FEDERAL REGISTER

VOLUME 10 NUMBER 121

Washington, Tuesday, June 19, 1945

The President

EXECUTIVE ORDER 9571

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ACQUIRE AND DISPOSE OF CERTAIN PROPERTY

By virtue of the authority vested in me by the Constitution and statutes of the United States, and particularly by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (56 Stat. 177), it is hereby ordered as follows:

1. The Secretary of the Interior is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, by purchase, donation, condemnation, or other means of transfer, to the extent that title thereto is not now vested in the United States, the following-described land underlying Cerritos Channel, California, the temporary use thereof, or other interest therein, together with any personal property located thereon or used therewith, and to dispose of such property pursuant to the said Title II of the Second War Powers Act, 1942:

A tract of land 600 feet wide known as the Cerritos Channel, lying partly within the corporate limits of the City of Los Angeles, and partly within the corporate limits of the City of Long Beach, County of Los Angeles, State of California, and more particularly described as follows:

Beginning at Station 13 of the "Inner Bay Exception" of the United States Patent to the Rancho San Pedro, said Station 13 also being U. S. Engineers Station 408; thence:

N. 33°51' W., 631.32 feet along the line of said "Inner Bay Exception" to a point; thence:

N. 74°16'41" E., 6,905.55 feet to a point, said point being S. 18°48' W., 18.24 feet from Station 36 of the San Pedro Rancho and Los Cerritos Compromise line; thence:

Leaving said Compromise line S. 14°52'20" E., 500 feet to a point; thence:

N. 88°20'10" W., 300 feet to Station 35 of the San Pedro Rancho and Los Cerritos Compromise line; thence:

S. 48°42' E., 228.21 feet to a point on said Compromise line; thence:

S. 74°16' W., 6,552.31 feet to the point of beginning.

The tract as described contains approximately 92.64 acres.

2. With respect to the above-described land and any interest therein heretofore or hereafter acquired, the Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land; and all moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 15, 1945.

[F. R. Doc. 45-10660; Filed, June 16, 1945; 10:33 a. m.]

EXECUTIVE ORDER 9572

POSSESSION, CONTROL, AND OPERATION OF THE TOLEDO, PEORIA & WESTERN RAILROAD

WHEREAS the President of the United States, in the exercise of the powers conferred upon him by the Constitution and the laws of the United States, including the act of August 29, 1916, 39 Stat. 645, and the First War Powers Act, 1941 (55 Stat. 838), by Executive Order 9108 dated March 21, 1942, directed the Director of the Office of Defense Transportation to take immediate possession of the property of the Toledo, Peoria & Western Railroad (therein referred to as the Toledo, Peoria & Western Railroad Company) for and on behalf of the United States and to operate or to arrange for the operation of the said railroad in such manner as he deemed necessary for the successful prosecution of the war; and

(Continued on p. 7317)

CONTENTS

THE PRESIDENT

(Continued on p. 7316)

FEDERAL REGISTER

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NOTICE

The 1943 Supplement to the Code of Federal Regulations, covering the period June 2, 1943, through December 31, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book.

Book 1: Titles 1–31, including Presidential documents in full text.

Book 2: Titles 32–50, with 1943 General Index and 1944 Codification Guide.

The complete text of the Cumulative Supplement (June 1, 1938–June 1, 1943) is still available in ten units at $3.00 each.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

(Continued on next page)

CONTENTS—Continued

WHEREAS pursuant to the said Executive Order 9108, the Director of the Office of Defense Transportation, on March 22, 1942, through duly designated and authorized officers and agents, took possession of the property of the said Toledo, Peoria & Western Railroad and since that date has continued in the possession of and has operated the said railroad for and on behalf of the United States in accordance with the said Executive Order, as amended by Executive Order 9320, dated March 24, 1943; and

WHEREAS from December 27, 1943, to January 18, 1944, the Director of the Office of Defense Transportation operated the said railroad subject to Executive Order 9412, dated December 27, 1943; and

WHEREAS on May 19, 1945, in overruling a motion to dismiss a suit instituted by the Toledo, Peoria & Western Railroad against agents of the Director of the Office of Defense Transportation, the District Court of the United States for the Southern District of Illinois, Northern Division, handed down an opinion stating that in view of Executive Order 9412 the President of the United States has not authorized the Director of the Office of Defense Transportation to continue in possession of and to operate the railroad in accordance with Executive Order 9108.

WHEREAS for the reasons set forth in Executive Order 9108, it has at all times since March 21, 1942, been, and continues to be, essential that the railroad remain in the possession of, and be operated by and for, the United States in order to assure successful prosecution of the war; and

WHEREAS it is desirable to remove all doubt as to the authority of the Director of the Office of Defense Transportation with respect to his possession, control, and operation of the railroad prior to this date, and his authority to continue in possession, control, and operation of the railroad:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including the act of August 29, 1916, 39 Stat. 645, and the First War Powers Act, 1941 (55 Stat. 838), as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. All acts performed by the Director of the Office of Defense Transportation and his duly designated and authorized officers and agents since March 21, 1942, with respect to the possession, control, and operation of the railroad in reliance upon and in accordance with the provisions of Executive Order 9108, as amended by Executive Order 9320, are hereby approved, ratified, confirmed, and adopted as taken by and for the United States.

2. The Director of the Office of Defense Transportation is authorized and directed to continue in possession of the railroad and to operate or to arrange for its operation in accordance with the provisions of Executive Order 9108, as amended by Executive Order 9320.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 15, 1945.

[F. R. Doc. 45–10673; Filed, June 16, 1945; 11:33 a. m.]

EXECUTIVE ORDER 9573

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE GEORGIA AND FLORIDA RAILROAD AND ITS EMPLOYEES

WHEREAS a dispute exists between the Georgia and Florida Railroad, a carrier, and certain of its employees represented by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors of America and Brotherhood of Railroad Trainmen, labor organizations; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the states of South Carolina, Georgia and Florida to a degree such as to deprive that portion of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Georgia and Florida Railroad or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 16, 1945.

[F. R. Doc. 45–10680; Filed, June 16, 1945; 3:16 p. m.]

EXECUTIVE ORDER 9569

INSPECTION BY THE OFFICE OF PRICE ADMINISTRATION OF CORPORATION STATISTICAL TRANSCRIPT CARDS PREPARED FROM INCOME AND DECLARED VALUE EXCESS PROFITS TAX RETURNS

Correction

In the document appearing on page 7235 of the issue for Saturday, June 16, 1945, the Federal Register serial number should read "45–10556".

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—War Food Administration (Commodity Credit)

[1945 C. C. C. Rye Bulletin 1]

PART 266—1945 RYE LOANS

Commodity Credit Corporation has authorized the making of loans, in accordance with this bulletin, on rye stored on farms or in approved warehouses.

Sec.

AUTHORITY: §§ 266.1 to 266.18, inclusive are issued under the authority contained in section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302).

§ 266.1 *Eligible producer.* Any person partnership, association, or corporation, producing rye in 1945 as landowner, landlord, or tenant, shall be eligible for such loans.

§ 266.2 *Eligible rye.* Rye grading No. 2 or better, or grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, which was produced in 1945, the beneficial interest in which is now in the producer, and has always been in him, or has been in him and a former producer whom he succeeded before the rye was harvested, shall be eligible as collateral for such loans. Rye grading tough, light smutty, smutty, light garlicky, garlicky, weevily, or rye containing in excess of 1 percent of ergot, is not eligible for loan.

§ 266.3 *Eligible storage.* Loans will be made on eligible rye stored in approved public grain warehouses, or in acceptable storage structures located on farms.

§ 266.4 *Areas in which loans will be made.* Loans will be made on eligible rye stored in approved public grain warehouses wherever located.

Loans will be made available on eligible rye stored on farms in the following areas:

All counties in the States of Arizona, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and in the following counties of Oklahoma and Texas:

Oklahoma: Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Greer, Garmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, McClain, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

Texas: Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Callahan, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Coleman, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hardeman, Haskell, Hemphill, Hockley, Howard, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Runnels, Scurry, Sherman, Shackelford, Stonewall, Swisher, Taylor, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, and Young.

§ 266.5 *Loan rates.* The loan value for eligible rye grading No. 2 or better, or rye grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, shall be 75 cents per 56-pound bushel, except that the loan value for eligible rye containing in excess of 0.3 of 1 percent but not in excess of 1 percent ergot shall be discounted 1 cent for each 0.1 of 1 percent of ergot in excess of 0.3 of 1 percent.

The above loan rate applies to rye stored on the farm, or in approved grain warehouses, when evidence is submitted that storage charges have been prepaid through the maturity date of the note. Evidence of prepaid storage must be a stamped or typed certification, signed by the warehouseman, on or attached to the warehouse receipt, which certification shall read as follows:

Storage charges for the period ending April 30, 1946, on the rye represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of this warehouse receipt.

---------- Signed----------
Address Warehouseman

7 cents per bushel will be deducted from the applicable loan rate for rye stored in warehouses for which evidence of prepaid storage is not submitted.

§ 266.6 *Determination of quantity of rye.* A bushel shall be 56 pounds of clean rye, free of dockage, when determined by weight, or 1.25 cubic feet of rye testing 56 pounds per bushel when determined by measurement. In determining the quantity of rye in farm storage by measurement, fractional pounds of the bushel test weight will be disregarded, and the quantity, determined as above, will be the following percentages of the quantity determined for 56-pound rye:

	Percent
For rye testing 56 pounds or over	100
For rye testing 55 pounds or over, but less than 56	98
For rye testing 54 pounds or over, but less than 55	96
For rye testing 53 pounds or over, but less than 54	95
For rye testing 52 pounds or over, but less than 53	93
For rye testing 51 pounds or over, but less than 52	91
For rye testing 50 pounds or over, but less than 51	89
For rye testing 49 pounds or over, but less than 50	87

§ 266.7 *Farm storage.* Rye stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, except as approved by State agricultural conservation committees. Chattel mortgages covering the rye must be executed and filed in accordance with the State law.

