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TITLE 7—AGRICULTURE

Chapter IV—Production and Marketing Administration (Crop Insurance)

[Amdt. 4]

PART 418—WHEAT CROP INSURANCE

INSURANCE CONTRACTS COVERING 1947, 1948 AND 1949 CROP YEARS

The Wheat Crop Insurance Regulations for Insurance Contracts Covering the 1947, 1948 and 1949 Crop Years (11 F. R. 5531, 5645, 6816, 14607), are hereby amended as follows:

Paragraph (m) (2) of § 418.87 is amended to read:

§ 418.87 *Meaning of terms.* * * *
(m) * * *

(2) In Kitson and Traverse Counties, Minnesota, Prairie and Roosevelt Counties, Montana, Golden Valley and Ramsey Counties, North Dakota, and Brown and Pennington Counties, South Dakota, "insurance unit" means all farm land considered for crop insurance purposes to be located in the county, which is under the same ownership and which is operated by one person, in which the insured has an interest as a wheat producer at the time of seeding: *Provided, however,* That, in the case of cash rented land, the lessee shall be considered as the owner: *Provided further,* That all or any part of such land which is designated on the county crop insurance map as "non-insurable" shall not constitute an insurance unit or any part thereof and shall not be considered in any manner whatsoever under the insurance contract, except as provided in §§ 418.69 (b) and 418.89: *Provided further,* That in any year of the contract if the insured shares in one thousand acres or more of wheat on land which otherwise would be one insurance unit, such land may be divided into a number of insurance units not exceeding by more than one the number of full thousands of acres of wheat seeded, if, immediately after seeding wheat, the insured (i) reports the wheat acreage on each insurance unit separately and files with the acreage report a legal description of each insurance unit or a plat map showing the boundaries of all insurance units and (ii) the Corpora-

tion approves the area to be included in each insurance unit.

(Secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73, 835, 58 Stat. 918; 7 U. S. C., and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on February 12, 1947.

[SEAL]

E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: February 12, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1475; Filed, Feb. 14, 1947;
8:50 a. m.]

[Amdt. 2]

PART 416—CORN CROP INSURANCE

PREMIUMS AND INDEMNITIES FOR YIELD INSURANCE IN KENT COUNTY, MD.

The 1947 Corn Crop Insurance Regulations (11 F. R. 13135) are hereby amended by adding the following new section:

§ 416.146 *Premiums and indemnities for yield insurance in Kent County, Maryland.* Notwithstanding any other provisions of this subpart, for the purpose of determining the cash amount of premiums and indemnities in the case of yield insurance in Kent County, Maryland, the cash equivalent price per bushel shall be \$1.00. Settlement of any indemnity in said county shall be made in cash only, and no certificate of indemnity will be issued.

(Secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73, 835, 58 Stat. 918; 7 U. S. C., and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on February 12, 1947.

[SEAL]

E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: February 12, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.
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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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[Amdt. 1]

PART 416—CORN CROP INSURANCE

MEANING OF TERMS

The 1947 Corn Crop Insurance Regulations (11 F. R. 13135) are hereby amended as follows:

Paragraphs (f) and (n) of § 416.137 are amended to read:

§ 416.137 *Meaning of terms.* * * *

(f) "Coverage per acre" means (1) in case of yield insurance, the insured percentage of the average yield, or (2) in the case of investment insurance, the amount of investment insurance per acre determined by the Corporation pursuant to § 416.133 for the level of insurance shown on the approved application.

(n) "Insured percentage" means, in the case of yield insurance, the percentage of the average yield per acre covered by the insurance contract.

(Secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73, 835, 58 Stat. 918; 7 U. S. C., and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on February 12, 1947.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: February 12, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1476; Filed, Feb. 14, 1947;
8:50 a. m.]

[Amdt. 3]

PART 419—COTTON CROP INSURANCE REGULATIONS FOR THE 1947 AND SUCCEEDING CROP YEARS

CAUSES OF LOSS INSURED AGAINST

The Cotton Crop Insurance Regulations for the 1947 and Succeeding Crop Years (11 F. R. 8761, 9067, 13576, 13577) are hereby amended as follows:

Section 419.9 is amended by striking out the period at the end of the last sentence, inserting a colon in lieu thereof, and adding the following:

§ 419.9 *Causes of loss insured against.* * * * *Provided, however,* That the contract shall not cover loss in any year due to the shortage of irrigation water on any farm where the Corporation determines that the total acreage of all crops planted on the farm which require irrigation is in excess of that which could be irrigated properly, assuming normal conditions throughout the period when the cotton crop will require irrigation, with the supply of irrigation water which could be reasonably expected at the time the cotton is planted: *Provided, further,* That in areas where a part of the cotton is normally irrigated and a part is not normally irrigated, the acreage of cottoing which shall be insured on an irrigated basis in any year shall not exceed that acreage which could be irrigated in a normal year with the facilities available.

(Secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73, 835, 58 Stat. 918; 7 U. S. C., and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on February 12, 1947.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: February 12, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1474; Filed, Feb. 14, 1947;
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Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 82]

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

LIMITATION OF SHIPMENTS

§ 933.330 *Grapefruit Regulation 82—*(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other

available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 17, 1947, and ending at 12:01 a. m., e. s. t., March 3, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)) ;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)) ;

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit) ; or

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

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

Done at Washington, D. C., this 13th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 47-1528; Filed, Feb. 14, 1947;
8:46 a. m.]

[Orange Reg. 111]

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

LIMITATION OF SHIPMENTS

§ 933.332 *Orange Regulation 111—*

(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 17, 1947, and ending at 12:01 a. m., e. s. t., March 3, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 2, as such grade is defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1), if more than one-half of the surface in the aggregate is affected with discoloration;

(ii) Any container of oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Grade (as such grade is defined in the aforesaid amended United States standards) unless at least sixty-five percent (65%), by count, of the total quantity of oranges in such containers meet the requirements of U. S. No. 1 grade (as such grade is defined in the aforesaid amended United States standards) and each of the remainder of the oranges meets all other requirements of the aforesaid U. S. Combination Grade;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the aforesaid amended United States standards;

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for con-

tainers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(v) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(vi) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 3 or lower than U. S. No. 3, as such grades are defined in the aforesaid amended United States standards.

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

Done at Washington, D. C., this 13th day of February 1947.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 47-1531; Filed Feb. 14, 1947;
8:47 a. m.]

[Tangerine Reg. 63]

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

LIMITATION OF SHIPMENTS

§ 933.331 *Tangerine Regulation 63—*

(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 17, 1947, and ending at 12:01 a. m., e. s. t., March 3, 1947, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended); or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

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

Done at Washington, D. C., this 13th day of February 1947.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 47-1532; Filed, Feb. 14, 1947;
8:46 a. m.]

[Lemon Reg. 209]

PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.316 *Lemon Regulation 209—(a)*

Findings. (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 16, 1947, and ending at 12:01 a. m., P. s. t., Feb-

ruary 23, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

[Storage date: February 9, 1947. Regulation No. 209. 12:01 a. m. Feb. 16, 1947, to 12:01 a. m. Mar. 2, 1947, inclusive]

Handler	Prorate base percent
Total	100.000
Allen-Young Citrus Packing Co.	.000
American Fruit Growers, Fullerton	.961
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.503
Consolidated Citrus Growers	.000
Corona Plantation Co.	.277
Hazeltine Packing Co.	1.270
Leppia-Pratt, Produce Distributors, Inc.	.000
McKellips, C. H., Phoenix Citrus Co.	.000
McKellips Mutual Citrus Growers, Inc.	.000
Phoenix Citrus Packing Co.	.000
Ventura Coastal Lemon Co.	1.395
Ventura Pacific Co.	1.473
Total A. F. G.	5.879
Arizona Citrus Growers	.045
Desert Citrus Growers Co., Inc.	.005
Mesa Citrus Growers	.052
Elderwood Citrus Association	.052
Klink Citrus Association	.819
Lemon Cove Association	.804
Glendora Lemon Growers Association	1.344
La Verne Lemon Association	.692
La Habra Citrus Association	1.406
Yorba Linda Citrus Association	.760
Alta Loma Heights Citrus Association	.980
Etiwanda Citrus Fruit Association	.392
Mountain View Fruit Association	.816
Old Baldy Citrus Association	1.403
Upland Lemon Growers Association	4.076
Central Lemon Association	2.416
Irvine Citrus Association	1.462
Placentia Mutual Orange Association	.615
Corona Citrus Association	.219
Corona Foothill Lemon Co.	1.194
Jameson Co.	.431
Arlington Heights Fruit Co.	.441
College Heights Orange and Lemon Association	1.850
Chula Vista Citrus Association	.975
El Cajon Valley Citrus Association	.526

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Escondido Lemon Association	5.165
Fallbrook Citrus Association	2.968
Lemon Grove Citrus Association	.517
San Dimas Lemon Association	1.945
Carpinteria Lemon Association	2.106
Carpinteria Mutual Citrus Association	2.585
Goleta Lemon Association	2.748
Johnston Fruit Co.	5.611
North Whittier Heights Citrus Association	1.678
San Fernando Heights Lemon Association	2.801
San Fernando Lemon Association	1.925
Sierra Madre-Lamanda Citrus Association	1.594
Tulare County Lemon and Grapefruit Association	1.316
Briggs Lemon Association	.442
Culbertson Investment Co.	.575
Culbertson Lemon Association	.775
Fillmore Lemon Association	1.394
Oxnard Citrus Association No. 1	2.438
Oxnard Citrus Association No. 2	2.991
Rancho Sespe	.530
Santa Paula Citrus Fruit Association	2.691
Satcoy Lemon Association	3.969
Seaboard Lemon Association	4.183
Somis Lemon Association	2.122
Ventura Citrus Association	1.130
Limoneira Co.	.886
Teague-McKevett Association	.383
East Whittier Citrus Association	1.156
Leffingwell Rancho Lemon Association	.424
Murphy Ranch Co.	1.044
Whittier Citrus Association	.802
Whittier Select Citrus Association	.672
Total C. F. G. E.	84.341
Arizona Citrus Products Co.	.000
Chula Vista Mutual Lemon Association	1.326
Escondido Co-operative Citrus Association	.735
Glendora Co-operative Citrus Association	.101
Index Mutual Association	.490
La Verne Co-operative Citrus Association	1.435
Libbey Fruit Packing Co.	.008
Orange Co-operative Citrus Association	.557
Pioneer Fruit Co.	.052
Tempe Citrus Co.	.000
Ventura Co. Orange and Lemon Association	2.581
Whittier Mutual Orange and Lemon Association	.303
Total M. O. D.	7.588
Abbate, Charles Co., The	.000
Atlas Citrus Packing Co.	.005
California Citrus Groves, Inc., Ltd.	.023
El Modena Citrus, Inc.	.000
Evans Brothers Packing Co., Riverside	.158
Evans Brothers Packing Co., Sentinel Butte Ranch	.000
Foothill Packing Co.	.000
Harding & Leggett	.376
Orange Belt Fruit Distributors	1.179
Potato House, The	.000
Raymond Bros.	.042
Rooke, B. G., Packing Co.	.019
San Antonio Orchard Co.	.174
Sun Valley Packing Co.	.000
Valley Citrus Packing Co.	.000
Verity, R. H., Sons & Co.	.216
Western States Fruit & Produce Co.	.000
Total Independents	2.192

[F. R. Doc. 47-1530; Filed, Feb. 14, 1947; 8:46 a. m.]

[Orange Reg. 165]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.311 Orange Regulation 165—(a) Findings. (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) Order. (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 16, 1947, and ending at 12:01 a. m., P. s. t., February 23, 1947, is hereby fixed as follows:

(i) Valencia oranges. Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) Oranges other than Valencia oranges. (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,100 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration,

RULES AND REGULATIONS

PRORATE BASE SCHEDULE

[Orange Regulation Period No. 165. 12:01 a. m. Feb. 16, 1947, to 12:01 a. m. Feb. 23, 1947 inclusive. All oranges other than Valencia oranges. Prorate District No. 2]

Handler	Prorate base percent
Total	100.0000
A. F. G. Alta Loma	.3428
A. F. G. Fullerton	.0475
A. F. G. Orange	.0628
A. F. G. Redlands	.3512
A. F. G. Riverside	.8619
Corona Plantation Co.	.9929
Hazeltine Packing Co.	.1056
Signal Fruit Association	.7390
Azusa Citrus Association	.9749
Azusa Orange Co., Inc.	.1355
Damerel-Allison Co.	1.2092
Glendora Mutual Orange Association	.5389
Irwindale Citrus Association	.3546
Puente Mutual Citrus Association	.0485
Valencia Heights Orchards Association	.2285
Glendora Citrus Association	.8014
Glendora Heights O. and L. Growers Association	.1517
Gold Buckle Association	3.4229
La Verne Orange Association, The	3.5595
Anaheim Citrus Fruit Association	.0625
Anaheim Valencia Orange Association	.0170
Eadington Fruit Co., Inc.	.3127
Fullerton Mutual Orange Association	.2664
La Habra Citrus Association	.1490
Orange Co. Valencia Association	.0261
Orangethorpe Citrus Association	.0243
Placentia Co-op. Orange Association	.0566
Yorba Linda Citrus Association, The	.0268
Alta Loma Heights Citrus Association	.3911
Citrus Fruit Growers	.7378
Cucamonga Citrus Association	.6231
Etiwanda Citrus Fruit Association	.2235
Mountain View Fruit Association	.1608
Old Baldy Citrus Association	.4383
Rialto Heights Orange Growers	.4666
Upland Citrus Association	2.2619
Upland Heights Orange Association	.9339
Consolidated Orange Growers	.0311
Garden Grove Citrus Association	.0214
Goldenwest Citrus Association, The	.0913
Olive Heights Citrus Association	.0426
Santa Ana-Tustin Mutual Citrus Association	.0285
Santiago Orange Growers Association	.1650
Tustin Hills Citrus Association	.0333
Villa Park Orchards Association, Inc., The	.0387
Bradford Brothers, Inc.	.2324
Placentia Mutual Orange Association	.1865
Placentia Orange Growers Association	.2579
Call Ranch	.6252
Corona Citrus Association	.7364
Jameson Co.	.3866
Orange Heights Orange Association	.8923
Break & Son, Allen	.2794
Bryn Mawr Fruit Growers Association	1.0810
Crafton Orange Growers Association	1.3624
E. Highlands Citrus Association	.4204
Fontana Citrus Association	.4405
Highland Fruit Growers Association	.6736
Krinar Packing Co.	1.6081
Mission Citrus Association	.7934
Redlands Coop. Fruit Association	1.7506

