schuff, Germany.  
August Schardt, Germany.  
Nettie Schardt, Germany.  
Katherine Schardt, Germany.

That such property is in the process of administration by the County Treasurer of Onondaga County, as Depository, acting under the judicial supervision of the Surrogate's Court of Onondaga County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien

Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 22, 1946.

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

[F. R. Doc. 46-15922; Filed, Sept. 5, 1946;  
9:49 a. m.]

[Vesting Order 7180]

JOHANNA FUCHS

In re: Estate of Johanna Fuchs, deceased. File No. D-66-1750; E. T. Sec. 10537.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Frieda Reisner and her issue, names unknown, Max Friedrich and his issue, names unknown, Bertha Bengraf and her issue, names unknown, Anna Mary Horstkoetter and her issue, names unknown, and Karl Friedrich and his issue, names unknown, and each of them, in and to the estate of Johanna Fuchs, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Frieda Reisner and her issue, names unknown, Germany.  
Max Friedrich and his issue, names unknown, Germany.  
Bertha Bengraf and her issue, names unknown, Germany.  
Anna Mary Horstkoetter and her issue, names unknown, Germany.  
Karl Friedrich and his issue, names unknown, Germany.

That such property is in the process of administration by John Friedrich and Paul Zuhlke as Executors of the Estate of Johanna Fuchs, deceased, acting under the judicial supervision of the Surrogate's Court, Richmond County, New York;

And determining that to the extent that such nationals are persons not with-

in a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 22, 1946.

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

[F. R. Doc. 46-15923; Filed, Sept. 5, 1946;  
9:49 a. m.]

[Vesting Order 7330]  
VIRNAR ACKERMAN

In re: Bank account owned by Virnar Ackerman. F-28-23688-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Virnar Ackerman, whose last known address is Alisen Street 20½, Darmstadt, Hessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);
2. That the property described as follows: That certain debt or other obligation owing to Virnar Ackerman, by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles 54, California, arising out of a savings account, Account Number 12048, entitled Virnar Ackerman, maintained at the Long Beach Main Office of the afore-

said bank located at 350 Pine Avenue, Long Beach, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15925; Filed, Sept. 5, 1946;  
9:50 a. m.]

[Vesting Order 7306]

A. P. TETENS

In re: Stocks and bonds owned by A. P. Tetens. F-28-4238-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That A. P. Tetens, whose last known address is % Tetens Kogyo K. K., Tokyo Kaijo Building—Fifth floor—Room 1517, Marunouchi 1—Chome 6, Kojimachi-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);
2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Hurley & Company and beneficially owned by A. P. Tetens, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, issued in the name of bearer, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto, and

c. Six coupons, each of \$30 face value, detached from two German Central Bank for Agriculture Secured Sinking Fund Gold 6% Series A bonds, due 1938, each of \$1,000 face value, bearing the numbers M15397 and 17714, which coupons are presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

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.

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 July 30, 1946.

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

EXHIBIT A

Name, address and State of incorporation of issuer	Certificate Nos.	Number of shares	Par value	Type of stock	Name, address and State of incorporation of issuer	Certificate Nos.	Number of shares	Par value	Type of stock
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N. Y., incorporated in Delaware.	O134082	2	\$15.00	Capital.	The National City Bank of New York, 55 Wall St., New York, N. Y., incorporated under National Banking Act.	C012574	10	\$12.50	Common.
Mission Corp., 15 Exchange Pl., Jersey City, N. J., incorporated in Nevada.	O136588	1	10.00	Common.	Standard Oil Co., 30 Rockefeller Plaza, New York, N. Y., incorporated in New Jersey.	CC72540 CC51645 C337666	1 1 20	25.00 25.00 25.00	Capital, Do. Do.