§ 266.8 *Warehouse storage.* Commodity Credit Corporation will accept only insured negotiable warehouse receipts covering eligible rye pledged as collateral to notes on C. C. C. Commodity Form B, issued by any public grain warehouse which has executed the Uniform Grain Storage Agreement, as amended, and has been approved by Commodity Credit Corporation. Warehousemen desiring approval are advised to communicate with the regional director of Commodity Credit Corporation serving the area in which the warehouse is located. A list of approved warehouses and their locations is available at the office of the regional director of Commodity Credit Corporation. A list of approved warehouses for the area may also be obtained at any State or county agricultural conservation office. All rye pledged as security for a particular loan must be stored in the same warehouse.

§ 266.9 *Warehouse receipts.* Warehouse receipts must be issued in the name of the producer, must be dated on or prior to the date of the related note, must be properly assigned by an endorsement in blank so as to vest title in the holder, and must be issued by an approved warehouseman. Unless the warehouse receipts are stamped or printed "insured" there must be attached and included in the certificate of the warehouseman a statement that the rye is insured for not less than the market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for unpaid handling and storage charges will be recognized only from May 15, 1945, or the date of the warehouse receipt, whichever is later. Such receipts must set out in their written or printed terms the gross weight or bushels, the grade, test weight, and all other factors and statements required to be stated in the written or printed terms of negotiable warehouse receipts under the provisions of section 2 of the Uniform Warehouse Receipts Act, or be accompanied by a certificate of the warehouseman, identified with such warehouse receipt, setting out such information, and shall be based on the inbound movement or delivery of the rye to an approved warehouse.

§ 266.10 *Liens.* The rye collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the chattel mortgage or note and loan agreement.

§ 266.11 *Maturity and interest rate.* Notes secured by farm-stored rye or by warehouse receipts representing rye will mature on demand, or on April 30, 1946, whichever is earlier. All loans will bear interest at the rate of 3 percent per annum.

§ 266.12 *Lending agency.* Any bank, cooperative marketing association, corporation, partnership, or person making loans in accordance with these instructions, which has executed the Contract to Purchase, on 1940 C. C. C. Form E, may act as a lending agency in connection with the 1945 Rye Loan Program.

§ 266.13 *Eligible paper.* Eligible paper shall consist of notes of the producers on C. C. C. Grain Form A (Revised) secured by chattel mortgages on C. C. C. Grain Form AA (Revised), or notes on C. C. C., Commodity Form A secured by chattel mortgages on C. C. C. Commodity Form AA, or notes and loan agreements on C. C. C. Grain Form B or C. C. C. Commodity Form B, secured by warehouse re-

ceipts representing rye in existence, dated prior to December 31, 1945. Notes executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

§ 266.14 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined above, from lending agencies which have executed and delivered to the office of Commodity Credit Corporation to which notes are submitted Contract to Purchase, 1940 C. C. C. Form E, forms of which contract are obtainable from such offices.

Notes held by lending agencies must be tendered to Commodity Credit Corporation for immediate or deferred purchase within 10 days of written request made by Commodity Credit Corporation and, in the absence of such request, at least 10 days prior to maturity. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes plus accrued interest, at the rate of 1½ percent per annum, from the respective dates of the disbursements of the loans to the date of payment of the purchase price. Under the terms of the Contract to Purchase, lending agencies are required to report weekly, on 1940 C. C. C. Form F, all payments or collections on producers' notes held by them, and to remit, with such report, to Commodity Credit Corporation an amount equivalent to 1½ percent interest per annum, from the date of the disbursement of the loan to the date of payment, on the principal amount collected.

§ 266.15 *Insurance*—(a) *Rye stored on farms.* Commodity Credit Corporation will not require producers to insure their 1945 farm-stored rye placed under loan. In case of a total loss of collateral resulting from an external cause, with the exception of a loss caused by conversion by the producer, or his negligence, or caused by vermin, the producer will not be held personally liable on the note. In case of partial loss of collateral resulting from an external cause, with the exceptions aforesaid, the producer will not be held liable for that part of the indebtedness secured by the rye lost. No loss will be assumed by the Corporation, however, if it is determined that there is a fraudulent representation on the part of the borrower in connection with the loan.

(b) *Rye stored in approved warehouses.* Warehousemen shall provide insurance against the perils of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, for the full market value of rye stored in their warehouses, as long as receipts are outstanding.

§ 266.16 *Offices of Commodity Credit Corporation.* The locations and addresses of the regional directors of Commodity Credit Corporation previously referred to herein and the areas served by them are:

Address	Area
208 South LaSalle Street, Chicago, Illinois.	Delaware, Illinois (except East St. Louis), Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Southern Wisconsin, and States not otherwise listed.
Dwight Building, 1004 Baltimore Avenue, Kansas City 13, Missouri.	Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri (also East St. Louis), Nebraska, New Mexico, Oklahoma, South Carolina, Texas, and Wyoming.
326 McKnight Building, Minneapolis 1, Minnesota.	Minnesota, Montana, North Dakota, South Dakota, and Northern Wisconsin.
Artisans Building, 225 Southwest Broadway, Portland 5, Oregon.	Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

§ 266.17 *County agricultural conservation committees.* Forms may be obtained from county agricultural conservation committees or from the office of Commodity Credit Corporation. Pursuant to instructions, the State committee and county committee will determine, or cause to be determined, the quantity and grade of the rye collateral and the amount of the loan. All loan documents will be completed and approved by the county committee. County agricultural conservation associations will collect a service fee for all loans.

§ 266.18 *Release of collateral.* The producer may obtain the release of the rye upon the payment of the principal amount due on the loan, plus accrued interest. The loan paper may be sent to an approved bank for collection, or the producer may ascertain the amount due and remit directly to the office of Commodity Credit Corporation holding the paper. Partial releases of collateral may be arranged with the county agricultural conservation committee by paying to the holder of the note the loan value plus accrued interest for the rye released.

Dated: May 18, 1945.

C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 45-10684; Filed, June 16, 1945; 3:32 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial 337]

PENNSYLVANIA-CENTRAL AIRLINES CORP.

NONCOMPLIANCE WITH ROUTE REQUIREMENTS FOR FIRST PILOTS

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to certain routes operated by Pennsylvania-Central Airlines Corporation in the Chicago area.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of June 1945.

The following Special Civil Air Regulation is made and promulgated to become effective June 12, 1945.

Any first pilot listed in the Pennsylvania-Central Airlines Corporation air carrier operating certificate on December 1, 1944, will be deemed to have met the route requirements of § 40.2611 (b) of the Civil Air Regulations for the piloting of aircraft in scheduled air transportation over the following routes:

Detroit-Chicago, via Red civil airway No. 12;

Detroit-Milwaukee, via Flint and/or Lansing, Grand Rapids, and Muskegon;

Grand Rapids-Chicago, via Red civil airway No. 28;

Muskegon-Chicago, via Benton Harbor and Red civil airway No. 28;

Chicago-Milwaukee (alternate), via Amber civil airway No. 5: *Provided,* That each pilot makes the following qualifying trips:

(a) 6 one-way trips between Detroit and Chicago of which a minimum of 2 one-way trips shall be made (1) via Red civil airway No. 12 and (2) via Green civil airway No. 2 and Red civil airway No. 28, one of such trips having been made via Flint, Michigan;

(b) 2 one-way trips between Grand Rapids and Milwaukee.

During the above trips the pilot shall make at least one round trip over each principal route with a landing and takeoff at each scheduled stop.

This regulation shall terminate September 1, 1945.

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

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-10669; Filed, June 16, 1945; 11:11 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4721]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MILITARY ORDER OF THE PURPLE HEART, ET AL.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Identity:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Non-profit character:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Organization*

and operation: § 3.71 (f) *Neglecting, unfairly or deceptively, to make material disclosure—Terms and conditions:* § 3.72 (m5) *Offering deceptive inducements to purchase or deal—Sales for non-commercial recipients or objectives:* § 3.72 (n10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Identity:* § 3.96 (b) *Using misleading name—Vendor—Non-profit character.* In connection with the offering for sale, sale, and distribution of certain sets of books designated "Progress of Nations" and "Forward March" and other books and publications in commerce, (1) entering into, continuing, or carrying out any contract or plan of procedure involving the use of the name and prestige of the Military Order of the Purple Heart or any other similar patriotic organization, which is designed to or which enables the respondents to induce the purchasing public to purchase respondents' books or other publications in the belief that they are dealing directly with the Military Order of the Purple Heart or any other similar patriotic organization when, in fact, they are dealing with a private concern engaged in the sale of books and other publications as a commercial enterprise for profit; (2) representing directly or by implication that any customer purchasing any of respondents' books or publications is in effect making a direct contribution to the Military Order of the Purple Heart or any other patriotic organization; (3) representing directly or by implication that the funds derived from the sale of respondents' books or publications will be used by the Military Order of the Purple Heart or any other similar patriotic organization to defray the expense of such organization's activities and efforts in combating anti-American and subversive organizations and influences in the United States; (4) representing directly or by implication that the respondents are engaged in raising funds to continue the work of any Congressional investigating committee; (5) representing directly or by implication that any patriotic organization will participate in the profits derived from books or publications sold and distributed by the respondents without disclosing the extent to which such organization actually participates in the funds collected; or (6) representing directly or by implication that respondents are engaged in any enterprise other than a commercial enterprise for profit; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Military Order of the Purple Heart, et al., Docket No. 4721, May 26, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of May, A. D. 1945.