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Redlands Heights Groves	0.9151
Redlands Orange Growers Association	1.1831
Redlands Orangedale Association	.9713
Redlands Select Groves	.5503
Rialto Citrus Association	.5650
Rialto Orange Co.	.3698
Southern Citrus Association	.9858
United Citrus Growers	.7523
Zilen Citrus Co.	1.0670
Arlington Heights Fruit Co.	.4312
Brown Estate, L. V. W.	1.7749
Gavilan Citrus Association	1.6644
Hemet Mutual Groves	.3383
Highgrove Fruit Association	.6860
McDermott Fruit Co.	1.7724
Mentone Heights Association	.7848
Monte Vista Citrus Association	1.1357
National Orange Co.	.8550
Riverside Heights Orange Growers Association	1.2724
Sierra Vista Packing Association	.6958
Victoria Avenue Citrus Association	2.3575
Claremont Citrus Association	.9931
College Heights Orange and Lemon Association	1.0329
El Camino Citrus Association	.5189
Indian Hill Citrus Association	1.1644
Pomona Fruit Growers Association	2.0777
Walnut Fruit Growers Association	.4633
West Ontario Citrus Association	1.5614
El Cajon Valley Citrus Association	.3755
Escondido Orange Association	.5557
San Dimas Orange Growers Association	1.2274
Covina Citrus Association	1.4525
Covina Orange Growers Association	.5016
Duarte-Monrovia Fruit Exchange	.4939
Ball & Tweedy Association	.1133
Canoga Citrus Association	.0691
North Whittier Heights Citrus Association	.1149
San Fernando Fruit Growers Association	.3058
San Fernando Heights Orange Association	.3373
Sierra Madra Lamanda Citrus Association	.2439
Camarillo Citrus Association	.0097
Fillmore Citrus Association	1.2542
Ojal Orange Association	1.0011
Piru Citrus Association	1.1470
Santa Paula Orange Association	.1133
Tapo Citrus Association	.0109
East Whittier Citrus Association	.0167
Whittier Citrus Association	.3123
Whittier Select Citrus Association	.0599
Anaheim Cooperative Orange Association	.0560
Bryn Mawr Mutual Orange Association	.4806
Chula Vista Mutual Lemon Association	.1465
Escondido Cooperative Citrus Association	.1009
Euclid Avenue Orange Association	2.1074
Foothill Citrus Union, Inc.	.0845
Fullerton Cooperative Orange Association	.0536
Garden Grove Orange Cooperative	.0388
Glendora Cooperative Citrus Association	.0867
Golden Orange Groves, Inc.	.4103
Highland Mutual Groves, Inc.	.4193
Index Mutual Association	.0040
La Verne Cooperative Citrus Association	2.4482
Olive Hillside Groves, Inc.	.0315
Orange Cooperative Citrus Association	.0495
Redlands Foothill Groves	2.1525
Redlands Mutual Orange Association	1.0436

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Riverside Citrus Association	0.2159
Ventura County Orange and Lemon Association	.4050
Whittier Mutual Orange and Lemon Association	.0490
Babijuce Corp. of California	.3497
Banks Fruit Co.	.2560
California Fruit Distributors	.0382
Cherokee Citrus Co., Inc.	1.1025
Chess Co., Meyer W.	.3527
Evans Brothers Packing Co.	.7244
Gold Banner Association	1.9195
Granada Hills Packing Co.	.0228
Granada Packing House	1.0298
Hill, Fred A.	.7132
Inland Fruit Dealers, Inc.	.2125
Orange Belt Fruit Distributors	2.4735
Panno Fruit Co., Carlo	.1276
Paramount Citrus Association	.2411
Riverside Growers, Inc.	.4594
San Antonio Orchards Association	1.2797
Snyder & Sons Co., W. A.	.9289
Torn Ranch	.0484
Verity & Sons Co., R. H.	.1024
Wall, E. T.	1.5871
Western Fruit Growers, Inc., Redlands	2.6161
Yorba Orange Growers Association	.0336

[F. R. Doc. 47-1529; Filed, Feb. 14, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury

[T. D. 51627]

PART 3—DOCUMENTATION OF VESSELS

EXEMPTION FROM DOCUMENTATION

Section 3.5 (a) (2) and (3), customs regulations of 1943 (19 CFR, Cum. Supp., 3.5 (a) (2) and (3)), is amended to read as follows:

§ 3.5 Vessels exempt from documentation. (a) * * *

(2) Canal boats, barges, or other boats used in whole or in part on canals or on the internal waters of a State, without sail or internal motive power of their own, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(3) Barges or boats without sail or internal motive power of their own plying in whole or in part on inland rivers or lakes of the United States, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(R. S. 161, 18 Stat. 31, 21 Stat. 44, secs. 2, 3, 23 Stat. 118, 119; 5 U. S. C. 22, 46 U. S. C. 2, 3, 332, 336; sec. 102, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: February 10, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1445; Filed, Feb. 14, 1947; 8:51 a. m.]

TITLE 24—HOUSING CREDIT**Chapter VIII—Office of Housing Expediter****PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946**

[Housing Expediter Priorities Reg. 5, Incl. Ints. 1-4, as Amended, Feb. 13, 1947]

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Par.

- (a) What this section provides.
- (b) [Deleted Feb. 13, 1947.]

APPLICATIONS

- (c) Kinds of applications approved.
- (d) Restrictions on applicant.

CONSTRUCTION

- (e) Use of HH rating.
- (f) Posting of placards or signs.
- (g) Construction inspection.

HOLDING FOR RENT

- (h) Housing required to be held for rent.

MAXIMUM SALES PRICES AND RENTS

- (i) Maximum sales prices and rents.

PREFERENCES FOR VETERANS

- (j) Preferences for veterans.

NOTICES OF RESTRICTIONS

- (k) Notices of restrictions. (Deeds and advertisements.)

OTHER PROVISIONS

- (l) Prohibition against transfer of authorization.
- (m) Appeals.
- (n) Amendments to applications.
- (o) Definitions.
- (p) Communications.
- (q) Violations and enforcement.
- (r) Reports.

§ 803.5 *Authorization and priorities assistance for housing*—(a) *What this section provides.* This section, (Housing Expediter Priorities Regulation 5), was the method by which the Housing Expediter provided priorities assistance under the Veterans' Emergency Housing Program on applications filed from September 10, 1946 until December 24, 1946. During that period it was also the method by which persons who wished to construct, repair, make additions to, alter, install fixtures in, improve, or convert housing accommodations restricted by Civilian Production Administration's Veterans' Housing Program Order 1 could apply for authorization under that order when the work was to be done on structures used for residential purposes. Applications under the regulation were made to the National Housing Agency or an agency acting for it under a delegation. On December 24, 1946, this system of applications was superseded by requests for permits under the Housing Permit Regulation. A person who has received authorization or a preference rating for the construction of any building under this section (HEPR 5) may surrender his authorization and apply for a permit as provided in the Housing Permit Regulation if he has not yet begun construction of such building. If a permit is granted, the provisions of this

section shall be inapplicable with respect to construction begun after December 24 and covered by the permit, and the approved application will be amended or cancelled to exclude such construction therefrom. The provisions of this section remain applicable to all housing accommodations built, altered, completed or repaired hereunder. This includes all housing accommodations which have been authorized hereunder upon which construction has begun on or before December 24, 1946, and all housing accommodations started after December 24, 1946, unless the applicant properly surrendered his authorization in accordance with the Housing Permit Regulation. Such construction, subject to the conditions of this section, may continue to receive priorities assistance, and the applicant and succeeding owners will be subject to the provisions of this section as long as it remains in effect. Requests for changes in applications approved under this section which do not involve additional dwelling units shall be made in accordance with the provisions of this section.

(b) [Deleted Feb. 13, 1947.]

APPLICATIONS

(c) *Kinds of applications approved.* Applications for authorization under Civilian Production Administration's Veterans' Housing Program Order 1 or for priorities assistance under this section, or both, have been approved when made by persons in the following categories:

(1) A veteran wishing to build, complete, alter, or repair a house for his occupancy as owner.

(2) A person wishing to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwelling accommodations) to which veterans will be given preference in selling or renting.

(3) A person wishing priorities assistance to complete dwelling accommodations under construction on March 26, 1946, not eligible for authorization under the preceding subparagraph.

(4) A person wishing to reconstruct (or build on another site in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant.

(5) A person wishing to re-erect a dwelling which is required to be moved because the land on which it is located has been or is in the process of being acquired by eminent domain. An application submitted under this subparagraph is not subject to the provisions of paragraphs (l), (j), and (k) of this section unless the dwelling is to be re-erected for sale or for rent.

(6) A person wishing authorization to make repairs or alterations to dwelling accommodations necessary in order to maintain them in a habitable condition or to return them to a habitable condition, or to make a summer home habitable for year-round or winter occupancy by a veteran, or to provide space for additional persons who are either

veterans or members of the immediate family of the applicant, or both.

(7) A producer of a scarce material or product needed for the construction or production of dwelling accommodations, facilities or materials or needed for public health or safety, wishing to construct, repair, or alter dwelling accommodations which are necessary to increase or maintain the production of the scarce material or product, and which are to be held for rent to employees of the industry producing the scarce material or product.

(8) A person wishing to construct, repair, or alter a farm dwelling, such construction, repair, or alteration, being necessary to increase or maintain the production of essential food products.

(9) An educational institution (or a person under its sponsorship) or a public organization wishing to construct, repair, or alter a dormitory or other single-person housing facility for student veterans.

(10) A person wishing to construct or erect dwelling accommodations for experimental or testing purposes or to obtain materials for other experimental or testing purposes. Such dwelling accommodations are not subject to paragraphs (l), (j), and (k) of this section unless sold or rented for dwelling purposes.

(d) *Restrictions on applicant.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the agency which approved the original application.

CONSTRUCTION

(e) *Use of HH rating.* The HH rating assigned for dwelling accommodations may be used only to obtain materials of the kinds listed on Schedule A to Civilian Production Administration's Priorities Regulation 33 and only to obtain the minimum quantities of such materials which are needed for the dwelling accommodations as described and approved in the application. All materials obtained by using the HH rating shall be used only in the construction of the dwelling accommodations as described and approved in the application and attachments thereto. Schedule A to Civilian Production Administration's Priorities Regulation 33 explains how the rating may be applied to a purchase order, who may use the rating to obtain materials, when it expires and how it may be extended under certain circumstances. An applicant who has failed to comply with the requirements of the next paragraph may not use an HH rating under this section.

(f) *Posting of placards or signs.* Upon approval of an application for new construction or conversions under this section, a placard or placards was sent to the applicant indicating that the dwelling accommodations are being built under the Veterans' Emergency Housing

Program. If the application was approved under paragraph (c) (2) or (c) (9) of this section, the applicant must insert the application serial number in the placard or placards, legibly and permanently, and must post a placard in front of each separate residential building on the site in a conspicuous location within 5 days after the time construction is begun and must continue to post the placard until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans in accordance with paragraph (j), the applicant must continue to post the placard for 60 days after completion in the case of offer for sale or 30 days afterwards in the case of offer for rent. As soon as any residential accommodation is completed, the builder must insert, legibly and permanently, the appropriate rent and sales price, not in excess of those specified in the application as approved. The applicant may post a project sign instead of posting the placards sent to him. If he chooses to use a project sign, he must post at least one sign having the approximate dimensions of 3 feet by 5 feet or more in a conspicuous location on the site of each project. Such a sign must contain the same information that is required on placards as provided above and all provisions applying to placards, apply to signs posted instead of placards.

(g) *Construction inspection.* Some applications have been approved under this section pursuant to provisions that the dwellings built thereunder must comply with all or part of the "HH Minimum Property Requirements". When the Federal Housing Administration has approved an application for authorization or priorities assistance for such a dwelling, it transmits to the applicant three postal cards (HH Form No. 1010) for use by him in reporting construction progress. The applicant shall properly fill out each card received by him and mail it at the stage of construction indicated below to the State or District Office of the Federal Housing Administration where his application was approved. The first card shall be mailed when construction has begun. The second card shall be mailed when the dwelling has been enclosed and roofed, structural framing completed and exposed, and roughing-in of heating, plumbing, and electric work installed and visible for inspection. The third card shall be mailed when the dwelling has been substantially completed. The Federal Housing Administration will make an inspection of the dwelling upon receipt of the second postal card referred to above and a second inspection upon receipt of the third postal card. These are for the purpose of determining whether the construction conforms to the plans, outline specifications, and other exhibits made a part of the application. Inspections under the National Housing Act, where applicable, may be made in place of the inspections provided in this paragraph. An applicant who has failed to fill out and mail each card as required by this paragraph may not use an HH rating under this section and may not sell or rent the dwelling involved until

such card has been filled out and mailed to the State or District Office of the Federal Housing Administration where his application was approved.

HOLDING FOR RENT

(h) *Housing required to be held for rent.* If an application as approved contains a statement or otherwise indicates that a dwelling or an apartment will be held for rent, the original applicant and any subsequent owner shall hold the dwelling or apartment for rent as long as this section remains in effect (but not later than December 31, 1947). However, the structure may be sold (at not more than the maximum sales price if specified in the application) to any person for investment purposes. In such case the purchaser shall not occupy the dwelling or apartment but shall hold it for rent in accordance with this section. Any subsequent owner of dwelling accommodations approved under paragraph (c) (7) of this section shall continue to hold them for rent to the persons described in that paragraph.

MAXIMUM SALES PRICES AND RENTS

(i) *Maximum sales prices and rents—*
(1) *General.* The restrictions on sales prices and rents contained in this paragraph must be observed as long as this section remains in effect. They apply to sales prices and rents for dwellings of the kinds described below when built or converted under this section.

The restrictions on sale prices contained in this section do not apply to property being sold in the course of judicial or statutory proceedings in connection with foreclosures and do not prohibit any subsequent sale of such property at or below the amount of the sale price in such proceedings.

In the case of any dwelling unit provided by converting a structure in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the maximum rent specified in the application as approved is not the authorized amount at which the dwelling may be rented as the rents for converted units must be determined by the Office of Temporary Controls (Office of Price Administration).

Approval of a proposed sales price or rent under this section should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes.

Within 30 days of any sale, by the applicant or a subsequent owner, of any dwelling accommodations for which a maximum sales price has been established under this section, the seller shall fill out in triplicate a sales report form (NHA form 14-39). The seller shall file the original and one signed copy of this form with the local Area Rent Office of the Office of Temporary Controls (Office of Price Administration). If the dwelling accommodations are not in an area under OTC rent control, the seller shall send the original and one signed copy of the form to the nearest OTC Area Rent Office.

For requirements on filing a rent registration form, see OPA Rent Regulation for Housing.