EXHIBIT B

Name of issuer	Type of bond	Face value	Certificate No.	Name of issuer	Type of bond	Face value	Certificate No.		
Commonwealth of Australia	External loan of 1927, 5 percent, due 1957.	\$1,000.00	21000	Konversionskasse Fuer Deutsche Auslandsschulden, Berlin, Germany—Continued.	Dollar refunding, 3 percent, due 1946—Continued.	\$100.00	078193		
United States of Brazil	Funding loan of 1931, 5 percent, due 1951.	17.50 30.00 32.50 100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00	G8210 G2534 GX5908 C14449 C14450 C14451 C14452 C14453 C14454 C14455			100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00	085772 085773 085774 085775 085776 085777 085778 085779 085780 085781 085782		
Do	External sinking fund of 1926, 6½ percent, due 1957.	1,000.00 1,000.00 1,000.00	45517 15189 12826			100.00 100.00 100.00	085795 085796 085797		
Do	External sinking fund of 1927, 6½ percent, due 1957.	1,000.00	17437			100.00	085800		
City of Budapest Hungary	External sinking fund loan of 1927, 6 percent, due 1962.	500.00	1528			Konversionskasse Fuer Deutsche Auslandsschulden, Berlin, Germany.	Certificates of indebtedness 1934.	100.00	Rechts- marks 5 NR0909875
Republic of Chile	External sinking fund, 6 percent, due 1960.	1,000.00	M2328					100.00	5 NR0909876
Do	External railway refunding sinking fund external, 6 percent, due 1961.	1,000.00	6510 M12401					100.00	5 NR0909877
German Central Bank for Agriculture.	Secured sinking fund (first series), 6 percent, due 1960.	1,000.00	20507					100.00	5 NR0909878
Do	Secured sinking fund gold second series, 6 percent, due 1960.	1,000.00	44320					100.00	5 NR0909879
State of Hamburg Germany and Hanseatic City of Hamburg.	External sinking fund, 6 percent, due 1946.	1,000.00	5958					100.00	5 NR0909880
Hungary	Consolidated municipal secured sinking fund external loan, 7 percent, due 1946.	1,000.00	2658	100.00	5 NR0909881				
State of Minas Geraes	External secured sinking fund, 6½ percent, due 1958.	1,000.00	5011	100.00	5 NR0909882				
Republic of Peru	Peruvian (national loan) external sinking fund, first series, 6 percent, due 1960.	1,000.00 500.00 500.00	2716 1574 45577	100.00 50.00 50.00	5 NR0909883 5 NR0909884 5 NR0909885				
Free State of Prussia	External loan 1926 sinking fund, 6½ percent, due 1951.	1,000.00	01026	100.00	5 NR0909886				
Rhine Westphalia Electric Power Corporation.	Direct mortgage gold, 6 percent, due 1952.	1,000.00 1,000.00 1,000.00	01027 4298 4299	100.00 100.00 100.00	10 NR0687099 10 NR0687100 5 NR2340022				
City of Rome	External sinking fund, 6½ percent, due 1952.	1,000.00	10890	100.00	10 NR0946330				
Saxon State Mortgage Institution.	Mortgage collateral sinking fund guaranteed, 6½ percent, due 1946.	1,000.00	1039	100.00	10 NR0909762				
Taiwan Electric Power Co.	40-year sinking fund, 5½ percent, due 1971.	1,000.00	16426	100.00	10 NR0909763				
Konversionskasse Fuer Deutsche Auslandsschulden, Berlin, Germany.	Dollar refunding, 3 percent, due 1946.	2.50 10.00 5.00 10.00 20.00 20.00 20.00 100.00	006487 028772 009560 011136 021752 021753 027787 078192	100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00	5 NR0909764 10 NR0909765 10 NR0909766 50 NR0382516 50 NR0382517 50 NR0382518 50 NR0420627 50 NR0420628 50 NR0395813 50 NR0395814				
				Konversionskasse Fuer Deutsche Auslandsschulden, Berlin, Germany.	Certificate of indebtedness 1934.		5 NR3064151 5 NR3237575 5 NR3064152 5 NR3064153 5 NR3064154 5 NR3064155 5 NR3064156 5 NR3064157 5 NR3064158 5 NR3064159 5 NR3064160 5 NR3064161 10 NR1305098 10 NR1305099 10 NR1305100		

[F. R. Doc. 46-15924; Filed, Sept. 5, 1946; 9:49 a. m.]

[Vesting Order 7331]

RUPERT AUBERGER ET AL.

In re: Debts owing to Rupert Auburger, also known as Rupert Auburger, and others, heirs of Sebastian Auburger, deceased.