In the Matter of Military Order of the Purple Heart, a Corporation, National Progress League, a Corporation, and Frank J. Mackey and Harold C. Sherman, Individually and as Officers of National Progress League, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that respondents National Progress League, a corporation, and Frank J. Mackey and Harold C. Sherman have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent National Progress League, a corporation, and its officers, agents, representatives, and employees, and the respondents Frank J. Mackey, an individual, and Harold C. Sherman, an individual, and their respective agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of certain sets of books designated "Progress of Nations" and "Forward March" and other books and publications in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into, continuing, or carrying out any contract or plan of procedure involving the use of the name and prestige of the Military Order of the Purple Heart or any other similar patriotic organization, which is designed to or which enables the respondents to induce the purchasing public to purchase respondents' books or other publications in the belief that they are dealing directly with the Military Order of the Purple Heart or any other similar patriotic organization when, in fact, they are dealing with a private concern engaged in the sale of books and other publications as a commercial enterprise for profit.

2. Representing directly or by implication that any customer purchasing any of respondents' books or publications is in effect making a direct contribution to the Military Order of the Purple Heart or any other patriotic organization.

3. Representing directly or by implication that the funds derived from the sale of respondents' books or publications will be used by the Military Order of the Purple Heart or any other similar patriotic organization to defray the expense of such organization's activities and efforts in combating anti-American and subversive organizations and influences in the United States.

4. Representing directly or by implication that the respondents are engaged in raising funds to continue the work of any Congressional investigating committee.

5. Representing directly or by implication that any patriotic organization will participate in the profits derived from books or publications sold and distributed by the respondents without disclosing the extent to which such organization actually participates in the funds collected.

6. Representing directly or by implication that respondents are engaged in any enterprise other than a commercial enterprise for profit.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to the respondent Military Order of the Purple Heart, a corporation.

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

By the Commission.

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

[F. R. Doc. 45-10661; Filed, June 16, 1945; 10:59 a. m.]

TITLE 17—SECURITIES AND COMMODITY EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS, SECURITIES ACT OF 1933

ADOPTION OF FORM S-12 AND SUPPLEMENT TO FORM S-12 UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the Act, hereby adopts (a) Form S-12,[1] For Registration Under the Securities Act of 1933 of Shares of Corporation Without Subsidiaries and Not More Advanced Than the Development Stage, and (b) Supplement to Form S-12 [1] under the Securities Act of 1933, as set forth in copies thereof marked "Adopted June 11, 1945."

Effective: June 11, 1945.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 45- 10609; Filed, June 15, 1945; 2:47 p. m.]

[1] Filed as part of the original document.

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

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

MAY 1, 1945.

LOCAL AUTHORITIES

AUTHORITY: §§ 601.101 to 601.512, inclusive, issued under Public Law 412, 75th Congress.

LOCAL AUTHORITIES

§ 601.101 *Local public housing agencies.* Financial assistance under the United States Housing Act of 1937, as amended, shall be extended only to local public housing agencies which have been established pursuant to state law.

(a) *Local authority.* A public housing agency or local housing authority (hereinafter called "local authority") is any local public body which has the authority to engage in the development of low-rent housing and slum clearance, and, under state legislation, has:

(1) Power to acquire property for slum clearance and low-rent housing by eminent domain;

(2) Power to develop and manage slum clearance and low-rent housing;

(3) Power to issue bonds and other obligations to finance projects and to make such covenants in connection therewith as are necessary to assure the low-rent character of projects and to secure the bonds and other obligations of the authorities;

(4) Duty to operate projects not for profit;

(5) Duty to rent dwellings in low-rent housing projects to families of low income only;

(6) Right to exemption of the property of the local authority from taxation. Payments in lieu of taxes in amounts consistent with achieving the low-rent character of projects may be provided for. Tax exemption may be dispensed with only if contributions by the local political subdivisions in the form of adequate tax remissions or cash payments are assured.

(b) *Cooperation with local public bodies.* State legislation must also exist which authorizes other local public bodies to enter into binding commitments to cooperate with local authorities in the development and operation of slum-clearance and low-rent housing.

(c) *Definition of "State."* The term "State" includes the States of the Union, the District of Columbia, and the Territories, dependencies, and possessions of the United States.

§ 601.102 *Low-rent housing projects.* Financial assistance shall be extended to local authorities with respect to low-rent housing projects, which may or may not be built on slum sites, but which in any event, will provide for equivalent elimination (see § 601.209).

(a) *Low-rent housing.* Low rent housing is decent, safe, and sanitary dwellings (including all necessary appurtenances thereto) within the financial reach of families of low income (see paragraph (b) hereof) and developed and administered for serviceability, efficiency, economy, and stability.

(b) *Families of low income.* Families of low income are families who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use.

(c) *Development.* A development generally consists of low rent housing constructed on a single site and as one construction operation.

(d) *Project.* A project consists of all low rent housing developments covered in a single Contract for Financial Aid entered into between the FPHA and the local authority and may consist of one or more separate developments.

(e) *Principal conditions to FPHA assistance.* The three principal conditions to FPHA assistance for low-rent housing projects are as follows:

(1) Where annual contributions are made with respect to a project at least 10% of the total development cost of the project must be obtained by the local authority in the form of capital donations or through loans from others than the FPHA (see §§ 601.208, 601.301 (c), and 601.302).

(2) Annual contributions cannot be paid by the FPHA unless the local political subdivisions in which the project is located provide local contributions equal to at least 20% of the FPHA contributions (see § 601.305 (a)).

(3) Annual contributions cannot be paid with respect to a project involving the construction of new dwellings unless provision has been made for the elimination of unsafe or insanitary dwellings in the locality or metropolitan area of the project substantially equal in number to the number of new dwellings provided by the project (see § 601.209).

DEVELOPMENT

§ 601.201 *Allotment of funds*—(a) *Nature of allotment of funds.* The FPHA, when it has funds available for low-rent housing, will, upon application by local authorities, make allotments of funds to them based on their respective needs. Allotments of funds will not be legal commitments binding upon the FPHA but will be in the nature of assurances to the local authority, for a stipulated period, that funds will be available to it for low-rent housing upon the submission of Development Programs acceptable to the FPHA. Allotments may be used for one or more than one development; the number of developments and the amount to be used for each will in general be determined by the local authority only after an allotment has been made. The allotment of funds will not constitute approval of any unit-cost figures used in the Application for Allotment.

(b) *Application for Allotment of Funds.* To obtain an allotment of funds for low-rent housing, the local authority shall submit to the FPHA an application for Allotment of Funds on a form prescribed by the FPHA. The application should be only for low-rent housing for which Contracts for Financial Aid can be entered into before dates stipulated in the application for allotment.

(c) *Contents of application.* The application shall contain:

(1) Complete and accurate information on the local authority, its legal and organizational status, its present program, the extent and character of local support, and the possibility of obtaining an agreement for cooperation from the local political subdivisions (see § 601.203).

(2) A statement of the need for low-rent housing presenting accurate data on local housing conditions, the race, size, incomes, and rent-paying capacities of families living in sub-standard housing, and an analysis thereof substantiating the proposed program. This material shall delimit the market which public housing should serve so as to avoid competition with private enterprise, and shall further define the portion of the low-rent public housing market to be served by the proposed program, with appropriate regard for the equitable treatment of the respective low-income, social, and racial groups.

(3) A general description of the low-rent housing to be built including preliminary information as to the types of sites anticipated, types of structures, density, size of dwellings, and community facilities to be provided. No detailed description as to specific developments will be required.

(4) An approximate estimate of the total development cost of the proposed low-rent housing for which an Allotment of Funds is requested.

(5) A formal request for an allotment of funds for the proposed program and a commitment by the local authority to enter into a contract or contracts for financial aid, not later than the date or dates specified in the application for allotment, and to build and operate the proposed developments in accordance with the United States Housing Act of 1937, as amended, and the FPHA requirements.

(d) *Cancellation of allotment of funds.* An allotment of funds may be cancelled or reduced, if a Contract or Contracts for Financial Aid are not executed on or before the date or dates stipulated when the allotment was made.

§ 601.202 *Preliminary loan*—(a) *Nature of preliminary loan.* After making an allotment of funds, the FPHA will be prepared, upon request of the local authority and a showing of need therefor, to enter into a Preliminary Loan Contract providing for the advance of funds to be used for securing data on housing conditions and family incomes, analysis of the tenant market, and for the formulation and preparation of Development Programs.

(b) *Request for preliminary loan.* A Request for Preliminary Loan shall be submitted on a form prescribed by the FPHA. The funds advanced shall not exceed the amount needed, and shall be limited to 5% of the first $500,000 or fraction thereof of the total development cost plus 3% of the total development cost in excess of $500,000.

(c) *Cooperation Agreement required.* The request shall be accompanied by an executed copy of a Cooperation Agreement, between the local authority and the local political subdivisons (see § 601.203).

(d) *Preliminary Loan Contract and advance of funds.* Upon FPHA approval of the request, a Preliminary Loan Contract will be submitted to the President for approval as required by the United States Housing Act of 1937, as amended. Upon receipt of such approval the contract will be executed by the FPHA and local authority. (For details as to contract and advance of funds, see § 601.301 (a).)

§ 601.203 *Cooperation Agreement with political subdivisions*—(a) *Nature of Cooperation Agreement.* In respect to every low-rent housing project, the local authority shall secure a Cooperation Agreement with the local political subdivision in which each development is situated. Such Cooperation Agreement shall provide for equivalent elimination (see § 601.209), payments in lieu of taxes (see § 601.305), and other forms of cooperation by the local political subdivisions. (See paragraph (c) below.)

(b) *Execution of Cooperation Agreement.* A Cooperation Agreement must be executed before the FPHA will execute a Preliminary Loan Contract or if no preliminary loan is made, before the FPHA will execute a Contract for Financial Aid.

(c) *General cooperation by the political subdivision.* The political subdivision in which each development is located shall agree to furnish the usual public services and facilities which are or may be furnished without cost or charge to other dwellings or inhabitants of the political subdivision. The political subdivision shall further agree to vacate such streets and alleys within the area of each development or adjacent thereto as may be necessary, to accept dedication of land for new streets and alleys, and to cooperate with the local authority in additional matters, such as by waiver of building and inspection fees, by making necessary and reasonable changes in zoning or building code requirements and by such other lawful action or ways as the political subdivision and the local authority may find necessary.