(2) *One-family dwellings.* (i) An applicant or subsequent owner must not sell a one-family dwelling built or converted under this section, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(ii) No person shall rent a one-family dwelling unit built or converted under this section for more than the maximum rent specified in the application as approved. If no rent was specified in the application for a dwelling built under this section, the person wishing to rent the dwelling may request the agency with which the application was filed to set a rent. This will be done on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. After the first renting of the dwelling in an area under Federal rent control, the request to set or approve a rent should not be made as described above, but should be made to the OTC Area Rent Office or, in the District of Columbia to the Administrator of Rent Control.

(3) *Two-family dwellings.* (i) An applicant or subsequent owner must not sell a two-family dwelling built or converted under this section, including land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(ii) No person shall rent an apartment in a two-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a part of a two-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the agency which approved the original application. No person shall sell such accommodations for more than such maximum sales price.

(4) *Multiple-family dwellings.* No person shall rent an apartment in a multiple-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a multiple-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the agency which approved the original application. No person shall sell such accommodations for more than such maximum sales price.

(5) *Dormitories.* As long as this section remains in effect, no person (whether the applicant or any other person) shall rent accommodations in a

dormitory or other housing facility built or converted under this section for more than the maximum rent specified in the application as approved.

(6) *Requests for increases in sales prices or rents because of increased costs.* An applicant may apply by letter in triplicate to the agency with which the application was filed for an increase in the maximum sales price or maximum rent approved in the application before title to the dwelling has passed or before it is initially rented. The increase will not be approved unless it can be shown that he has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or unless it can be shown that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it unreasonable to require him to sell or rent at the price or rent approved in the application. No increase in sales price or rent will be granted in excess of the increase in construction costs, or a proper proportion thereof in the case of rent, or the increase in operating costs, as the case may be.

(7) *Requests for increases in sales prices or rents because of improvements.* If he has made major structural changes or improvements (not including ordinary maintenance and repair) to the dwelling which would warrant an increase, a subsequent owner or any owner-occupant of a dwelling built or converted under this section may apply for an increase in the sales price or rent specified in the application. Such an application should be made by a letter in triplicate, or by such form as may be prescribed, to the agency with which the original application was filed. No increase will be granted in excess of the cost of such changes or improvements, or a proper proportion thereof in the case of a requested increase in rent. Moreover, no increase in sales price to an amount more than \$10,000 (or \$17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to an amount more than \$80 a month will be granted except where unusual hardship would result to the applicant for the increase. If an increase in rent is needed because of subsequent changes or improvements, and the accommodations have previously been rented and are in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the owner should apply to the Area Rent Office of the Office of Temporary Controls (OPA) for an increase (or in the District of Columbia, to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the local office of the agency with which the application was filed. Upon the filing of this copy of the instrument granting the increase, the new rent granted becomes the maximum rent under this section. The right to apply for any increase in the sales price or rent specified in the application shall have no effect

upon the authorized sales price or rent until the increase has been approved in writing in accordance with this section. (Under Civilian Production Administration's Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

(8) *Tie-in sale.* It shall be a violation of this section to condition a sale or rent upon the purchase of, or the agreement to purchase, any commodity, service or property interest, except where this section specifically permits the consideration paid for such commodity, service, or property interest to be included in or added to the maximum sales price or maximum rent.

PREFERENCES FOR VETERANS

(j) *Preferences for veterans—(1) General.* This paragraph tells how preferences will be given under this section to veterans in the initial or any subsequent sale or rental as long as this section remains in effect. Although these preferences for veterans are limited to the periods specified below, the restrictions of paragraph (i) of this section on sales prices and rent continue as long as this section remains in effect. The preferences for veterans provided by this paragraph do not apply to sales in the course of judicial or statutory proceedings in connection with foreclosures. Sales subsequent to such sales, however, are subject to the provisions of this paragraph. The provisions of this paragraph do not apply to dwellings for which neither a maximum sales price nor a maximum rent were required to be stated in the application or established under this section, or to dwellings approved on applications under paragraph (c) (7) of this section, or to the initial occupancy of a dwelling or an apartment in it approved under this section for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwelling.* (i) An applicant who has built or converted a one-family dwelling under this section must publicly offer it for sale or for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a one-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If a one-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for

30 days afterwards in the case of the applicant) at or below the maximum rent specified in the application as approved or set by the appropriate agency.

(3) *Two-family dwellings.* (i) An applicant who has built or converted a two-family dwelling under this section must publicly offer it for sale or the apartments in it for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a two-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If an apartment in a two-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) An applicant who has built or converted a multiple-family dwelling under this section must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans for their own occupancy at or below the maximum rent specified in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this section to any person other than a veteran unless he has publicly offered the apartment for rent to veterans for at least 30 days (or during construction and for 30 days after completion) at or below the maximum rent specified in the application as approved. However, an owner or his building service employee may reside in such a multiple-family dwelling if the accommodations to be occupied by him do not exceed in floor space a normal one-family unit in the structure, and if the space so occupied does not exceed 15% of the floor space of the structure used for residential purposes.

(5) *Dormitories.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans and their dependents otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to nonveterans if it makes available to veterans an equivalent number of

similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

NOTICES OF RESTRICTIONS

(k) *Notices of restrictions*—(1) *Deeds.* The applicant and every person who has acquired title to a dwelling (whether completed or not) approved under paragraph (c) (1), (2) or (9) of this section must, as long as this section remains in effect, include a statement in the following form in any deed, conveyance, or other instrument by which the dwelling is sold, transferred, or mortgaged to any other person:

The building on the premises hereby sold, transferred or mortgaged was built (converted) under Housing Expediter Priorities Regulation 5 (Application Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises, or both, and preferences are given to veterans of World War II in selling or renting. The premises must also be held for rent if the application as approved under that regulation contains a statement to that effect. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent owner will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Housing Expediter Priorities Regulation 5 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby sold, transferred, or mortgaged.

(2) *Advertisements.* The applicant and every subsequent owner, and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraph (c) (1), (2) or (9) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (or rent) at or below \$----- (insert maximum sales price or rent) only to veterans, during construction and for 60 (30 in case of rent) days after completion (or for the next 60 days in case of subsequent sale or 30 days in case of subsequent rent).

OTHER PROVISIONS

(1) *Prohibition against transfer of authorization.* No person to whom an authorization has been given or an HH rating has been assigned shall transfer the authorization or rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the agency with which the original application was filed. He should attach to his application a statement from the former applicant (or his representatives) joining in the request for the granting of the authorization or the assignment of the rating to the new applicant.

(m) *Appeals.* Any person affected by this section who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An

appeal from any provisions of this section should be filed with the appropriate local office of the Federal Housing Administration or other agency with which the application was filed.

(n) *Amendments to applications.* An applicant may apply to the agency which approved his application for an amendment to it, *Provided*, That such amendment does not involve the construction of additional dwelling units. The request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the application as amended and approved.

(o) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. The total charges for tenant services will not be approved if more than \$3 per room per month. The charge for garage will not be approved if more than \$10 per month, and will be allowed only for multiple-family dwellings.

Any payment, contribution, or investment required of or made by a tenant, or prospective tenant, of the dwelling unit in connection with a mutual ownership or similar plan, shall be considered as part of the maximum rent. This is so whether such payment, contribution or investment be made as a lump sum or in several amounts or whether it be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise.

Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of any dwelling accommodations heretofore or hereafter constructed under this section, shall be considered a part of the maximum rent. However, if the rental of furniture in dwelling accommodations was voluntarily requested by a tenant, any payments for furniture pursuant to an agreement entered into with such tenant prior to December 13, 1946 (or any payments by a subsequent tenant for furniture in such dwelling accommodations), need not be included in the maximum rent.

(3) The term "maximum shelter rent" means the maximum rent, less charges for tenant services and garage.

(4) "Maximum sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for the dwelling accommodations with accompanying land and improvements. The only items which are excluded are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community where such accommodations are located, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be charged in the first sale unless enumerated in the application as approved.)

Any payment, contribution, or investment required of or made by an occupant or prospective occupant, other than a tenant of the dwelling unit, in connection with a mutual ownership, stock company, or other group plan, shall be considered as part of the maximum sales price. This is so whether such payment be made as a lump sum or in several amounts or whether such payment be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise. (See paragraph (1) (3) and (4) of this section with respect to sales prices for interests in multiple-family or two-family dwellings.)

(5) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

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

(7) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a

unit, not including semi-detached or row houses covered by the preceding subparagraph (6).

(8) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by paragraph (c) (6), or (c) (7) of this section.

(9) "Begun construction" means to have physically incorporated at the site, materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "HH Minimum Property Requirements" shall be the same as the "Property Standards", "Minimum Construction Requirements", and "Minimum Requirements for Rental Housing", as established for the area and amended from time to time by the Federal Housing Administration under the National Housing Act, insofar as they apply to the structure itself and its water supply and sewage disposal systems, or as modified by rulings or standards issued by the National Housing Agency on special methods of construction or substitute materials. The "HH Minimum Property Requirements" will be made available in all State and District Offices of the Federal Housing Administration.

(12) "Public organization" means a governing body such as the United States Government, a state, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(13) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(14) "This section" means this regulation, Housing Expediter Priorities Regulation 5.

(p) *Communications.* All communications concerning this section should be addressed to the office of the agency to which the application was submitted.

(q) *Violations and enforcement—(1) General.* The maximum sales price, rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or rent of any dwelling accommodations at a price or rent in excess of the maximum sales price or the maximum rent applicable to such sale or rent under the provisions of this section, or to solicit or attempt, offer, or agree to make any such sale or rent.

(2) *Suit by purchaser for overcharge.* If any person sells housing accommodations in excess of the maximum amount authorized for such accommodations under this section, the person who buys such accommodations may, within one year from the date of the sale, bring an action or suit for the amount by which the consideration exceeded the maximum authorized selling price, plus reasonable attorney's fees and costs as determined by the court.

(3) *Suit by Housing Expediter for restitution.* If the person who may bring

such action has not previously done so, the Housing Expediter (or the department, agency, or officer as he shall direct) may bring an action or suit to compel restitution of the amount by which the consideration exceeded the maximum authorized selling price.

(4) *Penalties.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who willfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) relating to priorities assistance for housing, may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(r) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; Title III 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 13th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1 PUBLIC OFFERING

Paragraph (j) of Housing Expediter Priorities Regulation 5 provides generally that the owner of dwelling accommodations constructed under the regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent and then sells or rents to a nonveteran, the

owner has violated the regulation. (Issued October 31, 1946.)

INTERPRETATION 2

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (j) of Housing Expediter Priorities Regulation 5 sets forth the preference which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (i) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be publicly offered for sale or rent to veterans of World War II (as defined in HEPR 5) during construction and for 60 days after completion if offered for sale, or during construction and for 30 days after completion if offered for rent. In case of subsequent sales or rentals the accommodations must again be offered to veterans for a period of 60 days if offered for sale or 30 days if offered for rent. The requirements that housing accommodations be offered for 60 or 30 days does not prevent the offeror accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules:

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

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

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

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

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

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

(g) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of \$63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than \$63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans. (Issued November 15, 1946.)

[Interpretation 3 deleted February 13, 1947]

INTERPRETATION 4

CHARGES IN EXCESS OF MAXIMUM SALES PRICE REQUESTED BECAUSE OF INCIDENTAL CHARGES, EXTRAS, OR ADDITIONAL CONSTRUCTION

Under paragraph (1) of Housing Expediter Priorities Regulation 5 a seller must not require a purchaser, as a condition to the sale of a house authorized under that Regulation, to buy or agree to buy any commodity, service or property interest, except where the regulation specifically permits the charges for the commodity, service or property interest to be added to the maximum sales price. Under paragraph (o) items which may be added are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved.) This means that, except for such customary incidental charges, the seller must offer the dwelling accommodations to the purchaser at or below the approved maximum sales price and free from charges and extras. The following examples illustrate the effect of this general rule:

1. *Abstract fees, title insurance and financing charges.* It is permissible for the purchaser to pay the abstract fees and title insurance over and above the maximum sales price and to pay incidental charges (such as fire insurance, title insurance, mortgagee's appraisal fees, and future taxes) in connection with financing a particular purchase if these charges are not made a condition to the sale. If it is customary in the community for the buyer to assume these incidental charges and they have been actually incurred for services rendered, he may even be required to pay them as a condition to the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved). In connection with financing, the purchaser must be given an opportunity to purchase the dwelling for cash at or below the approved maximum sales price and to finance the purchase in any way he desires.

2. *Previously incurred charges.* Charges which have been incurred by the builder before the sale of the dwelling must not be charged the purchaser in addition to the maximum sales price. A request that a prospective purchaser pay such charges for prior

services would be necessarily making the charges a condition to the sale. Charges of this kind include accumulated taxes before the date of sale, interest before the sale, prepayment penalties in connection with a builder's loan, fees for survey of site, and fire and liability insurance before the sale.

3. *Charges for additional construction or for equipment or fixtures not specified in the application.* The builder must publicly offer the dwelling described in his application at or below the approved maximum sales price. He may not under his authorization do any additional construction in connection with the authorized construction over and above what is specified in his application, except where he gets written approval from the agency which approved the original application. He must not increase his sales price above the original approved maximum sales price by reason of any such additional construction or added equipment, except where the increased price has been approved in writing by the agency which approved the original application.

A person who has bought a house built under Housing Expediter Priorities Regulation 5 and who has made improvements to the house (authorization for such improvements may be required by VHP-1) must not charge more than the approved maximum sales price for the house if he sells it, unless he has obtained permission for the increased charge from the agency which approved the original application. (Issued February 8, 1947)

[F. R. Doc. 47-1524; Filed, Feb. 13, 1947; 3:54 p. m.]

[Housing Permit Regulation, as Amended Feb. 13, 1947]

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION FOR HOUSING

Par.

- (a) General.
- (b) Housing construction covered by this section.

APPLICATIONS

- (c) Persons eligible.
- (d) Filing applications.
- (e) Plans and specifications.
- (f) Approval of applications.
- (g) Restrictions on applicants.

CONSTRUCTION

- (h) Construction standards and limitations.
- (i) Posting of placards.

RENTS

- (j) Maximum rents.

PREFERENCES FOR VETERANS

- (k) Preferences for veterans.

DEFINITIONS

- (l) Definitions.

OTHER PROVISIONS

- (m) Advertisements.
- (n) Prohibition against transfer of permits.
- (o) Appeals.
- (p) Amendments to applications.
- (q) Communications.
- (r) Violations and enforcement.
- (s) Reports.