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 each individual, whose name and last known address is set forth below, is a resident of Germany and a national of a designated enemy country (Germany):

Name, Also Known as, and Address

- Rupert Auburger, Rupert Auburger, Kohn-berg, Germany.
- Theresa Kiesel, Therese Kiesel, Rossbach, Germany.
- Josef Riepl, Josef Ripel, Dieburg, Germany.
- Marie Elsinger, Maria Elsinger, Wald, Germany.
- Anna Riepl, Wald, Germany.
- Josef Gleixner, Scheinfeld, Germany.
- Anna Gleixner, Bergham, Germany.
- Johann Gleixner, Markt, Bibart, Germany.
- Franz Gleixner, Muenchen, Germany.
- Anna Gleixner, Muenchen, Germany.
- Franziska Stuber, Wurzdorf, Germany.

2. That the property described as follows:

a. That certain debt or other obligation owing to the nationals, referred to above in subparagraph one, by Northland Realty Company, Midland Bank Building, Minneapolis 1, Minnesota, in the amount of \$29.99, as of May 15, 1946, together with any and all accruals, thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to the nationals, referred to above in subparagraph one, by La Crosse Trust Company, La Crosse, Wisconsin, in the amount of \$129.60, as of May 15, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and



c. That certain debt or other obligation owing to the nationals, referred to above in subparagraph one, by the Treasurer of the United States, in the amount of \$2.12, as of May 15, 1946, evidenced by a check numbered 107,144, issued at Helena, Montana, dated August 15, 1943, payable to Ernst von Briesen, Atty in Fact for the Heirs of the Estate of Sebastian Auburger, Decd., which check was held by Ralph von Briesen, 401 Brumder Building, Milwaukee 3, Wisconsin, and is presently in the custody of the Alien Property Custodian, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the said debt,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15926; Filed, Sept. 5, 1946;  
9:50 a. m.]

[Vesting Order 7332]

KARL BARKHOF

In re: Bank accounts owned by Karl Barkhof. F-28-2053-E-1, F-28-2053-E-2.

No. 175—11

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 Karl Barkhof, whose last known address is Willershausen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Karl Barkhof, by Seaboard Trust Company, 95 River Street, Hoboken, New Jersey, arising out of a savings account, Account Number 22524, entitled Karl Barkhof, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Karl Barkhof, by Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a savings account, Account Number 1,170,647, entitled Karl Barkhof, maintained at the branch office of the aforesaid bank located at Fourth Avenue at 14th 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15927; Filed, Sept. 5, 1946;  
9:50 a. m.]

[Vesting Order 7333]

ADOLF FINGER ET AL.

In re: Bank account owned by Adolf Finger and others. F-28-23551-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That each individual, whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, by American Trust Company, 464 California Street, San Francisco, California, arising out of a checking account, entitled Adolf Finger, et al., and any and all right 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 nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to 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.

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 July 31, 1946.

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

## EXHIBIT A

## Name of National and Last Known Address

Adolph Finger, Wilmerdingstrasse 8, Postdirektor in Braunschweig, Germany.

Else Koehler, Leebachstrasse 28a, Gothe, Germany.

Auguste Moehl, Suedanlage 17, Glessen, Germany.

Prof. Dr. Wilhelm Trost, Fuerstenbergerstrasse 171, Frankfurt a. M. Germany.

Amelia Heinz, Frenkenberg, Germany.

Mathilde Trost, Karthaeuserstrasse 7½, Kassel, Germany.

Richard Trost, Koeslin i. Pommern, Germany.

Reg. Ass. Dr. Wilhelm Trost, Frankfurt a. d. Oder, Germany.

Helner Trost Kaufmann, Berlin, Germany.

Thea Trost, Widemannsgasse 12, Kassel, Germany.

Krut Wenzel, Kassel, Germany.

Hilde Wenzel, Kassel, Germany.

Oscar Trost, Untere Koenigstrasse 50, Kassel, Germany.

Emilie Balz, Hersfeld, Germany.

Heinrich Schwaner, Frankenberg, Germany.

Auguste Stautz, Grosse Weststrasse 1, Hamm, Germany.

Arthur Trost, Untere Koenigstrasse 50, Kassel, Germany.

[F. R. Doc. 46-15928; Filed, Sept. 5, 1946; 9:50 a. m.]