§ 601.204 *Development Program*—(a) *Nature of Development Program.* The local authority shall submit a Development Program in connection with each development. The Development Program will formally establish all development and management considerations and will constitute the basis upon which a formal Application for Financial Aid is made.

(b) *Preliminary determinations.* The local authority, with the aid of its architects, engineers, management advisers, and attorneys shall arrive at preliminary determinations relative to the general features of the development. It shall then consult with the FPHA and arrive at an understanding as to the basis for planning the development. The following points in particular will be covered by such preliminary understanding:

(1) The race, incomes, and other characteristics of the families to be accommodated;

(2) Tentative agreement on the site, subject to FPHA field investigation (see § 601.211);

(3) The method of carrying out site appraisals and acquisition (see §601.212);

(4) Cost limitations (see § 601.207), standards of planning, design (see § 601.213), and management, and any other special considerations which influence architectural work (see § 601.215);

(5) Acceptability of utility combination and anticipated utility rates and any modifications to be negotiated before utility contracts are drawn (see § 601.214);

(6) Adequacy of housing market information, deductions therefrom, and need of additional investigation;

(7) Management policies (see §§ 601.401 to 601.417, inclusive).

The FPHA shall immediately inspect the site, and upon approval thereof, the local authority shall proceed with the preparation of a complete and final Development Program.

(c) *Contents of Development Program.* The Development Program shall be prepared in a form prescribed by the FPHA and shall contain the following data:

(1) Definition of the portion of the low-rent market which will be served by the development;

(2) Description, accompanied by maps, of the proposed site with its definitive boundaries and its relation to the city and surrounding neighborhood;

(3) Information relative to existing community facilities, municipal services, and public utilities which will serve the development;

(4) Formal appraisals, information as to ownership, surveys, sub-soil and other site data;

(5) Description of existing zoning regulations, proposed modifications therein, and proposed street vacations and dedications;

(6) Preliminary architectural and engineering plans and specifications (see § 601.216);

(7) Utility analyses and proposed utility contracts (see § 601.214);

(8) Detailed estimate of development cost, including a 5% allowance for contingencies on all items (see §§ 601.206, 601.207 (d) and (e));

(9) Program for relocation of site occupants (see § 601.212 (d));

(10) Progress schedule stating anticipated dates for initiation and completion of construction of the development;

(11) Statement of Management Policy (see § 601.401 (a)) applicable to all present and proposed low-rent housing of the local authority;

(12) Management Program (see § 601.401 (b)) applicable to the specific development.

(d) *Approval and adoption of Development Program.* Upon approval of the Development Program by the FPHA the local authority shall adopt it as the basis for the planning, construction, development, and management of the development. It will then serve, together with any other Development Programs then approved, as the basis of an Application for Financial Aid.

§ 601.205 *Contract for Financial Aid*—(a) *Nature of contract.* A Contract for Financial Aid may cover one or more

development and will be based on the respective Development Programs therefor. The funds provided under a contract will be available only for the developments as specified in the Development Programs; they will not be available for increasing the scope of a development or bettering its standards. The Contract for Financial Aid will be an agreement by the FPHA to provide loan and annual contribution funds (not in excess of the stipulated amounts set forth in the approved Development Program) for an agreed upon development or developments rather than an agreement to provide the full amount of funds stipulated. The amount of the loan and annual contribution funds which the FPHA is committed to provide under the contract shall be revised on the dates and in the manner specified in § 601.219.

(b) *Application for Financial Aid.* The local authority shall submit an Application for Financial Aid in a form prescribed by the FPHA. An application may cover one or more developments for which Development Programs have been adopted by the local authority and for which the FPHA has allotted funds. The Application for Financial Aid shall include (1) a summary of the data presented in the Development Programs for the respective developments, (2) formal requests for loan and annual contributions from the FPHA, (3) certification by the local authority that the developments constituting the project will be built and operated in conformance with the United States Housing Act of 1937, as amended, and the FPHA requirements.

(c) *Contract for Financial Aid and advance of funds.* Upon FPHA approval of an Application for Financial Aid, a Contract for Financial Aid will be prepared embodying the FPHA agreement to supply loan and annual contribution funds, the conditions under which such aid will be extended, and the obligations of the local authority in connection therewith. The contract will be submitted to the President for approval as required by the United States Housing Act of 1937, as amended, and, upon such approval, the contract will be executed by the local authority and the FPHA. (For details as to the advance of funds, see § 601.301.)

(d) *Changes in Development Programs subsequent to Contracts for Financial Aid.* After execution of a Contract for Financial Aid, changes in the Development Program for any development which modify the scope or character of the development or increase its total development cost above the amount stipulated in the Development Program or the Contract for Financial Aid may be made only upon (1) submission to and approval by the FPHA of a revised Development Program, (2) submission and approval of a revised Application for Financial Aid and, (3) execution of a revised Contract for Financial Aid, together with Presidential approval thereof when required.

§ 601.206 *Development cost*—(a) *Total development cost.* The total development cost of a low-rent housing development is the cost of all undertakings necessary for planning, financing (including payment of carrying charges), land acquisition, demolition, construction, and equipment in connection with the provision of dwelling and non-dwelling facilities for the development, but not beyond the point of physical completion. The total development cost shall include the cost of the following items:

(1) Site acquisition, including real property purchased or donated, land for future development (see § 601.211 (b)), expenses of land acquisition and surveys, and expenses (if any) in connection with relocation of site occupants (see § 601.212 (d)).

(2) Site improvements, including demolition and clearance of site, utility systems up to building walls, excess costs of excavations, piling, or foundations due to unusual character of the site, and landscaping.

(3) Non-dwelling buildings, spaces, equipment, and the allocable share of the cost of central or group heating systems, if any.

(4) Dwelling buildings and fixed equipment, including all utilities within dwelling walls, and the allocable share of the cost of central or group heating systems, if any.

(5) Movable dwelling equipment, such as ranges, refrigerators, movable space heaters, screens, etc.

(6) Architectural and engineering costs, including costs of supervision and inspection, and the fixed fee for FPHA services as provided in § 601.210.

(7) Preoccupancy charges, including direct costs of selecting tenants, and operating deficits up to the end of the initial operating period of the development (see § 601.409 (a)).

(8) Administrative costs of the local authority directly traceable to the development and that portion of its general overhead properly allocable to the development. This shall include applicable expenses in connection with a development prior to the execution of a Contract for Financial Aid.

(9) Carrying charges during construction, including interest on borrowed funds until six months after the date borne by the permanent bonds (see § 601.302), insurance, etc.

(10) Working capital in an amount equal to ½ of 1% of total development cost.

(11) Allowance for contingencies (see paragraph (c) following).

(b) *Ineligible items.* The following items, among others, may not be included in the total cost of development:

(1) Land for schools, parks or similar public improvements available to the public at large. This does not prohibit inclusion of play areas and open spaces suitable in size to serve the needs of the tenants.

(2) Payments to a political subdivision for land obtained as a result of the vacation of streets or alleys.

(3) Payments for land acquired for the purpose of equivalent elimination but not forming a part of the development site, or for demolition off the development site.

(c) *Determination of total development cost.* The total development cost shall be estimated or determined at the following dates on the following bases; and such estimates or determinations shall be used in connection with all limitations on total development cost and in the estimating or determination of items such as loans, annual contributions, FPHA commitments therefor, etc., which are based on total development cost.

(1) On the date when a Contract for Financial Aid is executed the estimated total development cost shall be the amount stipulated in such Contract. This amount shall equal the amount set forth in the approved Development Program and shall be the total of all items specified in (a) above, including an allowance for contingencies equal to 5% on all other development cost items. The estimated total development cost so determined shall remain fixed until the determination called for in (2) below is made.

(2) Immediately after the award of the main construction contract the estimated total development cost shall be determined on the basis of the actual site acquisition cost (or the then estimated cost if the total cost is not determined), the amount of the main construction contract and other contracts awarded, the estimated cost of items not yet obligated (which estimates shall not be less than the amounts specified in the Development Program unless these amounts have been previously reduced with the approval of the FPHA), and an allowance for contingencies equal to 5% on all items, except that if the cost of acquisition of the entire site is definitely determined no contingency shall be included thereon. The estimated total development cost so determined shall remain fixed until the determination called for in (3) below is made.

(3) On the last day of the 18th month after the end of the calendar quarter in which a development becomes ready for occupancy (see § 601.221 (a) and (b)) the estimated total development cost shall be determined on the basis of the actual costs incurred to date, plus the estimated amount of future necessary administrative costs and carrying charges, but no allowance for contingencies shall be included in such estimate. The estimated total development cost so determined shall remain fixed until the determination called for in (4) below is made.

(4) The final development cost shall be determined at the time of the giving of the Physical Completion Notice (see § 601.221 (c)), and shall include only actual expenditures and unliquidated obligations, if any.

§ 601.207 *Development cost limitations*—(a) *General.* The development cost shall be limited to the lowest amounts consistent with the provision of housing suitable for families of low income, developed so as to promote serviceability, efficiency, economy, and stability. Developments shall not be of elaborate or expensive design or materials and economy shall be promoted both in construction and administration.

(b) *Local cost considerations.* The total development cost shall be limited to the amount necessary to meet the FPHA Minimum Physical Standards plus such additional features of design, planning, and equipment as are found by the local authority to be necessary and customarily provided in the locality in new construction of adequate homes of low cost. The total development cost shall not exceed a figure which the FPHA considers reasonably consistent with prevailing costs in the locality based on current prices of technical services, labor, and material.

(c) *Land cost.* The cost of sites may not exceed a fair price at which comparable land is available in the same or competing areas.

(d) *Average construction cost of dwelling units.* The average construction cost of the dwelling units in any development shall not be greater than the average construction cost of dwelling units currently produced by private enterprise, in the locality or metropolitan area concerned, under the legal building requirements applicable to the proposed site, and under labor standards not lower than those prescribed in the United States Housing Act of 1937, as amended.