§ 806.1 *Authorization for housing—(a) General—(1) What this section provides.* This section, Housing Permit Regulation, is issued in accordance with the Veterans' Emergency Housing Program for 1947. The section provides for giving specific authorization under the Civil-

ian Production Administration (Office of Temporary Controls) Veterans' Housing Program Order 1 to veterans and certain other persons who wish to construct, repair, make additions to, alter, install fixtures in, improve, or convert housing accommodations. Such authorization will be given in the form of a construction permit.

This section explains:

(i) Who may apply for a construction permit.

(ii) How to apply.

(iii) The conditions upon which applications for permits will be approved.

(iv) The conditions which will be imposed on the applicant and succeeding owners while this section is in effect.

(2) *Effect of this section on approved priority applications.* New authorizations and priority ratings under Housing Expediter Priorities Regulation 5 will not be issued after the effective date of this section (December 24, 1946). However, this section does not apply to or affect applications or dwelling accommodations heretofore approved under Civilian Production Administration (OTC) Priorities Regulation 33 or Housing Expediter Priorities Regulation 5. Any requests for changes in applications approved under those regulations which do not involve additional dwelling units shall be made in accordance with CPA Priorities Regulation 33 or Housing Expediter Priorities Regulation 5, whichever is applicable. However, if a person is authorized to use an HH rating under either of those regulations but has not begun the construction of all the dwellings approved in his application, he may return his approved application to the Federal Housing Administration (or in appropriate cases to the Federal Public Housing Authority) and apply for a permit in accordance with this section for the construction of the dwellings on which construction has not begun. If the permit is granted, the provisions of this section shall be applicable to such construction instead of the provisions of the regulation under which his priority application was approved, and his priority application will be amended to exclude the construction for which the permit is granted. However, such a person is not required to obtain a permit under this section, but may elect to use the HH rating and authorization originally granted, subject to the provisions of the regulation under which it was granted.

(b) *Housing construction covered by this section.* (1) The following kinds of construction, alteration, or repair are included in this section where the application and construction qualify under paragraphs (c) through (h) or relief is granted on appeal under paragraph (o):

(i) The construction of any building in which 50% or more of the floor space involved is to be used for residential purposes except where the purpose is primarily for the accommodation of transients or overnight guests. Construction which is covered includes subsidiary buildings on residential property where used for residential purposes, such as private garages, tool sheds, piers, greenhouses and the like, and includes dining

halls and other essential residential accommodations used entirely as part of dormitory or other single-person accommodations also covered by the application. Farmhouses and other farm living accommodations and bunkhouses for transitory farm labor are included under this subparagraph. Housing of the War and Navy Departments, summer or winter camps, and hotels or tourist cabins primarily for transients and overnight guests, are not included.

(ii) Additions, alterations, or repairs to a building where 50% or more of the floor area involved in the proposed additions, alterations, or repairs will be used for dwelling accommodations of the kinds described above.

(2) Construction not included in this section is under the jurisdiction of the Office of Temporary Controls (Civilian Production Administration). Also, if a project under this section involves construction, additions, alterations, or repairs of which more than 25% is non-residential, a recommendation will be obtained from the Office of Temporary Controls (CPA) as to the essentiality of the non-residential part of the work.

APPLICATIONS

(c) *Persons eligible.* Applications for a construction permit under this section may be made by the following:

(1) *Veteran.* A veteran who wishes to build, complete, alter, or repair a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner. The cost of any alteration or repair of any house under this subparagraph may not exceed \$10,000.

(2) *Builder for veterans.* A person who wishes to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwelling accommodations) to which veterans will be given preferences in selling or renting as provided in this section. (Any applicant, although not a veteran, may initially occupy a dwelling unit in a two-family or multiple dwelling owned by him and constructed under this section.)

(3) *Non-veteran building for own occupancy.* A person who wishes to build a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

(4) *Disaster.* A person who wishes to reconstruct (or build on another site, in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster. Such a person is eligible only if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant. Any application under this subparagraph must be made not later than 6 months after such destruction or damage.

(5) *Repairs or alterations to make a house habitable or to provide space for additional persons.* A person who wishes authorization to make repairs or alterations to dwelling accommodations necessary in order (i) to maintain them in a habitable condition or to return them to a habitable condition, or (ii) to make a

summer home habitable for winter occupancy by a veteran, or (iii) to provide space for additional persons who are either veterans or members of the immediate family of the applicant. If space for additional persons is provided, under subdivision (iii), the estimated cost of the construction shall not exceed \$1500 per person. In the event that such additional space is vacated, the applicant or a subsequent owner or other person must not, while this section is in effect, rent it to any person other than a member of his immediate family or a veteran, unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

(6) *Educational institution or public organization.* An educational institution (or a person under its sponsorship) or a public organization which wishes to construct, repair, or alter a dormitory or other single-person housing facility (or to repair or alter any dwelling accommodations) for student veterans. An application for new construction under this paragraph (c) (6) will not be approved if the maximum rent proposed is more than the amount charged for comparable accommodations in the area. If the application is made by a person under the sponsorship of an educational institution, the application must be accompanied by a letter from that institution which (i) requests that the application be approved, (ii) states that there is not a sufficient number of available rooms in the community for its student veterans, and (iii) represents that the institution will refer student veterans to the proposed accommodations as long as this section is in effect. Accommodations provided by persons under the sponsorship of an educational institution must be made available during the institution's school year only to student veterans and their dependents referred by the institution.

(7) *Experimental housing.* A person who wishes to construct or erect dwelling accommodations for experimental or testing purposes, where the proposed work is determined by the Technical Office of the Office of the Administrator of the National Housing Agency to be essential to the Veterans' Emergency Housing Program.

(d) *Filing applications.* Applications for construction permits under this section should be made on OHE Form 14-56, and filed with the appropriate State or District Office of the Federal Housing Administration, except that:

(1) Applications by educational institutions, or persons under their sponsorship, or by public organizations (whether under paragraph (c) (6) or other paragraph of this section) should be filed with the appropriate Regional Office of the Federal Public Housing Authority.

(2) Applications to construct or erect dwelling accommodations for experimental or testing purposes should be filed with the Technical Office of the Office of the Administrator of the National Housing Agency.

(e) *Plans and specifications.* When an application is made in which a maximum rent is required to be stated, as provided by paragraph (j) (2), plans

and outline specifications shall be attached to and made a part of such application.

(f) *Approval of applications.* The application for a permit may be approved if (1) the conditions and requirements in paragraphs (c) through (e) of this section have been met, and (2) the proposed rents, where required to be stated, are reasonably related to the proposed accommodations. Upon approval, a copy of the approved application will be given to the applicant and will constitute his construction permit.

(g) *Restrictions on applicants.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the agency with which his application was filed.

CONSTRUCTION

(h) *Construction standards and limitations—(1) Suitability for year-round occupancy.* No person shall build or convert any dwelling accommodations under this section except accommodations which are suitable and intended for year-round occupancy.

(2) *Maximum floor area.* No person shall build or convert any dwelling accommodations under this section in which the total calculated floor area of any dwelling unit exceeds 1,500 square feet. Calculated area comprises the square foot area of spaces above basement or foundation including utility rooms, vestibules, halls, closets, stair wells and interior chimneys and fire places. It does not include garages, unfinished attics, open porches, attached terraces, balconies and projecting fire places or chimneys outside the exterior walls. Measurements are taken to the outside surfaces of exterior walls. In a half story, measurements are taken to the outside surfaces of exterior walls or partitions enclosing the areas, but any area where the ceiling height is less than five feet is not included.

(3) *Bathroom fixtures.* No person shall install in any dwelling or apartment constructed, converted or altered under this section any bathroom fixtures which will result in the dwelling or apartment having more such fixtures than are normally required for one bathroom.

(4) *Subsidiary structures.* The granting of a permit under this section constitutes authorization only (i) to construct, convert, alter or repair the dwellings specified in the application, and (ii) in connection with the construction of new residential accommodations, to construct subsidiary sanitary facilities, garage space, tool sheds, walls and fences.

(i) *Posting of placards or signs.* When permits are granted for new construction or conversions under paragraphs (c) (2) or (c) (6) of this section, the applicants must post either placards or signs as explained in this paragraph.

(1) *Placards.* When such permits are granted, a placard or placards will be sent

to the applicant indicating that the dwelling accommodations are being built for veterans under the Veterans' Emergency Housing Program. If the permit covers the construction of dwelling accommodations to be rented, the placard will contain a space for the maximum rent. If the applicant posts a placard or placards, he must insert the application serial number legibly and permanently. Such a placard must be posted in a conspicuous location in front of each separate residential building within five days after the time construction is begun and must continue to be posted until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans, the applicant must continue to post the placard for 60 days after completion of the building in the case of offer for sale or 30 days afterwards in the case of offer for rent. In the case of such offer for rent, the applicant, upon completion of construction, must legibly and permanently insert the appropriate rent, not in excess of the amount specified in the application as approved.

(2) *Signs.* If the applicant elects to post a project sign in lieu of the placards sent to him, he must post a sign having the approximate dimensions of three by five feet (or greater) in a conspicuous location on the site of each project. Such a sign must contain the same information and be posted during the same period as is required under subparagraph (1) of this paragraph in the case of placards.

RENTS

(j) *Maximum rents—(1) General.* The restrictions on rents contained in this paragraph apply to all new dwelling accommodations built under this section for which a proposed maximum rent must be stated under subparagraph (2) of this paragraph. These restrictions must be observed as long as this section is in effect. Proposed rents, where required, will not be approved under this section unless they are reasonably related to the proposed accommodations. However, approval of a proposed rent should not be considered as a representation by the processing agency that the rent represents the value of the dwelling or apartment for other purposes.

After the first renting of the dwelling in an area under Federal rent control, the request to approve a change in rent should be made to the Area Rent Office established pursuant to the Emergency Price Control Act of 1942, as amended, or in the District of Columbia to the Administrator of Rent Control. Any changed rent granted becomes the maximum rent under this section.

(2) *Proposed rent to be stated in application.* In case of an application for a permit to construct new family dwellings or apartments to be offered for rent, the proposed maximum rent and maximum shelter rent must be stated for each such dwelling or apartment. In case of an application for a permit to construct new single-person dwellings, the proposed maximum rent to be charged each person must be stated. Maximum rents and shelter rents must be stated for every

new dwelling or apartment in a proposed two-family dwelling, multiple-dwelling, or housing facility designed for occupancy by single persons. However, maximum rents or shelter rents need not be stated for construction in disaster cases under paragraph (c) (4) of this section.

(3) *Maximum rent which may be approved.* No maximum shelter rent exceeding \$80 per month may be approved for a dwelling or apartment under this section unless the average of all shelter rents approved in the application for dwellings in a single project is \$80 per month or less.

(4) *Maximum rent not to be exceeded.* No person shall rent a family or single-person dwelling or apartment for which a proposed maximum rent or maximum shelter rent has been specified in the application as approved, for more than the rent as approved.

(5) *Requests for increases in rents because of increased costs.* An applicant may apply by letter in triplicate or such form as may be prescribed to the agency with which the application was filed for an increase in the maximum rent approved in the application before the dwelling is initially rented. The increase will not be approved unless it can be shown (i) that the applicant has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or (ii) that he will incur additional or increased costs in operation over which he has no control, and that these additional or increased costs of construction or operation will make it unreasonable to require him to rent at the amount approved in the application. No increase in rent will be granted unless reasonably related to the increase in construction costs or the increase in operating costs.

(6) *Requests for increases in rents because of improvements.* If a subsequent owner or any owner-occupant of a dwelling (except a dwelling which has been previously rented and which is located in a Defense Rental Area established under the Emergency Price Control Act of 1942, as amended, or in the District of Columbia), built under this section has made major structural changes or improvements (not including ordinary maintenance or repair) to the dwelling which would warrant an increase in the rent specified in the application, he may apply for the increase to the agency with which the original application was filed. Such application should be made by a letter in triplicate or by such form as may be prescribed. No increase will be granted unless it is reasonably related to the cost of such changes or improvements. Moreover, no increase in shelter rent of any dwelling will be granted to an amount more than \$80 a month unless (i) the average of all shelter rents approved in the original application, as amended, for dwellings in a single project will be \$80 a month or less or (ii) unusual hardship would result to the applicant if the increase is not granted. (Under CPA Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

PREFERENCES FOR VETERANS

(k) *Preferences for veterans—(1) Family dwellings.* If a family dwelling or apartment built or converted under this section is being offered for sale or rent, the owner (whether the applicant or any subsequent owner) or any other person must not sell, rent or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale or rent, as the case may be, to veterans for their own occupancy. In the case of sale, this offer must be made to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant). In the case of rent, this offer must be made to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant). An applicant who has built or converted a family dwelling or apartment approved for rent or sale under this section must, for these periods of time, publicly offer it for sale or for rent to veterans for their own occupancy. No person may sell or rent or otherwise dispose of a dwelling or apartment built or converted under this section to a person other than a veteran on terms or at a price more favorable than offered to veterans during the time a public offering must be made to veterans under this subparagraph. However, this subparagraph does not apply to:

(i) Dwellings or apartments approved in disaster cases under paragraph (c) (4) of this section;

(ii) The initial occupancy of a dwelling or apartment built or converted under this section for the occupancy of the applicant or the continued occupancy of his tenant;

(iii) The occupancy of an apartment in a two-family or multiple dwelling structure by the owner of the entire structure;

(iv) Sales in the course of judicial or statutory proceedings in connection with foreclosures (sales subsequent to such judicial or statutory sales are subject to the provisions of this subparagraph (1)); or

(v) The occupancy of a dwelling or apartment by a building service employee which does not exceed 15 percent of the residential floor space of the structure or project.

(2) *Dormitories or other single-person housing facilities.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans and their dependents otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to non-veterans if it makes available to veterans an equivalent number of similar or better accommodations in other dormitories at rents not higher than the rents specified in the application as approved. It may also make 15 percent of the residential floor space of any dormitory or dormitory project available to building service employees.

DEFINITIONS

(1) *Definitions.* As used in this section:

(i) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges for the rental of furniture or charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges for gas or electricity will be made.

The total charges for tenant services will not be approved if more than \$3 per room per month. The charge for garage will not be approved if more than \$10 per month, and will be allowed only for multiple-family dwellings.

(3) "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage.

(4) "Person" means an individual, corporation, partnership, association, public organization, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "One-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but

not including an apartment house or a two-family "one-over-one" house.

(6) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a unit, not including semi-detached or row houses covered by subparagraph (5) of this paragraph.

(7) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by subparagraphs (5) or (6) of this paragraph.

(8) "Project" means construction authorized on a single site or contiguous sites except for streets, roads and alley ways.

(9) "Begun construction" means to have physically incorporated at the site materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "Public organization" means a governing body such as the United States Government, a State, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(12) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(13) "This section" means this Housing Permit Regulation.