[Vesting Order 7334]

PHILIPP FLATH ET AL.

In re: Bank account owned by Philipp Flath, Barbara Flath, Elizabetha Helferich Kalt, Adam Helferich II, Katherine Helferich Bauer, Barbara Helferich Knapp, Johannes Helferich, and Johannes Helferich, the heirs of John Helferich, deceased. D-28-6781-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Philipp Flath and Barbara Flath whose last known address is Darmstadt, Germany, Elizabetha Helferich Kalt, Adam Helferich II, Katherine Helferich Bauer, Barbara Helferich Knapp and Johannes Helferich, whose last known addresses are Furth Hessen, Germany and Johannes Helferich whose last known address is Russelsheim, Germany, the heirs of John Helferich, deceased, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central National Bank of Cleveland, Cleveland 2, Ohio, arising out of a savings account, Account Number 59387, entitled Calhoun, McLeod & Fricke, Attorneys for certain heirs of Estate of John Helferich, 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, Philipp Flath, Barbara Flath, Elizabetha Helferich Kalt, Adam Helferich II, Katherine Helferich Bauer, Barbara Helferich Knapp, Johannes Helferich and Johannes Helferich, the heirs of John Helferich, deceased, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15929; Filed, Sept. 5, 1946; 9:50 a. m.]

[Vesting Order 7335]

ANNA FRANKENBACH

In re: Bank account owned by Anna Frankenbach. F-28-23523-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Anna Frankenbach, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a savings ac-

count, Account Number 1,106,591, entitled Ernest W. Schaer in trust for Anna Frankenbach, maintained at the branch office of the aforesaid bank located at Fourth Avenue at Fourteenth 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, Anna Frankenbach, 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15930; Filed, Sept. 5, 1946; 9:50 a. m.]

[Vesting Order 7336]

HEINRICH FRANKENBACH

In re: Bank account owned by Heinrich Frankenbach. F-28-23524-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Heinrich Frankenbach, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City

of New York, 2100 Broadway, New York, New York, arising out of a savings account, Account Number 1,106,593, entitled Ernest W. Schaer in trust for Heinrich Frankenbach, maintained at the branch office of the aforesaid bank located at Fourth Avenue at Fourteenth 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, Heinrich Frankenbach, 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15931; Filed, Sept. 5, 1946; 9:50 a. m.]

[Vesting Order 7337]

ELISE GEYER

In re: Bank account owned by Elise Geyer. F-28-22952-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Elise Geyer, whose last known address is Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elise Geyer, by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, Account Number 26357, entitled Elise Geyer, 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15932; Filed, Sept. 5, 1946; 9:51 a. m.]

[Vesting Order 7338]

GOOD HOPE STEEL & IRON WORKS

In re: Debts owing to Good Hope Steel & Iron Works (Gutehoffnungshütte, Aktienverein für Bergbau und Hüttenbetrieb and Gutehoffnungshütte Oberhausen Aktiengesellschaft).

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 Good Hope Steel & Iron Works (Gutehoffnungshütte, Aktienverein für Bergbau und Hüttenbetrieb and Gutehoffnungshütte Oberhausen Aktiengesellschaft), the last known address of which is Oberhausen, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations owing to Good Hope Steel & Iron Works (Gutehoffnungshütte, Aktienverein für Bergbau und Hüttenbetrieb and Gutehoffnungshütte Oberhausen Aktiengesellschaft), by Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, which are carried on the books of the aforesaid Brown Brothers Harriman & Co., under the titles and in the amounts as follows:

Amount as of 5/31/46

Title of account	Amount as of 5/31/46
Good Hope Steel & Iron Works 20 yr. 7% S. F. Mtge. Gold Bonds, dated October 15, 1925, due Oct. 15, 1945, Coupon Account Apr. 15, 1928 to Apr. 15, 1933, inc.....	\$735.00
Good Hope Steel & Iron Works 20 yr. 7% SFGB, due Oct. 15, 1945, cash payment of 50% account coupons due Oct. 15, 1933, in accordance with cabled instructions of Konversionkasse sent Nov. 18, 1933.....	1,382.50
Good Hope Steel & Iron Works 20 yr. 7% SFGB, due Oct. 15, 1934, Proceeds Sale odd Fractions Scrip not deliverable Account denominations available in respect of Oct. 15, 1933 Coupons.....	55.11
Good Hope Steel & Iron Works 7% Bonds, due 1945, 30% Cash Payment Account Coupons due Apr. 15, 1934.....	1,236.68