The average construction cost of dwelling units is defined as the cost of dwelling buildings and fixed equipment (see § 601.206 (a) (4)) without the addition of any allowance for contingencies.

(e) *Dwelling facility cost.* The average cost of dwelling facilities in any development shall not exceed $4,000 per family-dwelling unit or $1,000 per room; except that in any city the population of which exceeds 500,000 such cost shall not exceed $5,000 per family-dwelling unit or $1,250 per room, if in the opinion of the FPHA such higher family-dwelling-unit cost or cost per room is justified by reason of higher costs of labor and materials and other construction costs.

Dwelling facilities cost is defined as the cost of dwelling buildings and fixed equipment plus the cost of movable dwelling equipment, plus the applicable pro rata share of architectual and engineering costs, administrative costs, and carrying charges, plus the applicable pro rata share of any allowance for contingencies based upon said items (see § 601.206 (a)).

§ 601.208 *Capital donations.* Capital donations include property, services, and cash donated to the local authority for use in connection with a development to the extent that such property and services are approved by the FPHA as part of the development, and at the valuation at which they are approved by the FPHA as a part of the total development cost. Cash donations constitute capital donations to the extent that the cash has been deposited in the development fund or has been expanded for the development with FPHA approval.

No annual contributions paid by the FPHA, and no property, services, or cash contributed by an agency or instrumentality of the United States Government may be considered as a capital donation.

§ 601.209 *Equivalent elimination.* A project involving the construction of new dwellings must include the elimination by demolition, condemnation, effective closing, or compulsory repair or improvement of unsafe or insanitary dwellings situated in the locality or metropolitan area, substantially equal in number to the number of newly constructed dwellings provided by the project. Only such elimination shall be recognized as has been effected by or through the efforts of the local authority, or by or through the efforts of some other public agency in pursuance of the equivalent elimination provisions of a Cooperation Agreement with the Local Authority or otherwise, in connection with or in contemplation of the project. Credit for equivalent elimination shall be given only if the condition which caused the dwelling to be unsafe or insanitary is a condition of the structure itself rather than a condition due to the manner in which the dwelling is being used, such as overcrowding. The required elimination must be accomplished within a period of one year after the project is ready for occupancy (see § 601.221 (a)) or such longer period as the FPHA shall have approved in writing for the deferment of the elimination. The completion of elimination can be deferred by the FPHA only upon a showing by the local authority that the shortage of decent, safe, or sanitary housing available to families of low-income in the locality or metropolitan area is so acute as to force dangerous overcrowding of such families. A deferment will not be granted by the FPHA for a period of more than one year, but additional deferments may be granted so long as the extreme shortage continues to exist.

§ 601.210 *Fixed fee for FPHA services.* The local authority shall pay a fixed fee for certain FPHA services, including the services of FPHA representatives at the site, performed for the local authority in connection with the construction of developments. This fee shall be determined as a percentage of an amount equal to the total development cost excluding such fee, according to the schedule set forth below:

On an amount not in excess of $500,000, 0.8% of the amount;

On an amount in excess of $500,000, but not in excess of $1,000,000, the sum of $4,000 plus 0.6% of the amount in excess of $500,000;

On an amount in excess of $1,000,000, but not in excess of $2,500,000, the sum of $7,000 plus 0.4% of the amount in excess of $1,000,000;

On an amount in excess of $2,500,000, but not in excess of $5,000,000, the sum of $13,000 plus 0.2% of the amount in excess of $2,500,000;

On an amount in excess of $5,000,000, the sum of $18,000 plus 0.1% of the amount in excess of $5,000,000.

§ 601.211 *Standards for sites*—(a) *Site selection and density.* FPHA Minimum Physical Standards establishes criteria for the selection of sites and site density.

(b) *Land for future development.* In general, the land acquired in connection with a development shall be limited to land actually to be used in connection with such development. The acquisition of land for future development will be permitted only with FPHA approval and only in exceptional circumstances when such land adjoins and is intimately related to the land for present use, and when sound business judgment indicates that such acquisition is in the best interest of the development or of the local low-rent housing and slum clearance program. When land acquired for future development is used in connection with a subsequent development, the cost of such land shall be charged against such development.

§ 601.212 *Site acquisition*—(a) *Services and contracts.* The local authority shall provide, by contract or otherwise, for the services of experts in their respective fields to obtain independent appraisals, negotiate and accept options, obtain title information and guarantees, and surveys.

(b) *Appraisals.* Formal appraisals shall be made on all parcels. Appraisals shall be held strictly confidential, and in no case shall persons who have made appraisals be employed to negotiate options.

(c) *Optioning and purchase of site.* The local authority may initiate negotiation (but not acceptance) of options before execution of a Contract for Financial Aid if it has reasonable assurance that the selected site will receive FPHA approval. After execution of the Contract for Financial Aid, the local authority shall complete negotiation of options. The local authority shall not acquire a portion of the site either by purchase or condemnation until it is reasonably assured, by the taking of options or otherwise, that the entire site can be acquired within the site acquisition cost set forth in the approved Development Program exclusive of any allowance for contingencies. The local authority shall not expend more than the amount set forth for site acquisition plus the allowance for contingencies without prior approval of the FPHA.

The local authority shall take all necessary steps to acquire expeditiously the site of the development, including, if necessary, the institution of condemnation proceedings.

Upon the vesting of title, the local authority shall submit documents and other evidence (including attorney's opinion of title) satisfactory to the FPHA as to the validity of the title acquired by the local authority.

(d) *Relocation of site occupants.* In order to avoid hardship to the occupants of dwellings on the site of a proposed development, the local authority shall furnish the occupants with guidance in finding and occupying new quarters. The local authority shall, in general, provide no financial assistance for families displaced from the site. In exceptional cases, however, financial assistance can be given and be eligible for inclusion in development cost if approved in advance by the FPHA and if:

(1) The families are unable to move themselves and every possibility of obtaining assistance for them from local welfare, relief, or social agencies has been exhausted, and

(2) Legal eviction will otherwise be necessary with attendant costs in fees

or delays which will in the aggregate amount to more than the proposed financial assistance.

§ 601.213 *Standards for construction of developments.* FPHA Minimum Physical Standards sets up minimum standards for space, arrangement, planning, construction, equipment, and facilities to be included in the physical construction of a development. The FPHA recognizes that climatic or other conditions or local customs and traditions may justify the local authority in exceeding the minimum standards, but in no event shall statutory limitations on costs be exceeded.

Developments shall be in conformance with all applicable Federal and local laws, local codes, ordinances, and regulations, as modified by any valid waivers which may be obtained from the appropriate jurisdiction.

§ 601.214 *Utility rates and selections.* The local authority shall select utilities for heat, light, water, cooking, and refrigeration to be supplied to the tenants in the project on the basis, generally, of the lowest total over-all cost including project and tenant cost. To determine which type of fuel and energy for utilities will be at the lowest cost, comparative cost analyses shall be made. In such analyses the various types of fuel and energy, types of service, and types of purchase which may be combined shall be studied to determine the estimated (a) debt service on the initial cost of installation and equipment (wiring, piping, etc., both interior and exterior, ranges, refrigerators, etc.), (b) cost of repairs, maintenance and replacements, and (c) cost of operations including fuel or energy consumed and labor. Such analyses shall show the total monthly costs per unit for the various feasible types of services. The cost analyses should include only practicable combinations of services.

The local authority shall generally use types of fuel, energy, and services which are consistent with the minimum acceptable amenities for low-rent housing and shall generally select that combination of such utilities shown by comparative cost analyses to represent the lowest total over-all cost of utilities including project and tenants costs; *Provided, however,* That the local authority may, with FPHA approval, select a combination which involves a total monthly cost per unit above the lowest if such amenities are determined to be necessary to achieve local objectives as to low-rent housing and if the costs are consistent with the maintenance of the low-rent character of the project.

§601.215 *Architects' and engineers' services*—(a) *Provision of services.* The local authority shall provide, by contract or otherwise, qualified architectural and engineering services necessary for the design and supervision of construction of developments.

(b) *Cost of services.* If covered by contract, compensation to architects and engineers shall consist either (1) of lump-sum fees, or (2) of base fees, covering the principal's services, overhead expense and profit, plus reimbursement of certain costs incurred in performance of the work. Lump-sum or base fees shall be based on the cost of construction (excluding movable equipment) as estimated in the Development Program. The FPHA shall furnish schedules of maximum fees which shall not be exceeded without FPHA concurrence, regardless of whether architectural and engineering services are performed by contract or otherwise.

(c) *Employees of architects and engineers.* For hours and conditions of work and compensation of draftsmen and technicians employed by architects and engineers, see § 601.223 (g).

(d) *Compliance with local laws and regulations.* Architects shall be required by the local authority to be responsible for seeing that plans and specifications comply with applicable local laws and regulations.

§ 601.216 *Preliminary plans.* The preliminary plans and specifications incorporated in the Development Program shall be sufficiently complete and comprehensive to establish definitely the design of the development and to permit preparation of a firm estimate of its cost. The drawings will be more advanced than the type of plans usually designated as "sketch plans" and will approximate the character of preliminary dimensioned working drawings.

§ 601.217 *Construction contract documents.* The local authority shall provide complete contract documents including advertisement for bids, bid forms, the contract form, general conditions, special conditions, schedules of wage rates, and plans and specifications. In preparing the documents the following requirements shall be observed:

(a) *General.* Construction of developments shall be under lump-sum contracts.

(b) *Scope of contract.* Normally a single contract shall cover site improvements, building construction, mechanical trades, and fixed equipment. Demolition of site structures, purchase of movable equipment, and landscaping may each be under a separate contract. The FPHA may approve the execution of separate contracts for the several trades or for the division of construction (by groups of buildings or development site areas), upon the local authority's submission of satisfactory evidence that economy or other good and sufficient reasons make desirable the execution of such separate contracts; however, when separate contracts are made, firm bids for all contracts must have been received before any contract is executed.