OTHER PROVISIONS

(m) *Advertisements.* The applicant and every subsequent owner and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraph (c) (1), (2), (3), or (6) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent at \$-----). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for 60 days in case of subsequent sale or 30 days in case of subsequent rent).

(n) *Prohibition against transfer of permits.* No person to whom a permit has been given shall transfer it to any other person and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the agency with which the original application was filed. He should attach to his application a statement from the former applicant (or his representative) joining in the request for the granting of the permit to the new applicant.

(o) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. In addition, any person whose application has been denied in whole or in part as a result of an interpretation of the section

which he considers to be incorrect may file an appeal. An appeal shall be in the form of a letter in triplicate and should be filed with the appropriate local office of the Federal Housing Administration or other agency with which applications may be filed under this section. The letter must state clearly the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship, or the denial action appealed from, as the case may be.

(p) *Amendments to applications.* Any applicant may apply to the agency which granted his permit for an amendment to it. The request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the permit as amended and approved. However, if the request for an amendment requires additional buildings or dwelling units not included in the original permit, a new application should be filed on OHE Form 14-56 covering the new units.

(q) *Communications.* All communications concerning this section should be addressed to the local office of the Federal Housing Administration or other appropriate agency indicated in paragraph (d) of this section.

(r) *Violations and enforcement—(1) General.* The veterans' preference, maximum rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a rental of any dwelling accommodations at a rent in excess of the maximum rent applicable to such rental under the provisions of this section, or to solicit or attempt, offer, or agree to make any such rental. It shall also be unlawful for any such person to condition a rental of any dwelling accommodations upon the purchase of, or agreement to purchase, any commodity, service or property interest, except tenant services specified on the application, the rental of furniture or an investment interest in the accommodations.

The restrictions in paragraph (k) of this section apply to the builder and subsequent owners of all dwelling accommodations constructed in violation of VHP 1. However, this does not relieve the builder of any penalty to which he may be subject by reason of the violation of VHP 1.

(2) *Penalties.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who willfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) or the Veterans' Emergency Housing Act of 1946 relating to the construction or disposition of dwelling accommodations may have his permit revoked or sus-

pendent and may be denied the right to obtain any permit in the future and may be prohibited from making or obtaining deliveries of, or from using any materials or facilities suitable for housing construction.

(s) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 13th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-1525; Filed, Feb. 13, 1947;
3:54 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 653, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1084]

J. C. NICHOLS

J. C. Nichols of 1823 Vine Avenue, Covina, California, as owner, began the construction of a \$13,000.00 one-story concrete block building at 400-402 West Garvey Avenue, West Covina, California, for use as a market and an appliance store. Construction was begun on August 29, 1946, and thereafter carried on without written authorization from the Civilian Production Administration and despite the previous denial of authorization therefor by the Civilian Production Administration on July 30, 1946. The beginning and carrying on of this construction, subsequent to March 26, 1946, at an estimated cost in excess of \$1,000, constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1084 *Suspension Order No. S-1084.* (a) Neither J. C. Nichols, his successors or assigns, nor any other person, shall do any further construction on the premises located at 400-402 West Garvey Avenue, West Covina, California, includ-

ing the putting up, alteration or completion of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

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

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

Issued this 14th day of February 1947.

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

[F. R. Doc. 47-1579; Filed, Feb. 14, 1947;
11:22 a. m.]

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

[Priorities Reg. 13, Direction 23, as Amended Dec. 20, 1946, Amdt. 1]

DISPOSAL OF EDUCATIONAL EQUIPMENT BY GOVERNMENT DISPOSAL AGENCIES

Direction 23 to Priorities Regulation 13 is amended in the following respects:

(1) Paragraph (b) (1) is amended by substituting a comma and the words "Housing Expediter Certificates, or orders from the Veterans' Administration for its orthopedic appliance or medical rehabilitation shop retraining programs)" for the words "or holders of Housing Expediter Certificates)" in the seventh line of the paragraph.

Issued this 14th day of February 1947.

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

[F. R. Doc. 47-1580; Filed, Feb. 14, 1947;
11:22 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[3d Rev. RO 3, Amdt. 16 to Supp. 1]

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respect:

Item 29 of section 3.1 is amended to read as follows:

Ration period	Stamp valid during ration period	Weight value of stamp
No. 29 (Jan. 1, 1947 through Mar. 31, 1947).	Sugar ration book and book 4, spare stamp 53.	6

11 F. R. 166.

This amendment shall become effective February 19, 1947.

Issued this 14th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

The Office of Price Administration is the agency established to assist the Temporary Controls Administrator in the administration of this program. To expedite the answering of inquiries regarding this document, they should be directed to the Commissioner, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., or the appropriate field office in your vicinity.

[F. R. Doc. 47-1582; Filed, Feb. 14, 1947;
11:34 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Amdt. 36]

SUGAR

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

Third Revised Ration Order 3 is amended in the following respects:

1. Section 6.2 is amended by adding a new paragraph (e) to read as follows:

(e) Notwithstanding the provisions of paragraph (b) of this section, Spare Stamp No. 53, received in accordance with this order by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of five pounds of sugar through April 15, 1947 and if Spare Stamp 53 is surrendered to a depositor, it shall be valid for deposit in his account through April 25, 1947.

2. Section 6.4 (b) is amended by inserting after the first sentence of the paragraph a sentence to read as follows:

Only stamps of the same weight value may be pasted on any one gummed sheet.

This amendment shall become effective February 19, 1947.

Issued this 14th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 36 to Third Revised Ration Order 3

Present regulations. The present regulations provide that stamps which have been validated for sugar and which have been received in accordance with this order by a registering unit which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar if such stamp is surrendered or transferred to another registering unit or a primary distributor within a month after the close of the ration period assigned to such stamp. A stamp surrendered to a depositor shall be valid for deposit in his account for a period of a month and ten days after

11 F. R. 177, 14281.

the close of the ration period assigned to such stamp.

Proposed amendment. This amendment provides that Spare Stamp No. 53, received by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of five pounds of sugar through April 15, 1947. If Spare Stamp 53 is surrendered to a depositor, it shall be valid for deposit in his account through April 25, 1947.

Reason for amendment. On and after April 1, 1947 sugar stamps for consumer use will be validated for ten pounds of sugar each instead of five pounds each. Increasing the value of sugar ration stamps from five pounds to ten pounds each is necessary since the number of stamps remaining in the Sugar Ration Books which are now issued to returned service personnel, new babies and as replacements, if designated for five pounds each, would not provide enough stamps for consumer and home-canning use much past the middle of 1947. Since it now appears likely that it will be necessary to continue sugar rationing at least through most of 1947 and since the expense of printing and distributing a new ration book at this time is prohibitive from a budgetary standpoint, it is necessary to designate the remaining stamps which are available for consumer use for ten pounds of sugar each.

On January 1, 1947 Spare Stamp 53 was validated for five pounds of sugar for consumer use for the period from January 1, 1947 through April 30, 1947. However, to avoid the confusion to the trade and to the banks which would result if both stamps of five and ten pound denominations were in the rationing system for any length of time, this order is being amended to provide that Spare Stamp 53 will expire for consumer use on March 31, 1947 instead of April 30, 1947 and to provide that if such stamps are received by a non-depositing registering unit it may transfer or surrender such stamps through April 15, 1947 or if such stamps are received by a depositor, such stamps must be deposited in its ration bank account not later than April 25, 1947.

The Office of Price Administration is the agency established to assist the Temporary Controls Administrator in the administration of this program. To expedite the answering of inquiries regarding this document, they should be directed to the Commissioner, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., or the appropriate field office in your vicinity.

[F. R. Doc. 47-1583; Filed, Feb. 14, 1947; 11:34 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Amdt. 37]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and

has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

Section 17.7 is added to read as follows:

SEC. 17.7 Application for base or adjustment in base by persons who invested in productive equipment for use in making products for designated agencies. (a)

Any person who used sugar or sugar-containing products in the manufacture of products for delivery to a designated agency as defined in section 13.1 and any other agency or activity which was a designated agency for the purpose of replacement and who invested in productive equipment for such purposes between April 20, 1942 and January 1, 1946 may apply for a base or an adjustment in base. (A person who made a sugar-containing product to be used by another person in products to be delivered to designated agencies may apply.)

(b) Application shall be made on OPA Form R-380 and the applicant must give all of the information required by the form. The application must be filed:

(1) At the Sugar Branch Office for the place where the industrial user establishment is registered if the application is for an adjustment in base of a registered industrial user establishment;

(2) With the Sugar Branch Office serving the area in which the applicant's establishment is located if:

(i) He does not have a registered establishment and the application covers only one establishment;

(ii) He has one establishment already registered and wishes to register separately the establishment for which application is made. (If the applicant desires to register more than one establishment and desires to register them separately, a separate application should be filed for each such establishment.)

(3) With the Sugar Branch Office serving the area in which the applicant's principal office is located, if:

(i) The application covers more than one establishment and the applicant desires to register such establishments together; or

(ii) If he has more than one establishment already registered and they are registered together; or

(iii) If he has one establishment already registered and wishes to register the establishment for which application is made with it.

(c) A transferee of an establishment in which an investment had been made in productive equipment between April 20, 1942 and January 1, 1946 for the purpose and under the conditions required by paragraph (a) may not apply under this section unless:

(1) He obtained the establishment by inheritance or will and the previous owner was eligible under the provisions of paragraph (a); or

(2) He is a member of the immediate family of the transferor who was eligible under the provisions of paragraph (a). (A member of the immediate family of the transferor includes father, mother, son, daughter, wife, husband, brother or sister); or

(3) The change in ownership is only as to the form of the business organization

but the same parties both in interest and in number have the establishment at the time of application; or

(4) One or more of the owners of the establishment at the time of application for an adjustment is a person who had an ownership interest in the establishment continuously from the time when an investment in productive equipment had been made for the purpose and under the conditions required by paragraph (a) to the date of application. Such person may obtain an adjustment to the extent of that interest. (Thus, if 50% interest in the establishment was subsequently sold to another person only 50% of the adjustment computed under paragraph (e) may be granted.)

(5) At the date of transfer, or subsequent thereto, the establishment was using sugar or sugar-containing products in the manufacture of products for delivery to a designated agency under contract or order from such agency.

(d) The following persons are not eligible to apply for a base or an adjustment in base under this section:

(1) A person who prior to January 1, 1945 used jams, jellies, preserves, marmalades or fruit butters in making the product, or who made jams, jellies, preserves, marmalades or fruit butters unless he invested after that date in productive equipment for designated agency production;

(2) A person who used a sugar-containing product for which a provisional allowance may be obtained in making the product or who makes a product or a sugar-containing product for which a provisional allowance may be obtained; or

(3) A person who makes or uses bulk sweetened condensed milk in containers over one gallon.

NOTE: A person who did not produce products for delivery to designated agencies but merely packaged products may not apply under this section.

(e) From the information given on the form the capacity or additional capacity acquired for producing sugar-containing products for delivery to designated agencies will be computed. (For the purposes of this computation, "capacity" means the maximum amount in units, i.e., cases, pounds, of products that could be produced per hour on the appropriate date using all of the equipment normally used for the production of such product in the way such equipment was used on that date. In determining capacity of machinery the manufacturer's rated capacity should be used where available.) The following formula, adjusted for each individual case, will be used in computing the base or adjustment in base to be granted under this section:

(1) The capacity (as defined above) times the sugar content equals the capacity in pounds of sugar per hour;

(2) The capacity of sugar in pounds per hour times the number of hours per normal work week in 1941 for that industry times 52 equals the capacity of the plant in pounds of sugar per year;

(3) Capacity of the plant in pounds of sugar per year times the figure representing the lowest percent of operation

¹ 11 F. R. 177, 14281.

of a substantial number of firms in the industry equals the base or adjustment in base to be granted.

Example 1: Candy manufacturer. The Sweet Candy Company, a registered industrial user, producers of hard candy, reports a capacity in pounds per hour of 500 pounds as of April 20, 1942. Due to additional equipment installed after that date to take care of a contract with the Army, the capacity of the plant is reported as 800 pounds per hour as of January 1, 1947. Figures submitted by the company show a sugar content in the candy produced of 60%. In determining the amount of adjustment to which the company may be entitled the following computation is made:

1. Increased capacity—300 pounds (800 lbs. minus 500 lbs.) times 60% (sugar content)—equals 180 pounds sugar capacity per hour.
2. 180 lbs. times 2080 hours (40 hours × 52 weeks) equals 374,400 lbs. (capacity of plant in lbs. of sugar per year).
3. 374,400 times 50% (industry factor) equals 187,200 lbs., the amount of adjustment to be granted to the Sweet Candy Company.

Example 2: Bottler. In October, 1943, the Wet Beverage Company invested in bottling equipment and started in business producing beverages for the Navy. They report the capacity of the plant as of January 1, 1947 as 150 cases per hour. Figures submitted by the company show a sugar content of 1½ pounds per case. In determining the amount of base to which the Wet Beverage Company may be entitled, the following computation is made:

1. 150 cases per hour times 1½ lbs. per case equals 225 lbs. sugar capacity per hour.
2. 225 lbs. times 2080 hours (40 hours × 52 weeks) equals 468,000 lbs. capacity of plant in lbs. of sugar per year.
3. 468,000 lbs. times 30% (industry factor) equals 140,400 lbs., the amount of base to be granted to the Wet Beverage Company.

NOTE: A similar formula is used when the industrial user acquired capacity or additional capacity for using sugar-containing products, rather than sugar, in producing products for designated agency delivery.

(f) Population increase adjustments under section 2.3 may not be granted to persons receiving either a base or an adjusted base under this section. An industrial user who has been receiving a population increase adjustment under section 2.3 for the class of products for which an adjustment is granted under this section may not continue to receive such population increase adjustment for that class of products.

(g) A Sugar Branch Office may not act on an application filed under this section but must send the application, together with all other information received, including the entire file, to the Regional Office for decision.

(h) No adjustment granted under the provisions of this section shall be effective prior to April 1, 1947.

This amendment shall become effective February 21, 1947.

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

Issued this 14th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator,

Rationale Accompanying Amendment No. 37 to Third Revised Ration Order 3

During the war years, many manufacturers who had not been in the business of manufacturing sugar-containing products before April 20, 1942, the date on which sugar rationing began, invested in sugar-using equipment and commenced manufacturing sugar-containing products in order to supply the armed forces and other designated agencies with such products. Other industrial users who had been in business prior to April 20, 1942, made investments in sugar-using equipment during the war years for the purpose of increasing their productive capacity in order to fulfill war contracts they had made with the armed forces and other designated agencies. In either case, these manufacturers received sugar for this purpose from the designated agency involved free of the rationing system.