and any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. All right, title, interest and claim of any name or nature whatsoever of Good Hope Steel & Iron Works (Gutehoffnungshütte, Aktienverein für Bergbau und Hüttenbetrieb and Gutehoffnungshütte Oberhausen Aktiengesellschaft) in and to any and all obligations, contingent or otherwise and whether or not matured, owing to it by Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, under that certain trust agreement, dated October 15, 1929, between Gutehoffnungshütte, Aktienverein für Bergbau und Hüttenbetrieb and Gutehoffnungshütte Oberhausen Aktiengesellschaft and the New York Trust Company, and held in a sinking fund account by the aforesaid Brown Brothers Harriman & Co.,

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);

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 Good Hope Steel & Iron Works (Gutehoffnungshütte, Aktienverein für Bergbau und Hüttenbetrieb and Gutehoffnungshütte Oberhausen Aktiengesellschaft), the last known address of which is Oberhausen, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15933; Filed, Sept. 5, 1946;  
9:51 a. m.]

[Vesting Order 7339]

EVA GROSCH

In re: Bank account owned by Eva Grosch. F-28-22977-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Eva Grosch, whose last known address is Strasse Der Sa. 58, Oppenheim Rhein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Eva Grosch, by Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a savings account, Account Number 12135, entitled Mrs. Eva Grosch, maintained at the branch office of the aforesaid bank located at 8 South First Street, San Jose, California, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15934; Filed, Sept. 5, 1946;  
9:51 a. m.]

[Vesting Order 7340]

DOROTHEA GURN

In re: Bank account owned by Dorothea Gurn. F-28-22981-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Dorothea Gurn, whose last known address is Stiller Weg 13, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, Account Number 7063, entitled I. F. Chapman or Tom F. Chapman, Trustees for Dorothea Gurn, 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, Dorothea Gurn, 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 na-

tional 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15935; Filed, Sept. 5, 1946;  
9:51 a. m.]

[Vesting Order 7342]

ADELE JACOBS

In re: Bank account owned by Adele Jacobs. F-28-11519-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Adele Jacobs, whose last known address is Wupperthal, Elberfeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Ridgewood Savings Bank, 107-55 Queens Boulevard, Forest Hills, New York, arising out of a savings account, Account Number 9086, entitled Margot Mayer in trust for Adele Jacobs, 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, Adele Jacobs, 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15936; Filed, Sept. 5, 1946; 9:51 a. m.]

[Vesting Order 7343]

MARIA KOENIG

In re: Stock owned by Maria Koenig. F-28-22564-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Maria Koenig, whose last known address is Wurttenberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of \$1.00 par value common capital stock of Selected Industries, Inc., 65 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number TNC028043, and registered in the name of Miss Maria Koenig, together with all declared and unpaid dividends thereon,

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.

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 July 31, 1946.

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

[F. R. Doc. 46-15937; Filed, Sept. 5, 1946; 9:51 a. m.]

[Vesting Order 7344]

LUDEWICKA KOPP

In re: Bank account owned by Ludewicka Kopp. F-28-11704-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ludewicka Kopp, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ludewicka Kopp, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a checking account entitled Ludewicka Kopp, 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.

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 July 31, 1946.

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

[F. R. Doc. 46-15938; Filed, Sept. 5, 1946; 9:51 a. m.]

[Vesting Order 7374]

ANNA MUELLER ET AL.

In re: Interests in real property owned by Anna Mueller, George Kaufmann, Frederick K. Kaufmann and Hans Kaufmann.

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 the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany):

*Nationals and Last Known Address*  
Anna Mueller, Unternesselbach, Germany.  
George Kaufmann, Obernesselbach, Germany.

Frederick K. Kaufmann, Obernesselbach, Germany.  
Hans Kaufmann, Obernesselbach, Germany.

2. That the property described as follows: An undivided four-fifths interest, identified as the interest which was inherited from Margaret B. Reichrath, deceased, in and to real property, situated in the City of Cincinnati, County of Hamilton, State of Ohio, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested 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.