(c) *Alternates.* If alternate types of construction or alternate items of any nature are to be considered, the specifications and bidding documents shall be so prepared as to take base bids covering each selected combination of alternates. The lowest base bid for any selected combination of alternates shall be the bid accepted, it being conclusively presumed that any selected combination of alternates comprising the base bid is acceptable for use in the development. The documents shall not specify a series of alternates within base bids under which evaluation of such alternates would be necessary in order to determine the low bidder.

(d) *Restrictive specifications.* Specifications shall not limit the materials or products to be supplied in a manner which unnecessarily limits competition on the items involved.

(e) *Liquidated damages.* Construction contracts shall include a liquidated damages clause, unless local public practices are to the contrary.

§ 601.218 *Advertisement and award of construction or equipment contracts*—(a) *Release of documents.* Contract documents shall not be released for bidding until:

(1) The local authority has acquired the site or has definite assurance that it will be acquired in time to make a prompt contract award;

(2) The plans, specifications, and contract documents have been reviewed and approved by the FPHA for conformance with the Development Program and the Contract for Financial Aid. If no exceptions are found, approval to advertise will be given by the FPHA; otherwise approval will be given subject to the local authority's correction of exceptions.

(b) *Bids.* In order to assure adequate competition, the local authority shall solicit bids from responsible contractors, and shall give publicity to the invitation for bids. Bids shall be opened publicly at the time and place stated in the advertisement.

(c) *Award of contract.* (1) The local authority may award construction or equipment contracts without consulting the FPHA, *Provided:*

(i) The total development cost, determined as provided in § 601.206 (c) (2), will not exceed the total development cost stipulated in the Development Program and the Contract for Financial Aid.

(ii) The average construction cost of dwelling units, determined as provided in § 601.207 (d) and the dwelling facility cost, determined as provided in § 601.207 (e), will not exceed the applicable statutory limitations.

(iii) The number of dwelling units has not been reduced and no other material change has been made in scope or character of the development as described in the Development Program.

(iv) The award is to the lowest bidder.

(v) Title to, or right to possession of the site has been acquired.

(2) Prior approval of the FPHA must be obtained for the award of any construction or equipment contract if conditions (i), (iii), (iv), or (v) are not met. In the event that the FPHA approves an exception to condition (i) or (iii), it will require the actions specified in § 601.205 (d). Requests by the local authority for approval of an exception to condition (iv) shall be accompanied by full justification of such proposed action. No exceptions can be granted to condition (ii).

(3) When the main construction contract has been awarded, the local authority shall immediately submit to the FPHA a determination of the total development cost in accordance with the provisions of § 601.206 (c) (2).

§ 601.219 *Revisions of FPHA financial commitments.* The obligation of the FPHA under a Contract for Financial Aid for the provision of loan funds and annual contributions (both of which commitments are based on total development cost) shall be automatically revised on the dates specified in § 601.206 (c) (2), (3), and (4) to conform to the total development cost as determined on such dates. The total development cost shall not, on any such date, be increased above the amount last previously determined without the approval of the FPHA and (if necessary) the actions called for in § 601.205 (d).

In the event that the total development cost as determined on any of such dates is less than the amount last previously determined, the amount of the FPHA commitment thereby released will be made available to the local authority as an additional allotment for use in connection with any low-rent housing for which an allotment of funds is outstanding but for which a Development Program has not yet been approved. In the event that there is no outstanding allotment sufficient to cover an approvable low-rent housing development, the amount released will cease to be available to the local authority.

§ 601.220 *Supervision and completion of construction contracts*—(a) *Supervision and inspection of construction*—(1) *Local authority responsibility.* The local authority is responsible for supervision and inspection of construction of developments, and for all relationships with contractors relative thereto.

Supervision will normally be furnished by the architect-engineer under his contract and contemplates activity of a general character not usually requiring continual presence of personnel on the development, and is concerned primarily with the adequacy of final results.

Inspection will normally be done by a staff employed by the local authority comprising a clerk of the works and qualified inspectors and contemplates specialized, detailed and continuing inspection of the contractors' performance and operations. Inspection may be done by the architect-engineer under his contract if the local authority so desires.

(2) *FPHA participation.* The FPHA will inspect the construction to check compliance with the construction contract (including approved plans and specifications) and the Contract for Financial Aid. It will inform the local authority concerning observed non-compliances, but will have no contract or relationship with construction contractors.

(b) *Change orders.* The local authority may issue change orders applying to any construction or equipment contract whether or not its amount is thereby increased, provided:

(1) They do not materially modify the scope or character of the development described in the Development Program;

(2) They do not increase the total of all obligations already incurred plus the estimated cost of items not yet obligated, beyond the estimated total development cost determined at the time of award of the main construction contract (see § 601.206 (c) (2));

(3) They do not increase the dwelling facility cost, computed on the basis of all applicable obligations already incurred plus the estimated cost of applicable items not yet obligated, beyond the applicable statutory limitations (see § 601.207 (e)).

Changes are to be made only by written change orders with a stipulated lump-sum amount, or with a stipulated method for arriving at the ultimate amount, accompanied by a maximum which shall not be exceeded. A copy of each change order shall be furnished to the FPHA.

(c) *Completion and acceptance of construction contracts*—(1) *Substantial completion.* Each construction contract shall be substantially completed within the time specified in the contract and such extensions as may be granted. Each contract shall be deemed to be substantially completed when such a stage of physical completion is reached that the facilities contemplated by the contract documents may be used or operated for their intended purposes without undue inconvenience to tenants, subject to the completion or correction of specified items of a minor nature.

(2) *Final completion.* Each construction contract shall be deemed to be finally completed when the Local Authority has accepted the work as satisfactory in its entirety or has made an adjustment in price for minor non-compliances.

(3) *FPHA approval of acceptance.* The local authority shall not accept any contract work as being substantially completed or finally completed, nor release the contractor from any obligation under his contract, without obtaining prior approval of the FPHA. The local authority shall give sufficient advance notice to the FPHA to permit the FPHA to make an adequate check of the contract work involved to assure that it is in compliance with the construction contract (including the approved plans and specifications) and the Contract for Financial Aid. At the time of FPHA approval of the local authority's acceptance of contract work as having been substantially completed it may also approve the local authority's subsequent acceptance as finally complete subject to correction of minor items; the FPHA may, however, reserve the right subsequently to aprove final completion of a construction contract when conditions warrant.

§ 601.221 *Completion of developments and project as a whole*—(a) *Ready for occupancy.* The local authority shall diligently proceed with the construction of each development and shall see that it is ready for occupancy by the date set in the Development Program and Contract for Financial Aid or such extensions thereof as have been agreed upon. A development shall be deemed ready for occupancy when all of the dwelling units are in a condition such that they can be occupied by tenants without undue hardship or inconvenience, irrespective of whether or not the various construction contracts have been substantially and finally completed.

(b) *Closing of development account.* After the last day of the 18th month after the end of the calendar quarter in which a development becomes ready for occupancy, the local authority shall incur no further obligations, chargeable to development cost, except for necessary administrative costs and carrying charges.

(c) *Physical completion.* Whenever the local authority shall be satisfied that the development or developments constituting a project have been properly completed and that the costs thereof have been paid in full the local authority shall furnish such certificates as the FPHA may require as to the completion of the project in compliance with the Contract for Financial Aid. When the FPHA is satisfied that the project is completed it shall issue a Physical Completion Notice which shall include a finding as to the final development cost of the development or developments and of the project.

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

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

Insurance purchased by the local authority shall be obtained after inviting competitive bids. In inviting such bids, the local authority shall not discriminate against either stock or mutual companies. Insurance shall be awarded to the lowest bidder, except that the local authority, with the prior approval of the FPHA, may award the insurance to other than the lowest bidder if the bid is reasonably within the lowest range of rates available to the local authority and if the local authority determines that such an award is in the best interests of the low-rent housing program in the community.

The above coverages shall be in amounts and at limits prescribed by the FPHA.

§ 601.223 *Labor*—(a) *Workmen's compensation.* The local authority shall require its contractors to carry workmen's compensation insurance.

(b) *"Kick-Back" statute.* The local authority shall include or incorporate by

reference in all construction contracts, and shall require all subcontractors to include or incorporate by reference, the "Kick-Back" statute (Copeland Act), and the regulations, as amended, issued pursuant thereto by the Secretary of Labor. Such regulations require the submittal of weekly notarized payrolls.

(c) *Department of Labor reports.* The local authority shall require contractors to supply reports as required and on forms prescribed by the United States Department of Labor.

(d) *Conditions of employment.* The local authority shall require that contractors employ no convict labor or persons under 16 years of age nor persons whose age or physical condition is such as to make employment dangerous to his health and safety and the health and safety of others.

(e) *Safety provisions.* The local authority shall require all contractors and subcontractors to take precautions for the protection of persons and property in accordance with standards acepted by the FPHA.

(f) *Collective bargaining.* The local authority shall require that:

(1) Contractors shall grant employees the right of self-organization;

(2) Contractors shall grant employees the right to bargain collectively through representatives of their own choosing;

(3) Contractors shall not interfere with, restrain, nor coerce such employees in the exercise of rights;

(4) Contractors shall not dominate nor interfere with the formation or administration of any labor organization nor contribute financial or other support to it;

(5) Contractors shall not by discrimination in regard to hire or tenure of employment or any term or condition of employment encourage or discourage membership in any labor organization; *Provided*, That nothing herein contained shall preclude any contractor from making an agreement with a labor organization to require, as a condition of employment, membership therein if such labor organization is the representative of his employees and if the contractor has not participated in its formation or administration or assisted it by financial or other support.

(g) *Prevailing wages.* The local authority shall pay, and shall require those with whom it contracts to pay, wages or fees prevailing in the locality, as determined or adopted (subsequent to determination of applicable State or local law) by the FPHA, to all architects, technical engineers, draftsmen, technicians, laborers, and mechanics employed in the development of a project. In determining the prevailing wages, job titles shall be included in the determination together with the weekly hours of work for all the above enumerated employees.