The termination of the war contracts with these designated agencies has resulted in curtailment or complete cessation of operations by such industrial users as ex-quota sugar is not available to them. Many of these manufacturers had been urged by the armed forces and other designated agencies to produce for war purposes and, in some instances, had even been assured they would be able to obtain sugar upon the termination of their war contracts. Since it now appears that sugar rationing will be necessary longer than had been anticipated, it is recognized that great hardship would be imposed upon both these types of producers unless they were given relief.

This amendment is designed to provide a sugar base or adjustment in base for such persons comparable to bases granted persons who invested in productive equipment during the base period. Experience in the operation of that program, the pre-rationing investment adjustment program, has indicated that the method used therein has met the considerations of equity and fairness and will likewise serve to alleviate hardship in the types of cases this amendment covers.

The Office of Price Administration is the agency established to assist the Temporary Controls Administrator in the administration of this program. To expedite the answering of inquiries regarding this document, they should be directed to the Commissioner, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., or the appropriate field office in your vicinity.

[F. R. Doc. 47-1581; Filed, Feb. 14, 1947; 11:34 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 25—MEDICAL

HOSPITALIZATION AND DOMICILIARY CARE

1. Paragraph (c) (2) of § 25.6047
Eligibility for hospital treatment or domiciliary

care of persons discharged or retired from military or naval service is amended to read as follows:

(2) Domiciliary care for persons enumerated in subparagraph (1) of this paragraph, when suffering from a permanent disability or tuberculosis or neuropsychiatric ailment and who are incapacitated from earning a living and who have no adequate means of support. If a member is discharged on his own request it will be presumed he no longer regards himself as incapacitated from earning a living and his request will be complied with. Under such circumstances he will not be furnished hospitalization or domiciliary care until the expiration of three months from the date of such discharge, except when requiring readmission in a medical emergency.

2. A new subparagraph (3) is added to § 25.6047 (d) as follows:

(3) If a member is discharged on his own request it will be presumed he no longer regards himself as incapacitated from earning a living and his request will be complied with. Under such circumstances he will not be furnished hospitalization or domiciliary care until the expiration of three months from the date of such discharge, except when requiring readmission in a medical emergency. (60 Stat. 908; 38 U. S. C. 739)

(Sec. 1, 44 Stat. 826, sec. 1-4, 45 Stat. 947 and 948, sec. 1-3, 46 Stat. 496, sec. 6, 7, 1, 29, 48 Stat. 9, 285, 301, 525, 49 Stat. 729, 730; 36 U. S. C. 122, 38 U. S. C. 612, 621, 622, 662, 664, 706, 707 and Sup. 730; 54 Stat. 885, 50 U. S. C. 301-318, 48 U. S. C. 707, 10 U. S. C. A. 487a; Joint Resolution No. 96)

[SEAL]

OMAR N. BRADLEY,

General, U. S. Army,

Administrator of Veterans' Affairs.

FEBRUARY 14, 1947.

[F. R. Doc. 47-1449; Filed, Feb. 14, 1947; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

PART 144—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

Correction

In Federal Register Document 47-917, appearing at page 807 of the issue for Tuesday, February 4, 1947, the first table under § 144.09 (g) should be designated "Figure 144.09 (d)".

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For an exception to certain provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A-1A, Amdt. 2]

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

CARLOAD FREIGHT TRAFFIC

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, item numbered 25 of General Permit ODT 18A-1A, as amended (9 F. R. 117, 12 F. R. 401), is hereby amended to read as follows:

§ 520.493 Loading of certain carload freight.

25. Cement, lime, mortar mix, plaster or stucco. In packages, straight or mixed carloads, when consigned to dealers for stock, may be loaded to a weight not less than 60,000 pounds: *Provided*, That the provisions of this item numbered 25 shall not apply to more than one shipment made by the same consignor to the same consignee at the same destination point during any calendar month.

This Amendment 2 to General Permit ODT 18A-1A shall become effective February 13, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 11th day of February 1947.

J. M. JOHNSON,
Director, Office of Defense
Transportation.

[F. R. Doc. 47-1447; Filed, Feb. 14, 1947;
8:51 a. m.]

TITLE 50—WILDLIFE

**Chapter I—Fish and Wildlife Service,
Department of the Interior**

**Subchapter C—National Wildlife Refuges;
Individual Regulations**

**PART 27—SOUTHEASTERN REGION NATIONAL
WILDLIFE REFUGES**

**OKEFENOKEE NATIONAL WILDLIFE REFUGE,
GEORGIA**

1. Section 27.698 (50 CFR 27.698) is revised to read as follows:

§ 27.698 *Okefenokee National Wildlife Refuge, Georgia; public use area.* Persons may, without permit, enter and temporarily use for boating, nature study, photography and other recreational purposes such areas of the refuge as may be designated for said purposes by the Officer in Charge by suitable posting and shall observe such special regulations and conditions as may be prescribed by the Officer in Charge of the refuge, copies of which shall be posted on the refuge and available at refuge headquarters.

Entry on and use of the refuge for any purpose is covered by the regulations for the administration of National Wildlife Refuges dated December 19, 1940 (5 FR 5284; 50 CFR, Cum. Supp., Part 12), as amended and strict compliance therewith is required.

Persons desiring to enter areas of the refuge not designated as Public Use Areas may be issued a permit by the Officer in Charge or his authorized representative, which permit may require the employment of an accredited guide or such other conditions as the Officer in Charge may deem necessary for the safety of the individual and the protection of wildlife on the refuge.

2. A new regulation to be known as § 27.698a is hereby inserted following § 27.698, to read as follows:

§ 27.698a *Okefenokee National Wildlife Refuge, Georgia; fishing.* Non-commercial fishing, in accordance with the State laws of Georgia, is permitted during the daylight hours on all waters designated by posting as Public Use Areas within the Okefenokee National Wildlife Refuge, and in other areas when entry is authorized by permit, in accordance with the following provisions:

Each fisherman must comply with the applicable State fishing laws and regulations and must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing on the designated waters of the refuge.

During periods of waterfowl or other wildlife concentrations, fishing may be closed on such areas of the refuge as, in the judgment of the Officer in Charge, such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting.

Live bait shall not be used for fishing, and no minnows shall be taken for bait in any of the waters of the refuge.

(Sec. 84, 43 Stat. 98, sec. 10, 45 Stat. 1224, sec. 401, 49 Stat. 383; 18 U. S. C. 145, 16 U. S. C. 715i, 715s; Reorg. Plans Nos. II, III, 3 CFR Cum. Supp.)

RUDOLPH DIEFFENBACH,
Acting Director.

[F. R. Doc. 47-1435; Filed, Feb. 14, 1947;
8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

**Production and Marketing
Administration**

[7 CFR, Part 802]

**WAGES AND SUGARCANE PRICES IN HAWAII
FOR 1947**

**NOTICE OF HEARINGS AND DESIGNATION OF
PRESIDING OFFICERS**

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (50 Stat. 885), as amended, notice is hereby given that public hearings will be held in the Territory of Hawaii as follows:

At Honolulu, on the Island of Oahu, on February 25, 1947, at 9:30 a. m., in the Court Room of the United States District Court for the Territory of Hawaii, in the Federal Building at Honolulu; and

At Hilo, on the Island of Hawaii, on February 27, 1947, at 9:30 a. m., in the Court Room of the United States District Court for the Territory of Hawaii at Hilo.

The purpose of the hearings is to receive evidence likely to be of assistance

to the Secretary in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane during the calendar year 1947 on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1947 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane, and the terms and conditions of contracts between laborers and producers of sugarcane.

Such hearings, after being called to order at the time and places mentioned above, may for convenience be adjourned to such other place in the same city as the presiding officers may designate, and may

be continued from day to day within the discretion of the presiding officers.

Samuel Shapiro and Will N. King are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Issued this 11th day of February 1947.

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

[F. R. Doc. 47-1439; Filed, Feb. 14, 1947;
8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 61]

**LISTING OF PILOTS AND DISPATCHERS IN AIR
CARRIER OPERATING CERTIFICATE**

PROPOSED ELIMINATION OF REQUIREMENT

Part 61 of the Civil Air Regulations requires that first pilots and dispatchers be listed in the air carrier operating certificate of the air carrier which they serve. This requirement makes it necessary to amend the air carrier operating certificates almost daily to provide for such listings. The required additions to or deletions from the air carrier operat-

PROPOSED RULE MAKING

ing certificates impose an undue amount of paper work upon the Administrator and the air carriers, and it is therefore proposed to amend the Civil Air Regulations to eliminate the frequent amendment of the air carrier operating certificates and to provide equivalent airmen records.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives public notice that the Bureau will propose to the Board an amendment to Part 61 of the Civil Air Regulations as follows:

1. Elimination of the requirement that pilots and dispatchers be listed in the air carrier operating certificate from §§ 61.511, 61.513, 61.552, 61.554, 61.7100, and 61.7803 (c) (4).

2. Amendment of § 61.50 to read as follows:

§ 61.50 *Airmen utilization.* No scheduled air carrier shall utilize any dispatcher or flight crew member in scheduled air transportation until such airman has met the appropriate qualifications and requirements prescribed by the Civil Air Regulations.

3. Addition of a new § 61.500 to read as follows:

§ 61.500 *Airmen records.* Each scheduled air carrier shall maintain such current records of dispatchers and flight crew members utilized by the air carrier in scheduled air transportation at such points on its routes as the Administrator may designate. These records shall contain such information concerning the qualifications of each airman as the Administrator may prescribe. No scheduled air carrier shall utilize in scheduled air transportation any dispatcher or flight crew member unless records are maintained for such airmen as required herein.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL]

W. S. DAWSON,
Director.

[F. R. Doc. 47-1438; Filed, Feb. 14, 1947;
8:49 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 53]

[Docket No. FDC 47]

CANNED TOMATOES; DEFINITION AND STANDARD OF IDENTITY

NOTICE OF HEARING

In the matter of proposals to amend the definition and standard of identity for canned tomatoes.

Notice is hereby given that the Administrator of the Federal Security Agency, upon application of a substantial portion of the interested industry, stating reasonable grounds therefor, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10 o'clock in the morning of March 20, 1947, in Room 5545, Social Security Building, Independence Avenue and Fourth Streets, SW, Washington, D. C., upon proposals to amend § 53.40 (a) (4)

(21 CFR Cum. Supp. 53.40) to provide for the use of additional optional calcium salts for firming tomatoes, and § 53.40 (b) (21 CFR Cum. Supp. 53.40) to provide for label statement of such optional ingredients.

Mr. Bernard D. Levinson hereby is designated as presiding officer to conduct the hearing, in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Administrator for initial decision.

The hearing will be conducted in accordance with the rules of practice provided therefor.

In lieu of oral testimony, interested persons may submit affidavits to the presiding officer at the Social Security Building, Federal Security Agency, Independence Avenue and Fourth Street, SW, Washington, D. C., at any time prior to the hearing. Such affidavits should be submitted in quintuplicate. Every interested person will be permitted, in accordance with the above-mentioned rules of practice, to examine all affidavits submitted and to file counter-affidavits with the presiding officer.

At the hearing evidence will be restricted to testimony and exhibits that are relevant and material to the issue contained in the proposals.

The proposal is subject to adoption, rejection, amendment, or modification by the administrator, in whole or in part, as the evidence adduced at the hearing may require.

Dated: February 12, 1947.

[SEAL]

MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-1434; Filed, Feb. 14, 1947;
8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8149]

EMMA ASBECK

In re: Estate of Emma Asbeck, deceased. File D-28-10741; E. T. sec. 15114.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Anna Volkmann, Werner Volkmann, Elfriede Volkmann and Renate Volkmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the lawful husband, name unknown, of Mrs. Anna Volkmann, heirs, names unknown, according to the laws of succession of the State of California,

of Mrs. Anna Volkmann, and such other person, name unknown, who was the lawful wife of Werner Volkmann at the time of Emma Asbeck's death and the issue of Renate Volkmann, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Emma Asbeck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by J. H. Roberts, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That to the extent that the above named persons and the lawful husband, name unknown, of Mrs. Anna Volkmann, heirs, names unknown, according to the laws of succession of the State of California, of Mrs. Anna Volkmann, such other person, name unknown, who was the lawful wife of Werner Volkmann at the time of Emma Asbeck's death, and the issue of Renate Volkmann, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or

otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1430; Filed, Feb. 13, 1947;
8:49 a. m.]

[Vesting Order 8176]

JENNIE WILLMS

In re: Bonds owned by and debts owing to Jennie Willms. F-28-25677-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jennie Willms, whose last known address is Fohlmhusen, Ostfriesland, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) United States Savings Bonds, Series A, due May 1945, each of \$100 face value, bearing the numbers C261825, C261826 and C261827, registered in the name of Miss Jennie Willms and presently in the custody of VanEman & Mulder, Parkersburg, Iowa, together with any and all rights thereunder and thereto,

b. That certain debt or other obligation owing to Jennie Willms, by VanEman & Mulder, Parkersburg, Iowa, in the amount of \$400, as of December 31, 1945, 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 Jennie Willms, by R. H. Mulder, Parkersburg, Iowa, in the principal amount of \$250, evidenced by a promissory note, in the principal sum of \$250, due October 13, 1948, issued by R. H. Mulder, Parkersburg, Iowa, and presently in the custody of VanEman & Mulder, Parkersburg, Iowa, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1433; Filed, Feb. 13, 1947;
8:50 a. m.]

[Vesting Order 8116]

LEWINSKY RETZLAFF & CO., AND SIEGMUND PINCUS

In re: Bank accounts owned by Lewinsky Retzlaff & Co. and Siegmund Pincus. F-28-1026-E-1, F-28-6639-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lewinsky Retzlaff & Co., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, 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 Siegmund Pincus, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Lewinsky Retzlaff & Co., by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Lewinsky Retzlaff & Co., and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Siegmund Pincus, by The New York Trust Company, 100 Broadway,

New York, New York, arising out of a checking account, entitled Siegmund Pincus, 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 it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1450; Filed, Feb. 14, 1947;
8:50 a. m.]