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 August 14, 1946.

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

EXHIBIT A

Situated in the City of Cincinnati, Hamilton County, Ohio:

Spring Grove Ave., lot 288, C. E. Williams per sheriff, 30 x 149.82, parcel 193-1-4.

Spring Grove Ave., lot 287, C. E. Williams per sheriff, 30 x 149.82, parcel 193-1-5.

3720 Spring Grove Ave., lot 286, C. E. Williams per sheriff, 30 x 149.82, parcel 193-1-6.

Spring Grove Ave., lot 285, C. E. Williams per sheriff, 30 x 149.82, parcel 193-1-7.

3724 Ford St., lot 277, C. E. Williams per sheriff, 50 ft. irr., parcel 193-1-15.

Ford St., lot 275, C. E. Williams per sheriff, 50 x 300 irr., parcel 193-1-17.

Elmore St., lot 264, C. E. Williams per sheriff, 30 x 100 ft., parcel 193-2-55.

Elmore St., lot 265, C. E. Williams per sheriff, 30 x 100, parcel 193-2-56.

Elmore St., lot 274, C. E. Williams per sheriff, 50 x 150, parcel 193-2-64.

Elmore St., lot 273, C. E. Williams per sheriff, 50 x 150, parcel 193-2-65.

Elmore St., lot 272, C. E. Williams per sheriff, 30 x 150, parcel 193-2-66.

Elmore St., lot 271, C. E. Williams per sheriff, 30 x 150, parcel 193-2-67.

Elmore St., lot 270, C. E. Williams per sheriff, 30 x 150, parcel 193-2-68.

Elmore St., lot 269, C. E. Williams per sheriff, 30 x 150, parcel 193-2-69.

[F. R. Doc. 46-15939; Filed, Sept. 5, 1946; 9:51 a. m.]

[Vesting Order 7375]

CONRAD REUDER AND GEORGE REUDER

In re: Real property owned by Conrad Reuder and George Reuder.

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 Conrad Reuder and George Reuder, whose last known addresses are Nuremberg, Bavaria, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: a. Real property, situated in the County of Montgomery, State of Iowa, particularly described as the East one-half of the Southeast Quarter of Section 15, Township 73, Range 37, identified as those interests which were devised to said Conrad Reuder and George Reuder, under the Will of Kinnigundo Brown, deceased, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests, in the Alien Property Custodian the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested 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.

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 August 14, 1946.

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

[F. R. Doc. 46-15940; Filed, Sept. 5, 1946; 9:52 a. m.]

[Vesting Order 7376]

KARL FRIEDRICH WINKLER ET AL.

In re: Real property, property insurance policies and claim owned by Karl Friedrich Winkler, also known as Carl Winkler, Anna Louise Winkler Brunner, also known as Anna Louise Winkler Brunner, Luca Anna Winkler Franke, also known as Lina Anna Winkler Franke, Christian Ernest Winkler, also known as Christian Ernst Winkler, and Ernestine Emilie Winkler Harzendorf.

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 the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

*Name and Last Known Address*

Karl Friedrich Winkler, also known as Carl Winkler, Martinstrasse 33, Meerane, Saxony, Germany.

Anna Louise Winkler Brunner, also known as Anna Louise Winkler Brunner, Gustav Adolf Strasse 9, Artern i. Thür., Germany.

Luca Anna Winkler Franke, also known as Lina Anna Winkler Franke, Robert-Baum Strasse 2, Meerane, Saxony, Germany.

Christian Ernest Winkler, also known as Christian Ernst Winkler, Carolinenstrasse 30, Greiz i. Vogtl., Germany.

Ernestine Emilie Winkler, Harzendorf, Ober 25 b. Rittersgrün, Germany.