Prevailing wages shall be minimum wages only, and the local authority shall provide that if the contractor finds it necessary to pay wages in excess of the minimum wages, the excess costs shall be for the contractor's account and shall not give rise to a claim against the local authority.

(h) *Posting wage rates.* The local authority shall require that contractors post in conspicuous places on the site of the development the various classifications and wage rates applying thereto.

(i) *Payment of wages.* The local authority shall require payment in full in cash, or by check conveniently payable at par, at least once a week to all laborers and mechanics employed by the contractor. The local authority shall, before making final payment to any contractor, require satisfactory evidence from the contractor that the contractor has paid and his subcontractors have paid all sums due to laborers and mechanics.

The local authority shall include in its contracts a provision requiring that in cases of underpayment of wages by any contractor the local authority may withhold from such contractor out of payments due, an amount sufficient to pay persons employed on the work covered by the contract, the difference between the wages required to be paid under the contract and the wages actually paid such employees for the total number of hours worked; that the moneys withheld may be disbursed by the local authority for and on account of the contractor to the respective employees to whom such moneys are due.

(j) *Wages and hours.* The local authority shall require its contractors to pay all employees a basic wage for eight hours work per day and 40 hours per week. At least time and one-half shall be paid for hours of work in excess of the limits prescribed above. The limitations herein set forth shall not apply to executive, supervisory, and administrative employees.

(k) *Nondiscrimination.* The local authority will require that there shall be no discrimination by reason of race, creed, color, national origin or political affiliations against any employee or applicant for employment qualified by training and experience for work in the construction of projects. In order to give effect to this requirement, insofar as it may affect Negro employees on construction, the local authority shall insert in all construction contracts a provision that payment to Negro skilled and unskilled labor of stipulated percentages of the amount paid under the contract for such labor shall be considered prima facie evidence that the contractor has not discriminated against Negro labor. The amounts of the stipulated percentages are to be based upon the number of Negro skilled and unskilled laborers employed in construction work in the locality of the project as reflected by the latest Federal Census.

(l) *Persons entitled to benefits of labor provisions.* The local authority shall require that each contractor or subcontractor extend to every person who performs the work of a laborer or mechanic on the project the benefits of the labor and wage provisions regardless of any contractual relationship between the contractor, subcontractor and the employee.

FINANCE

§ 601.301 *Financing prior to issuance of bonds.* Since the FPHA may not lend to a local authority more than 90% of the development or acquisition cost of a project where annual contributions are to be made, the local authority shall secure at least 10% of the capital cost from sources other than the FPHA. This may take the form of capital donations (see § 601.208), the proceeds of the sale of the local authority's obligations to others than the FPHA, or a combination of both.

(a) *Preliminary loans from the FPHA.* A preliminary loan made pursuant to § 601.202 shall be evidenced by a Preliminary Loan Note. Such note shall be in such form as shall be prescribed by the FPHA, shall be in the principal amount of the loan, shall bear interest from the date the loan is made at the rate specified in the Preliminary Loan Contract which shall be the going Federal rate at the date such contract is made (i. e., the annual rate of interest specified in the then most recently issued bonds of the Federal Government having a maturity of ten years or more) plus ½ of 1%, and shall be payable as to both principal and interest upon demand.

(b) *Advance loans from the FPHA.* After execution of a Contract for Financial Aid and prior to the issuance by the local authority of its bonds, the FPHA will make advances to the local authority from time to time on account of the loan, but not in excess of 90% of the project development cost. Each advance shall be in such amount as will provide the local authority with necessary funds for a reasonable period (not less than one month) and will be made upon the filing of a requisition therefor if all conditions to the making of the advance, as set forth in the Contract for Financial Aid, have been complied with. The requisition for the first advance under the Contract for Financial Aid shall include sufficient funds to enable the local authority to retire any Preliminary Loan Notes held by the FPHA under a Preliminary Loan Contract relating to the project.

The local authority shall execute an advance loan note, which shall be in such form as shall be prescribed by the FPHA, shall bear interest from the date the advance is made at the rate specified in the Contract for Financial Aid which shall be the going Federal rate at the date such contract is made plus ½ of 1% and shall be payable as to both principal and interest upon demand. Where permitted by State law, the notes shall contain provisions which will make the notes mortgages which shall be recordable.

(c) *Temporary loans from others.* To enable the local authority to enlist private capital through the sale of its short-term notes to others than the FPHA pending the issuance of bonds, it may, after FPHA approval, and shall, upon request of the FPHA obtain funds to finance the development of the project by selling its short-term notes, entitled Temporary Loan Notes. Such notes shall generally be issued only after the award

of the main construction contract for each development, and in such amounts as the local authority may need for development of the project during the term of the notes, including payment of the principal and interest of any Advance Loan Notes held by the FPHA and of any maturing Temporary Loan Notes theretofore issued. Temporary Loan Notes, of such maturity as may be approved by the FPHA, shall be sold only as part of a regularly scheduled group of notes of other local authorities at a public sale after advertisement, unless the FPHA shall otherwise approve. Temporary Loan Notes will be secured by a Requisition Agreement between the local authority and the FPHA, under the terms of which the FPHA will agree to purchase an Advance Loan Note of the local authority in an amount sufficient to enable the local authority to pay the principal and interest to maturity on the Temporary Loan Notes, which purchase will be on a specified date sufficiently in advance of the date of maturity of the Temporary Loan Notes to enable the local authority to pay such notes at maturity. Inasmuch as the principal and interest of Temporary Loan Notes are secured by a Requisition Agreement, which constitutes a contingent commitment by the FPHA to make a loan in such amount, the total of such interest and principal plus the principal of outstanding Advance Loan Notes, if any, shall not exceed 90% of estimated development cost.

§ 601.302 *Financing by issuance of bonds*—(a) *Contents and adoption of bond resolution.* The local authority shall proceed with the permanent financing of a project by the issuance of bonds at a date early enough to assure that the funds which must be secured from others than the FPHA will be available when needed. The local authority shall adopt resolutions authorizing a total issue of bonds in an aggregate principal amount equal to the latest maximum development cost less any capital donations made in respect to the project, which issue shall consist of Series A bonds to be sold to others than the FPHA and Series B bonds to be purchased by the FPHA. Such resolutions shall also authorize an initial issue of Series A and B bonds in an amount equal to the latest minimum development cost of the project less capital donations. The Series A bonds plus capital donations shall be at least 10% of the latest maximum development cost. To facilitate the marketing of local authority bonds to which annual contributions are pledged, the resolutions adopted by all local authorities authorizing the issue of such bonds shall be uniform within the limitations of state laws. All bond resolutions (including the amounts of bonds to be issued) shall be approved by the FPHA.

(b) *Definitions of maximum and minimum development cost.* The term "maximum development cost" as used in this section shall mean an amount determined by the local authority, with the approval of the FPHA, which will in no event be exceeded by the final development cost of the project (see § 601.206 (c) (4)). The term "minimum development cost" shall mean an amount determined by the local authority, with the approval of the FPHA, below which the final development cost of the project will in no event fall.

(c) *Sale of Series A bonds.* So much of the initial issue of bonds as are offered for sale to others than the FPHA shall be sold only at public sale after advertisement. Local authorities shall sell as large a proportion of their bonds as possible to others than the FPHA, provided interest rates thereon are reasonable and lower than the rates which the FPHA is required to charge on its part of the loan.

(d) *Sale of Series B bonds.* All bonds of the initial issue which are not sold as Series A bonds will be bought by the FPHA as Series B bonds. The Series B bonds authorized but not sold as part of the initial issue will be purchased by the FPHA from time to time as the local authority needs additional funds to complete the project. All Series B bonds shall have such maturities, not in excess of 60 years from the date of the Contract for Financial Aid, as may be approved by the FPHA, and shall bear interest at the rates specified in the Contract for Financial Aid which shall be the going Federal rate at the time the contract is made plus ½ of 1%.

(e) *Submission of information in connection with issuance of obligations.* In connection with the issuance of notes or bonds, the local authority shall submit to the FPHA such documents and proof as the FPHA shall request as to the validity of the authorization, execution, and delivery of the notes or bonds (including evidence of the validity of the creation and organization of the local authority), the financial condition of the local authority and substantial compliance with the terms of the Contract for Financial Aid, and the existence and status of any litigation or legislation which may affect the validity of the notes or bonds.

§ 601.303 *Capital grants.* The United States Housing Act of 1937, as amended, provides that capital grants may be made, in lieu of annual contributions, to any local authority which so requests and demonstrates to the satisfaction of the FPHA that a capital grant is better suited than annual contributions to the purpose of achieving and maintaining low rentals and to the other purposes of the act. Since no local authorities have found capital grants better suited than annual contributions to achieve low rents, no capital grants have as yet been made, and no procedures have been devised to effectuate this provision.

§ 601.304 *Federal annual contributions*—(a) *Amount of contributions.* The FPHA, pursuant to the Contract for Financial Aid, will pay annual contributions in respect to a project in an amount sufficient to achieve and maintain its low-rent character. The maximum Federal annual contribution which may be paid in any year shall not exceed a sum equal to the yield, at the going Federal rate of interest at the time the contract was made plus 1%, upon the total development cost of the project (i. e., the total development cost of the project multiplied by a percentage which is 1% higher than the Federal going rate). The Federal annual contribution actually paid in any year (other than the first contribution which will be in the amount of the maximum Federal annual contribution) will be equal in amount to the deficit actually incurred in the preceding year as a result of maintaining the low-rent character of the project. FPHA policy requires that the second to eleventh contributions (paid in respect to the deficits in the first ten years of operation) should not exceed the maximum Federal annual contribution less the estimated additional average annual expense for repairs, maintenance, and replacements anticipated after the first ten years. (See § 601.408.)

(b) *Period of contributions.* The FPHA, pursuant to the Contract for Financial Aid, will pay annual contributions during a specified period of years not exceeding sixty years from the date of the contract, or during the period that bonds issued with respect to the project are outstanding, whichever period is the shorter.