[Vesting Order 8138]

H. BISCHOFF & CO. ET AL.

In re: Bank accounts owned by H. Bischoff & Co., T. Jomachiya and Konishi & Co., Ltd.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. Bischoff & Co., the last known address of which is Baumwollboerse 201, Bremen, Germany, is a partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That T. Jomachiya, whose last known address is Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That Konishi & Co., Ltd., the last known address of which is 56 Nakano-

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shima, 2-Chome Kitaku, Osaka, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

4. That the property described as follows: Those certain debts or other obligations owing to H. Bischoff & Co., T. Jomachiya and Konishi & Co., Ltd., by Chemical Bank & Trust Company, 165 Broadway, New York, New York, arising out of the accounts described in Exhibit A attached hereto and by reference made a part hereof, maintained at the branch office of the aforesaid bank located at Lexington Avenue and 49th 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, H. Bischoff & Co., the aforesaid national of a designated enemy country (Germany), and T. Jomachiya and Konishi & Co., Ltd., the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1, 2, and 3 hereof are not within a designated enemy country, the national interest of the United States requires that the person named in subparagraph 1 be treated as a national of a designated enemy country (Germany) and the persons named in subparagraphs 2 and 3 be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended. (40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Owner of Account and Title of Account

H. Bischoff & Co.; H. Bischoff & Co. Account, subject to the authorization of the Alien Property Custodian.

T. Jomachiya; T. Jomachiya Account, subject to the authorization of the Alien Property Custodian.

Konishi & Co., Ltd.; Konishi & Co., Ltd., Account, subject to the authorization of the Alien Property Custodian.

[F. R. Doc. 47-1451; Filed, Feb. 14, 1947; 8:51 a. m.]

[Vesting Order 8140]

LUDWIG GARTNER

In re: Bank account owned by Ludwig Gartner. F-28-916-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Gartner, whose last known address is Steinbach am Donnersberg, Rheinpfalz, 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 Ludwig Gartner, by Citizens State Bank, Jewell, Kansas, arising out of a checking account, entitled Ludwig Gartner, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1452; Filed, Feb. 14, 1947; 8:51 a. m.]

[Vesting Order 8142]

ALOIS SCHELL

In re: Bank account owned by Alois Schell. F-28-26127-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alois Schell, whose last known address is Building No. 59, Rothenbuch i/Spessart, Bavaria, 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 Alois Schell, by The First National Bank of Chicago, Dearborn, Monroe, and Clark Streets, Chicago, Illinois, arising out of a savings account, Account Number 1,369,932, entitled Alois Schell, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1453; Filed, Feb. 14, 1947; 8:51 a. m.]

[Vesting Order 8143]

STANDARD BRAID & PRODUCE CO. OF JAPAN

In re: Bank account owned by Standard Braid & Produce Co. of Japan. F-39-1624-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Standard Braid & Produce Co. of Japan, the last known address of which is Kobe, Japan, is a partnership organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Standard Braid & Produce Co. of Japan, Kobe, Japan, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a commercial deposit entitled Standard Braid & Produce Co. of Japan, 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 (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1454; Filed, Feb. 14, 1947; 8:51 a. m.]

[Vesting Order 8144]

R. TANAKA

In re: Bank account owned by R. Tanaka. F-39-4809-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That R. Tanaka, 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 R. Tanaka, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a checking account entitled R. Tanaka, maintained at the branch office of the aforesaid bank located at Fillmore, 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 (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1455; Filed, Feb. 14, 1947; 8:52 a. m.]

[Vesting Order 8150]

GEORGE BERROTH

In re: Estate of George Berroth, deceased. File D-28-10386; E. T. sec. 14776.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Berroth, Katharina Preifs, Kirth Langler, Miram Stang, Christian Berroth, Karoline Schon, Regina Glaiber, Katharina Widder, Mina Schifferdecker, Rosa Rathe!, Arma Zapfle, and Mathaus Zriegel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of George Berroth, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Mary R. Oldendorf, as administratrix, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Dec. 47-1456; Filed, Feb. 14, 1947; 8:52 a. m.]

[Vesting Order 8151]

DIEDRICH BORCHERS

In re: Estate of Diedrich Borchers, also known as John Borchers, deceased. File D-28-10739; E. T. sec. 15156.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adele Wehrmann, Johann Borchers, Alma Borchers Van Otte, Adele

Borchers Gartner, Sophie Harfst and Gesiene Kroger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of George Borchers, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Diedrich Borchers, also known as John Borchers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Mary Borchers, as Administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Mateo;

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown, of George Borchers, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1457; Filed, Feb. 14, 1947;
8:52 a. m.]

[Vesting Order 8152]

BOND AND MORTGAGE GUARANTEE CO.

In re: Declaration of Trust dated July 22, 1937, executed pursuant to a Plan of Reorganization for Series 212578, Certificate Number 127396. File No. F-28-5820; E. T. sec. 4785.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate Number 127396 issued and guaranteed by Bond and Mortgage Guarantee Company, Series 212578, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Emmy Renn, Germany.

That such property is in the process of administration by John K. Wallace, Karl Proper and Felix A. Muldoon, 75 Maiden Lane, New York, New York, as Trustees under a Declaration of Trust dated July 22, 1937, executed pursuant to a Plan of Reorganization for Series 212578, mortgage investments approved by an Order of the Supreme Court of the State of New York, County of the Bronx, acting under the judicial supervision of the Supreme Court of the State of New York, County of the Bronx.

And determined 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);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1458; Filed, Feb. 14, 1947;
8:52 a. m.]

[Vesting Order 8154]

JULIANNA JUDITH MALONYAY

In re: Estate of Julianna Judith Malonyay, also known as Julianna J. Molonyay and Julianna Malonyay, deceased. File D-34-698; E. T. sec. 8652.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Pottyondy, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Julianna Judith Malonyay, also known as Julianna J. Molonyay and Julianna Malonyay, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by Public Administrator of New York County, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1459; Filed, Feb. 14, 1947;
8:52 a. m.]

[Vesting Order 8155]

JOSEPH M. MALY

In re: Estate of Joseph Maly, deceased, File D-17-237; E. T. sec. 6589.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Gern, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever

ever of the person named in subparagraph 1 hereof in and to the Estate of Joseph Maly, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank Stoklasa, Executor, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1460; Filed, Feb. 14, 1947; 8:52 a. m.]

[Vesting Order 8156]

ALBERT MAYER

In re: Estate of Albert Mayer, deceased. File D-28-9687; E. T. sec. 13541.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest, and claim of any kind or character whatsoever of Herman Mayer, Eugene Mayer and Bertha Rader, and each of them in and to the estate of Albert Mayer, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Herman Mayer, Germany.
Eugene Mayer, Germany.
Bertha Rader, Germany.

That such property is in the process of administration by Mary Mayer, surviving administratrix under the will of Albert

No. 33—4

Mayer, deceased, acting under the judicial supervision of the Court of Probate in Suffolk County, Massachusetts;

And determined 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);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1461; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8157]

LOUIS NEUMANN

In re: Estate of Louis Neumann, deceased. D-34-796; E. T. sec. 12085.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shirolta Neumann Roth, Margaret Neumann, Elizabeth Neumann, Olga Neumann, Goldie Neumann, Zoltan Neumann, and Molvina (Malvina) Waldman, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That the sum of \$220.00 was paid to the Alien Property Custodian by Adolph Neumann, Administrator of the Estate of Louis Neumann, deceased;

3. That the said sum of \$220.00 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Hungary);

4. That the said sum of \$220.00 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Adolph Neumann, Administrator of the Estate of Louis Neumann, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 22, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1462; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8167]

ANDREAS GOETZ

In re: Bank account owned by Andreas Goetz. F-28-22961-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Andreas Goetz, 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 the Ridgewood Savings Bank, Myrtle & Forest Avenues, Ridgewood, New York, arising out of a savings account, Account Number 46678, entitled John Goetz in trust for Andreas Goetz, maintained at the aforesaid bank, 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, Andreas Goetz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1463; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8168]

RUDOLF GRUNHAGEN

In re: Bank account owned by Rudolf Grunhagen. F-28-5702-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Grunhagen whose last known address is Amsel Strasse 2, Hamburg 22, 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 Rudolf Grunhagen by Seaboard Trust Company, 95 River Street, Hoboken, New Jersey arising out of a savings account, Account Number 27204, entitled Rudolf Grunhagen, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1464; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8169]

ANTON HILCHENBACH AND JOHANNA HILCHENBACH

In re: Bank accounts owned by Anton Hilchenbach and Johanna Hilchenbach. F-28-25765-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Hilchenbach and Johanna Hilchenbach, whose last known address is Stotzheim Bei, Euskirchen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anton Hilchenbach and Johanna Hilchenbach, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a compound interest account, Account Number AF2713, entitled Anton Hilchenbach and/or Johanna Hilchenbach, maintained at the branch office of the aforesaid bank located at 1512 First Avenue, New York 21, New York, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Anton Hilchenbach and Johanna Hilchenbach, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a regular checking account, entitled Anton Hilchenbach and/or Johanna Hilchenbach, maintained at the branch office of the aforesaid bank located at 1512 First Avenue, New York 21, 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 nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1465; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8170]

THEODORA HOLLENDER

In re: Bank account owned by Theodora Hollender, also known as Dorothea Theodora Hollender, Dorothea Hollender or Theodore Hollender. F-28-6559-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodora Hollender, also known as Dorothea Theodora Hollender, Dorothea Hollender or Theodore Hollender, whose last known address is Bayrenther Strasse 34, Berlin W-62, 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 Theodora Hollender, also known as Dorothea Theodora Hollender, Dorothea Hollender or Theodore Hollender by Bronx County Trust Company, 2804 Third Avenue, New York 55, New York, arising out of an account entitled Theodora Hollender, and any and all

rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1466; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8171]

KALLE & Co. A. G.

In re: Debt owing to Kalle & Co. Aktiengesellschaft. F-28-296-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kalle & Co. Aktiengesellschaft, the last known address of which is Wiesbaden-Biebrich, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 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: That certain debt or other obligation owing to Kalle & Co. Aktiengesellschaft, by General Aniline & Film Corporation, 230 Park Avenue, New York, New York, in the amount of \$718.71, as of December 31, 1945, 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 (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1467; Filed, Feb. 14, 1947; 8:54 a. m.]

[Vesting Order 8172]

THERESE LANGE

In re: Bank accounts owned by Therese Lange. F-28-27992-E-1, F-28-27992-E-2, F-28-27992-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Therese Lange, whose last known address is Meldorf, I/Holstein, Norderstr 1, 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 of The Bank for Savings in the City of New York, 280 Fourth Avenue, New York 10, New York, arising out of a savings account, Account Number 749,478, entitled Therese Lange in trust for niece, Maria Louise Klevesahl, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Central Savings Bank in the City of New York, 4th Avenue at 14th Street, New York, New York, arising out of a savings account, Account Number 1,185,228, entitled Therese Lange in trust for Louise Klevesahl, maintained at the aforesaid bank, 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, Therese Lange, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1468; Filed, Feb. 14, 1947; 8:54 a. m.]

[Vesting Order 7731, Amdt.]

GESTMUNDER BANK

In re: Mortgage certificates owned by Gestmunder Bank. F-28-22962-A-1.

Vesting Order 7731, dated September 25, 1946, is hereby amended as follows and not otherwise:

By deleting clause b from subparagraph 2 of said Vesting Order and substituting therefor the following:

b. One (1) New York Title and Mortgage Corporation series N85 5½% guaranteed first mortgage certificate, of \$3,000 face value, bearing number 429 and presently in the custody of Hans Utsch & Co., 42 Broadway, New York, New York, together with any and all rights thereunder and thereto.

All other provisions of said Vesting Order 7731 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1469; Filed, Feb. 14, 1947;
8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F. R. 7125). The special learner certificate issued to the following company under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See Regulations, Part 522, § 522.0f3.

Central Iowa Telephone Company, K Street, Forest City, Iowa; effective January 30, 1947, expiring January 29, 1948.

Regulations, Part 522—Regulations Applicable to the Employment of Learners (*supra*).

Colette Manufacturing Company, San-turce, Puerto Rico; Hairnet Industry; as follows:

Four (4) learners, Covering elastics; and four (4) learners, Examining; at not less than 16½ cents an hour for the first 160 hours, not less than 25 cents an hour for the second 160 hours, and not less than 27½ cents an hour for every hour thereafter;

Two (2) learners, Machine-Knotting; at not less than 16½ cents an hour for the first 120 hours, not less than 25 cents an hour for the second 120 hours, and not less than 27½ cents an hour for every hour thereafter;

Eight (8) learners, Hand-Knotting; and twelve (12) learners, Knitting; at not less than 16½ cents an hour for the first 240 hours, not less than 25 cents an hour for the second 240 hours, and not less than 27½ cents an hour for every hour thereafter;

Ten (10) learners, Spooling; at not less than 16½ cents an hour for the first 320 hours, not less than 25 cents an hour for the second 320 hours, and not less than 27½ cents an hour for every hour thereafter;

Ten (10) learners, Warping; at not less than 16½ cents an hour for the first 400 hours, not less than 21 cents an hour for the second 400 hours, not less than 25 cents an hour for the third 400 hours, and not less than 27½ cents an hour for every hour thereafter;

effective January 13, 1947, expiring June 13, 1947.

Zekaria Brothers, Puerta de Tierra, San Juan, Puerto Rico; Machine Embroidering; fifty (50) learners, in operation of machine embroidering at not less than 18 cents an hour for the first 240 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period; effective January 23, 1947, expiring January 22, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 6th day of February 1947.

ISABEL FERGUSON,
Authorized Representative
of the Administrator.

[F. R. Doc. 47-1437; Filed, Feb. 14, 1947;
8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6014]

INTERNATIONAL POWER CO. ET AL.

NOTICE OF ORDER TERMINATING AUTHORIZATION TO EXPORT ELECTRIC ENERGY TO CANADA

FEBRUARY 12, 1947.

In the matter of International Power Company, St. Croix Electric Company, Canadian Cottons, Ltd.; Docket No. IT-6014.

Notice is hereby given that, on February 11, 1947, the Federal Power Commission issued its order entered February 11, 1947, terminating authorization to export electric energy to Canada in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1444; Filed, Feb. 14, 1947;
8:50 a. m.]

[Docket No. IT-5995]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

FEBRUARY 12, 1947.

Notice is hereby given that, on February 11, 1947, the Federal Power Commission issued its order entered February 10, 1947, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1443; Filed, Feb. 14, 1947;
8:50 a. m.]

OFFICE OF TEMPORARY CONTROLS

Office of Price Administration

CONSOLIDATION OF CERTAIN SUGAR BRANCH OFFICES IN ATLANTA REGION

Under authority conferred upon Regional Administrators by Reorganization Instruction No. 57, it is ordered:

1. *Discontinuance of Sugar Branch Offices.* The Jacksonville, Florida and Nashville, Tennessee Sugar Branch Offices of Region IV are hereby ordered discontinued as of the 15th day of February, 1947.

2. *Extension of Sugar Branch Office jurisdiction.* The Miami, Florida Sugar Branch Office located in Miami, Florida, shall include within its jurisdiction effective as of the 15th day of February, 1947, the following counties, lying within the State of Florida:

Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Putnam, St. Johns, Santa Rosa, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, Washington.