2. That the property described as follows: a. Real property situated in the City of Clifton, County of Passaic, State of New Jersey, particularly described in Exhibit A attached hereto and by reference made a part hereof, and identified as the property inherited from Arthur L. Winkler, also known as Arthur Louis Winkler, deceased, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to the following property insurance policies: Fire Insurance Policy No. D237851, issued by National Fire Insurance Company of Hartford, Hartford, Connecticut, in the amount of \$5,000, in the name of the "Estate of Arthur L. Winkler, Steven T. Bladek, Substituted Administrator of

the Estate of Arthur L. Winkler, deceased", which policy expires February 26, 1949; Fire Insurance Policy No. D10012, issued by Insurance Company of State of Pennsylvania, Philadelphia, Pennsylvania, in the amount of \$4,000, in the name of the "Estate of Arthur L. Winkler, Steven T. Bladck, Substituted Administrator of the Estate of Arthur L. Winkler, deceased", which policy expires February 26, 1949, and

c. That certain debt or other obligation of Clifton National Bank, Clifton, New Jersey, arising out of a bank account, entitled "Estate of Arthur L. Winkler, deceased", 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 nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 2-b and 2-c hereof.

All such property so vested 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.

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 August 14, 1946.

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

EXHIBIT A

Parcel A. All that certain tract or parcel of land and premises hereinafter particu-

larly described, situate, lying and being in the Township of Acquackanonk, in the County of Passaic and State of New Jersey:

Beginning at a point on the South side of Madeline Avenue; distant (195 feet and fifty-two hundredths of a foot) 195.52 Feet West from the corner formed by the intersection of the South side of Madeline Avenue with the Southwest side of Main Avenue, as same are laid down on a map hereinafter referred to; and running thence (1) South at right angles to Madeline Avenue 145.54 feet more or less to line of lands of adjoining owner; thence (2) West nearly parallel with Madeline Avenue 50 feet; thence (3) North parallel with first course 145.09 feet to the South side of Madeline Avenue; and thence (4) East and along the same 50 feet to the point or place of beginning.

Being further known and designated as lots numbers 21 and 22, in block 164-K, on map entitled "Amended Map of Property of Main Avenue Land Company Acquackanonk Township, Passaic County, New Jersey, August 1910, Wise and Watson, Engr's, Passaic, New Jersey."

Parcel B. All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the Township of Acquackanonk, in the County of Passaic, and State of New Jersey, known and designated as lot number 20 in block 164-K on map entitled "Amended Map of Property of Main Avenue Land Company, Acquackanonk Township, Passaic County, New Jersey, August 1910, Wise and Watson, Engr's, Passaic, New Jersey."

Subject to all taxes and assessments levied or imposed on or after July 8, 1910.

Being further described as: Beginning at a point on the South side of Madeline Avenue distant 475 feet East from the corner formed by the intersection of the South side of Madeline Avenue with the East side of Day Street, as same are laid down on map hereinbefore referred to; and running thence (1) South at right angles to Madeline Avenue 144.87 feet more or less to line of lands of adjoining owners; thence (2) East nearly parallel with Madeline Avenue 25 feet; thence (3) North and parallel with the first course 145.09 feet more or less to the South side of Madeline Avenue, and thence (4) West and along the same 25 feet to the point or place of beginning.

[F. R. Doc. 46-15941; Filed, Sept. 5, 1946; 9:52 a. m.]

[Vesting Order 7488]

SHOTARO SHIMIZU ET AL.

In re: Securities owned by Shotaro Shimizu and others. D-39-996.

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 the persons named in paragraph 2, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: 54 shares of \$5 par value capital stock of Honolulu Soda Water Company, Limited, 844 Mokauea Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Shotaro Shimizu.....	615, 892	9
Yoshiyuki (Yoshisuke) Shindo.....	479, 497	15
	504, 833	
Riutaro (Rintaro) Nakatsu.....	559, 808	15
Kumataro Yamashita.....	59, 841	9
Ishichi (Ihichi) Matsuda.....	210, 869	3
Umekichi Kanda.....	507, 878	3

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (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.

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 August 21, 1946.

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

[F. R. Doc. 46-15942; Filed, Sept. 5, 1946; 9:52 a. m.]

[Vesting Order 7489]

TAKICHI TOORIKI

In re: Debt owing to Takichi Tooriki. D-39-16896-D 1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Takichi Tooriki, whose last known address is Japan, is a resident of

Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Takichi Tooriki, by International Building and Loan Association, Limited, 1030 Smith Street, Honolulu, T. H., in the amount of \$114.24, as of April 29, 1944, together with any and all accruals thereto, 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 lawful-

ness 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.

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 August 21, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-15942A; Filed, Sept. 5, 1946;  
9:52 a. m.]