The Memphis, Tennessee Sugar Branch Office located in Memphis, Tennessee,

shall include within its jurisdiction effective as of the 15th day of February, 1947, the following counties, lying within the State of Tennessee:

Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Cheatham, Claiborne, Clay, Cooke, Cumberland, Davidson, DeKalb, Fentress, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, Macon, McMinn, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Smith, Sullivan, Sumner, Trousdale, Unicoi, Union, Van Buren, Warren, Washington, White, Williamson, Wilson.

3. *Transfer of duties, powers, and functions.* All duties, powers, functions, and authority of the offices discontinued are transferred, effective as of the 15th day of February 1947, to the offices given jurisdiction over the territory of the closed office.

4. *Saving provisions—(a) Actions with reference to discontinued Sugar Branch Offices.* From and after the effective date of this order, the provisions of any price or rationing regulation, amendment or order, heretofore or hereafter issued by the Price Administrator, Regional Administrator, District Director, or Regional Sugar Executive, which require or authorize action to be taken by any said discontinued sugar branch offices or by the branch directors of such offices, or require or authorize any person to file or send any application, letter, report, or other document, or to have any other communication with such branch sugar offices or directors, or require or authorize any person to perform any other act by reference to such branch sugar offices or directors, shall, for all purposes, mean the Miami or Memphis Sugar Branch Office, as the case may be.

(b) *Orders issued by discontinued Sugar Branch Offices.* This order shall have no retroactive effect with regard to any determinations, orders, decisions, and other acts heretofore made or done by any executives, offices, or employees of any said discontinued sugar branch offices; and all determinations, orders, decisions, and other acts heretofore made, done, or issued by any said discontinued sugar branch office shall continue and remain in full force and effect until further notice.

5. *Effective date.* This order shall become effective February 15, 1947. Issued January 15, 1947.

JAMES P. DAVIS,

Acting Regional Administrator.

[F. R. Doc. 47-1442; Filed, Feb. 14, 1947; 8:50 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-1, Amdt. 1]

TANK CARS FOR TRANSPORTATION OF SULFURIC ACID AND AMMONIUM NITRATE SOLUTION

ALLOCATION FOR USE

Since the issuance of Special Allocation Order ODT R-1 on January 23, 1947,

(12 F. R. 564), it has been determined that three of the commercial companies named in Appendix A of that order have arranged with the War Department for the return to the War Department of the number of Class ICC 103A or ARA 3 tank cars shown opposite their respective names in Appendix A of Special Allocation Order ODT R-1. The three companies are Royster Guano Co., Norfolk, Virginia, Solvay Process Co., New York, New York, and U. S. Rubber Co., New York, New York. The War Department has advised the Office of Defense Transportation that the total number of tank cars to be made available to it by other commercial companies named in Appendix A of Special Allocation Order ODT R-1 may be reduced therefore from 190 to 130. The War Department has further advised the Office of Defense Transportation that as Class ICC 103A or ARA 3 tank cars which it has leased to the Spencer Chemical Company, Kansas City, Missouri, are returned to the War Department, the number of tank cars required from commercial companies named in Appendix A of Special Allocation Order ODT R-1 may be reduced accordingly. To enable the Spencer Chemical Company to release to the War Department the Class ICC 103A or ARA 3 tank cars which said company has under lease from the War Department, General American Transportation Corporation, Chicago, Illinois, has agreed to forthwith lease to said Spencer Chemical Company approximately 46 tank cars of an aggregate capacity of not less than 345,000 gallons, provided the furnishing of such cars to said Spencer Chemical Company will fully discharge the responsibility of said General American Transportation Corporation under Special Allocation Order ODT R-1. The release of such War Department tank cars by the Spencer Chemical Company will reduce the number of tank cars to be made available to the War Department by commercial companies named in Appendix A of Special Allocation Order ODT R-1 to a total of 84. An equitable distribution among the commercial companies shown in Appendix A of such reduced number of tank cars permits eliminating from said Appendix A the names of commercial companies leasing fewer than three Class ICC 103A or ARA 3 tank cars from the War Department.

In view of the foregoing and pursuant to Title III of the Second War Powers Act, as amended, Executive Order 8989, as amended, and Executive Order 9729, Special Allocation Order ODT R-1 is hereby amended as shown in Revised Appendix A and Revised Appendix B attached hereto and by changing the figures 318 and 190 where they appear in the order to read 249 and 84 respectively.

This Amendment 1 to Special Allocation Order ODT R-1 shall become effective on February 12, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658; Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18,

1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 12th day of February 1947.

J. M. JOHNSON,

Director,

Office of Defense Transportation.

REVISED APPENDIX A

Commercial companies having class ICC 103A or ARA 3 tank cars under lease from War Department	Number of cars under lease	Minimum aggregate gallonage capacity of cars to be furnished War Department
Agro Phosphate Co., Norwalk, Calif.	4	7,500
American Agricultural Chemical Co., 50 Church Street, New York 7, N. Y.	3	7,500
American Zinc Lead & Smelting Co., 1600 Paul Brown Bldg., St. Louis, Mo.	10	30,000
Blockson Chemical Co., Joliet, Ill.	5	15,000
Cotton Producers Co., P. O. Box 163, Atlanta, Ga.	6	15,000
Davison Chemical Co., 20 Hopkins Place, Baltimore, Md.	15	37,500
E. I. DuPont de Nemours Co., Wilmington, Del.	82	210,000
General Chemical Co., 61 Broadway, New York, N. Y.	25	67,500
Monsanto Chemical Co., St. Louis, Mo.	4	7,500
Ozark Chemical Co., Tulsa 1, Okla.	7	15,000
Pittsburgh Coal & Chemical Co., Grant Bldg., Pittsburgh, Pa.	6	15,000
Shell Chemical Co., Shell Bldg., San Francisco, Calif.	13	30,000
Southern Acid & Sulphur Co., Rialto Bldg., St. Louis, Mo.	30	75,000
Standard Wholesale & Phosphate Co., Baltimore, Md.	24	60,000
Swift & Co. (Plant Food Co.) 219 Wainwright Bldg., Norfolk, Va.	3	7,500
Tennessee Corp., 61 Broadway, New York, N. Y.	12	30,000
Totals	240	630,000

REVISED APPENDIX B

Companies owning 1,000 or more tank cars	Number of tank cars owned	Number of and minimum aggregate gallonage capacity of cars to be made available ¹	
		Number	Aggregate gallonage capacity
Union Tank Car Co., 228 North LaSalle St., Chicago, Ill.	38,532	46	345,000
Shippers Car Line, 30 Church Street, New York, N. Y.	9,676	12	90,000
Sinclair Refining Co., 630 Fifth Avenue, New York, N. Y.	6,106	8	60,000
North American Car Corp., 327 South LaSalle St., Chicago, Ill.	4,596	5	37,500
Shell Oil Co., Inc., 50 West 50th St., New York, N. Y.	2,081	3	22,500
Mid-Continent Petroleum Co., Box 381, Tulsa, Okla.	2,141	3	22,500
Mexican Petroleum Co., 122 East 42d Street, New York, N. Y.	1,752	2	15,000
Gulf Oil Corp., P. O. Box 1166, Pittsburgh, Pa.	1,529	2	15,000
Tidewater Associated Oil Co., 17 Battery Place, New York, N. Y.	1,409	2	15,000
Cities-Service Oil Co., 70 Pine Street, New York 5, N. Y.	1,400	1	7,000
Totals	69,222	84	630,000

¹ Subject to provisos contained in paragraph numbered 2.

[F. R. Doc. 47-1470; Filed, Feb. 14, 1947; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1431]

WISCONSIN HYDRO ELECTRIC CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of February 1947.

Notice is hereby given that an application or declaration (or both) and amendments thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Wisconsin Hydro Electric Company ("Wisconsin Hydro"), a public utility company and a subsidiary of Eastern Minnesota Power Corporation, a registered holding company.

Notice is further given that any interested person may, not later than February 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application or declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 24, 1947, such application or declaration, as filed or as amended, or any of the transactions proposed therein, may be granted or may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said filing, as amended, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized below:

Wisconsin Hydro proposes to borrow on April 1, 1947, the sum of \$1,750,000 from the Harris Trust and Savings Bank of Chicago, Illinois. The loan will be evidenced by an unsecured note of Wisconsin Hydro bearing interest at 3% annum payable at any time, without premium, upon 3 days' written notice and maturing October 1, 1947. Wisconsin Hydro has paid to the bank the sum of \$4,375, being ¼ of 1% of the principal amount of the loan, as a commitment fee for said loan. The proceeds of said proposed loan, if made, will be applied, together with treasury funds, to pay the principal and interest to April 1, 1947, of the Company's First Mortgage Bonds bearing 5% interest due October 1, 1947, outstanding in the principal amount of \$2,077,000.

Wisconsin Hydro states that the proposed borrowing from the Harris Trust and Savings Bank is not subject to the jurisdiction of the Wisconsin Public Service Commission.

Wisconsin Hydro further states that it expects to issue, prior to October 1, 1947, long-term bonds and serial notes, the

proceeds of which will be applied to the payment of the aforesaid proposed temporary borrowing, and that it will file for authorization by this Commission of the issuance of such bonds and serial notes.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1440; Filed, Feb. 14, 1947;
8:50 a. m.]

[File Nos. 54-120, 59-34]

NEW ENGLAND GAS AND ELECTRIC CORP.
ET AL.

SUPPLEMENTAL ORDER APPROVING ALTERNATE PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February 1947.

In the matter of New England Gas and Electric Corporation, File No. 54-120; New England Gas and Electric Association et al., File No. 59-34.

The Commission having, by order dated June 24, 1946, approved the Amended Plan under section 11 (e) of the Public Utility Holding Company Act of 1935 for the recapitalization of New England Gas and Electric Association ("New England"), a registered holding company, and related transactions; and said Amended Plan having been approved by the United States District Court for the District of Massachusetts by Order dated July 17, 1946; and

New England having filed a further application, pursuant to section 11 (e) of the act and other applicable sections thereof, for approval of an Alternate Plan for the recapitalization of New England and related transactions so that New England, upon approval of the Alternate Plan by the Commission, may, at its election, subject to the entry of the requisite enforcement order by the District Court of the United States, proceed with the carrying out of the Alternate Plan or of said Amended Plan; and

New England having requested the Commission, pursuant to section 11 (e) of the act, to apply to a court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms of the provisions of the Alternate Plan; and

The Commission having issued its notice of filing and order for hearing on said Alternate Plan, and having directed that copies of said notice of filing and order for hearing and copies of the Alternate Plan be mailed by New England to each of the holders of its outstanding securities (insofar as the identity of such security holders was available or known to New England); and copies thereof having been mailed by New England to all its security holders, notice having been given to all interested persons, a public hearing having been held, at which hearing security holders of New England and other interested persons were afforded an opportunity to be heard; and

General Public Utilities Corporation ("GPU"), a registered holding company, having requested approval of the acquisition by it of new common shares of New England to be received by GPU in exchange for its holdings of \$5.50 preferred shares of New England pursuant to the terms of the Alternate Plan; and

The Commission having considered the record in the matter and having made and filed its findings and opinion herein;

It is ordered, Pursuant to section 11 (e) of the act and other applicable provisions of the act, that the Alternate Plan be, and hereby is, approved, subject to the conditions contained in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan, the transactions incident thereto and the consummation thereof, and, in the event that neither the Alternate Plan nor the Amended Plan is consummated, with reasonable promptness, to enter such further orders as it may deem appropriate under section 11 (b) (2) of the act without further proceedings.

It is further ordered, That jurisdiction be, and hereby is, reserved to the Commission to take such steps as may be appropriate, after notice and opportunity for hearing, at any time prior to the entry by the United States District Court of an order enforcing the Alternate Plan, to vacate or modify this order and to secure consummation of the Amended Plan, should it appear to the Commission that the Amended Plan approved by order of the Commission dated June 24, 1946 has become feasible.

It is further ordered, That jurisdiction be, and hereby is reserved over the following additional matters: (1) To pass upon certain necessary amendments with respect to the terms of the new securities to be issued; (2) the reasonableness of the price to be paid for securities; the terms of the offering thereof, the underwriters' spread and the fees and expenses in connection therewith; (3) the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the Alternate Plan and the Amended Plan and the transactions incident thereto; and (4) the accounting treatment in connection with the carrying out of the Alternate Plan.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court, pursuant to the provisions of section 11 (e) and in accordance with subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the Alternate Plan.

It is further ordered, That this order shall not be operative to authorize the consummation of the transactions proposed in the Alternate Plan until an appropriate United States District Court

shall, upon application thereto, enter an order enforcing said Alternate Plan.

It is further ordered, That the application of General Public Utilities Corporation, pursuant to section 10 of the act, in respect of the acquisition by it of new common shares of New England to be received by it in exchange for its holdings of \$5.50 preferred shares of New England pursuant to the terms of the Alternate Plan, be, and hereby is, granted, subject to the conditions contained in Rule U-24.

It is further ordered, That the transactions specified and itemized below, all as provided by the Alternate Plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act:

(1) The issue and sale by New England of \$22,425,000 principal amount of its sinking fund collateral trust bonds plus 77,625 cumulative preferred shares, and the application of the proceeds of such sale (together with such additional

cash as may be necessary) to the retirement, at par and accrued interest to a date to be fixed by it, of the debentures of New England presently outstanding;

(2) The allocation by New England of 766,776 common shares to the holders of the present \$5.50 Dividend Series Preferred Shares in exchange therefor at the rate of 8 common shares for each present preferred share held plus the transferable right to subscribe for 5 additional shares of common at \$9 per share plus the nontransferable right to subscribe for a maximum of 20 additional shares of common, to the extent the same may be available for allocation after exercise of transferable rights, at \$9 per share, as set forth in the Plan.

(3) The issue by New England of such number of common shares as may be:

(a) Necessary to fulfill subscriptions by the holders of rights; or

(b) Sold at not less than par to provide \$4,312,500 or such part thereof as may be necessary.

(4) The payment by New England of \$1,944,550 to Utilities Investing Trust and the Trustee of the Estate of Associated Gas and Electric Corporation, Debtor; and the cancellation of all the presently outstanding \$7 Second Preferred and Common Shares of New England which are now held by Utilities Investing Trust; and the execution by New England on the one hand and the Trustees of the Estates of Associated Gas and Electric Company and Associated Gas and Electric Corporation, Debtors, NY PA NJ Utilities Company, Associated Utilities Corporation, Gas and Electric Associates and Utilities Investing Trust on the other of mutual releases of claims; all as required by the Plan.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1441; Filed, Feb. 14, 1947;
8:49 a. m.]