(c) *Conditions to payment of annual contributions.* The following conditions must be met in order that the local authority may be eligible to receive annual contributions from the FPHA in respect to a project:

(1) *Low rent character of the project must be maintained.* There shall be no substantial breach of the low-rent character of the project which breach has continued without being remedied for more than 90 days after service of written notice. A substantial breach of low-rent character shall be deemed to have occurred:

(i) If there is an accumulated net income as of the close of the most recent fiscal year in an amount greater than 10% of the total annual charges to tenants during such fiscal year; except if such net income has resulted from a schedule of rents approved by the FPHA, or

(ii) If more than 5% of the dwellings are, to the knowledge and information of the local authority, occupied at any one time by ineligible families.

(2) *Sufficient local contributions must be secured.* Local contributions in an amount not less than the amount required in § 601.305 (a) must have been secured.

(3) *Equivalent elimination must be accomplished.* The equivalent elimination of substandard dwellings as provided in § 601.209 must have been completed within the period specified in the Contract for Financial Aid, or any extension thereof approved by the FPHA.

(4) *Project must be completed.* The project must have become ready for occupancy within the period specified in the Contract for Financial Aid, or any extension thereof approved by FPHA.

(5) *Project must continue in existence.* If more than 25% of the original number of dwellings in the project have been damaged or destroyed by fire or other catastrophe the project must have been repaired or restored within a reasonable

time so that at least 75% of the dwellings are safe and sanitary. Proceeds of insurance against fire or other catastrophe shall be made available to the local authority for the repair or restoration of the project.

(6) *Local authority must retain title.* The local authority shall not have conveyed the project to a third party, except to another public housing agency with the approval of the FPHA.

(7) *Tenants must be citizens.* The local authority must have adopted regulations prohibiting, as a tenant, any person not a citizen of the United States.

(d) *Pledge of Federal annual contributions.* The Federal annual contributions in respect to any project shall be pledged as security for the payment of interest and principal of any bonds issued in connection with the project.

§ 601.305 *Local contributions and payments in lieu of taxes*—(a) *Local contributions.* The local authority shall receive local contributions from local political subdivisions amounting to at least 20% of the actual Federal annual contributions. Local contributions may be in the form of cash, tax remissions (general or special), or tax exemptions. Local contributions are almost invariably made in the form of exemption from taxes; in such case, the value of the local contributions in any year shall be the amount of taxes which would otherwise be levied or charged in relation to the project or its administration, less the payments in lieu of taxes made in connection with the project. Before the payment of any Federal annual contribution, local contributions must have been received which aggregate at least 20% of the aggregate Federal annual contributions, including the contribution about to be made. In the event that this condition is not met, the FPHA will withhold from the Federal annual contribution such amount as is necessary in order that this condition be met.

(b) *Payments in lieu of taxes.* The local authority may determine and make payments in lieu of taxes in amounts consistent with maintaining the low-rent character of the project, and may determine the division of such payments in lieu of taxes among the various taxing jurisdictions. Payments in lieu of taxes shall be subject to the following conditions, and any contracts relating thereto between the local authority and any local political subdivision shall embody such conditions:

(1) Payments in lieu of taxes to any taxing jurisdiction shall not exceed the amount of the real property taxes which would have been paid to such taxing jurisdiction if the project had not been tax exempt.

(2) The payments in lieu of taxes in respect to any project fiscal year shall not exceed 10% of the actual shelter rents charged tenants in such year.

(3) Payments in lieu of taxes may be made only out of funds available for the reduction of Federal and local contributions, and only in amounts which will not reduce the value of the local contributions in any year to less than the sum of 20% of the actual Federal contribution made after the end of such year, plus a margin of safety equal to 10% of the maximum Federal annual contribution.

(4) Payments in lieu of taxes shall not exceed the amounts permitted to be paid under applicable state or local laws.

(5) Payments in lieu of taxes based on the operations of any fiscal year shall be definitely determined at the close thereof and be included in the statement of income and expense accompanying the request for annual contributions, but shall not be paid until after the end of the fiscal year and until approved by the FPHA.

§ 601.306 *Funds*—(a) *Establishment of funds.* The local authority shall enter into a Development Fund Agreement and a separate Administration Fund Agreement, satisfactory to the FPHA, with one or more banks selected as the depositary for each fund. Each such bank or any bank in which any moneys of the local authority are deposited shall be a member of the Federal Deposit Insurance Corporation and shall be acceptable to the FPHA. Separate development fund bank accounts and separate administration fund bank accounts shall be maintained for each project.

(b) *Development fund.* The local authority shall place in the development fund all moneys received from the proceeds of preliminary loans, advance loans, temporary loans, sale of bonds, refunds on development cost, and all other moneys received pertaining to the development of the project, including all rents and revenues derived from the operation of the project up to the date of the Series A and B bonds. Disbursements from the development fund shall be limited to eligible development costs.

(c) *Administration fund.* The local authority shall place in the administration fund any working capital (see § 601.206 (a) (10)) transferred from the development fund and all moneys received from the operation of the project after the date of the Series A and B bonds. Disbursements shall be limited to eligible administration costs.

(d) *Reserve funds.* The local authority shall not maintain separate bank accounts for reserves (such as reserves for repairs, maintenance, and replacements, or for vacancy and collection losses) nor shall it be required to earmark separately any securities purchased for such reserves, except as it be required to do so by the terms of its Contract for Financial Aid or by other agreements entered into by it.

§ 601.307 *Fiscal agent accounts.* The local authority shall select a bank to act as its fiscal agent. Such bank must be a member of the Federal Deposit Insurance Corporation and acceptable to the FPHA. The accounts to be maintained by the fiscal agent are as follows:

(a) *Rental debt service account.* Into the rental debt service account shall be deposited monthly 1/12 of the amount by which the annual bond service requirements exceeds the maximum Federal annual contribution.

(b) *Annual contributions reduction account.* Into the annual contributions reduction account shall be deposited annually, the amount available from revenues for the reduction of the next succeeding Federal annual contribution payment.

(c) *Excess lands account.* Into the excess lands account shall be deposited the net proceeds from the sale of any excess land consummated subsequent to permanent financing.

(d) *Bond service accounts.* The bond service accounts include a group of four accounts as follows: Series A bond fund, Series B bond fund, Series A reserve fund, and general bond reserve fund.

On the annual contribution date, in accordance with the terms of the Contract for Financial Aid, there shall be transferred to the appropriate bond service accounts the amounts on deposit in the rental debt service account, the annual contributions reduction account, and the excess lands account. Federal annual contributions will be paid directly to the fiscal agent who will make the appropriate distribution thereof to the bond service accounts.

Disbursements from the bond service accounts shall be made only for interest and the retirement of Series A and B bonds.

§ 601.308 *Books of account.* The local authority shall maintain such books and records as are prescribed by the FPHA in accordance with a prescribed classification of accounts, and shall submit such reports and statements prepared therefrom as are required by the FPHA.

§ 601.309 *Audits.* The FPHA will periodically audit the accounts and financial records of the local authority to determine that FPHA fiscal requirements have been met, and further, to provide an audit service to local authorities in lieu of services which would otherwise have to be secured from public accountants.

MANAGEMENT

§ 601.401 *Statement of Management Policy and Management Programs.* The local authority shall formalize its determinations on management policy and procedure and submit them to the FPHA for review and approval. The documents in which the local authority will present its determinations are the Statement of Management Policy applicable to all its low-rent housing and Management Programs applicable to the respective developments.

(a) *Statement of Management Policy.* The Statement of Management Policy comprises the underlying major policies adopted by the local authority for the administration of all developments undertaken by it with the financial aid of the FPHA. The Statement of Management Policy forms a part of each Development Program; it shall be submitted and approved with the first Development Program of a local authority as provided in § 601.204; and, in its most recently revised form, shall be incorporated by reference in all subsequent Development Programs.

(b) *Management Program.* A Management Program is the statement of

management determinations for a specific development. It includes the specific rents and dwelling utility allowances included therein, income limits, occupancy standards, and estimates of average annual income and expense and of required Federal annual contributions and other determinations which shall govern the administration of the development. The Management Program forms a part of the Development Program and shall be submitted and approved as provided in § 601.204.

(c) *Required revisions and additions.* Within 30 days after the award of the main construction contract, the local authority shall submit such revision of the Management Program (and particularly of the estimate of average annual income and expense) as is necessitated by any changes made in the Development Program up to that date.

At the same time, the local authority shall submit, as additional parts of the Statement of Managament Policy or of the Management Program, statements of the specific recording and reporting procedures, tenant selection and re-examination procedures, tenant maintenance and utility control procedures, and a proposed manual of operation for the development. These additional parts, upon approval by the FPHA, shall be adopted by the local authority and be incorporated with the original documents.

(d) *Subsequent revisions and additions.* If further changes become necessary in any of the policies or determinations incorporated in the Statement of Management Policy or in Management Programs, such changes shall be made through a formal revision of the appropriate documents, and shall be approved by the FPHA, and adopted by the local authority. These documents, as revised, shall at all times reflect the current policy in respect to all the low-rent housing of the local authority, and the specific determinations in respect to particular developments.

§ 601.402 *Establishment of rents and income limits.* The local authority shall, as a part of the Management Program of each development, establish schedules of rents and income limits suitable for the housing of families in the lowest income group (see § 601.102 (b)). This group includes families of diverse incomes and as a consequence, local authorities will find it desirable to establish a series of graded rents.

(a) *Graded rents.* Under a system of graded rents, the lowest income group is subdivided into a number of income grades. The rent to be charged each tenant family (either at the time of admission or after any re-examination) is determined by the income grade within which its income falls and by the size of the family. The system of graded rents permits the low-rent housing program of a locality to serve a cross-section of the families in the lowest income group, relates rents to the rent-paying ability of the various families, permits appropriate adjustments in rents as family income changes, and restricts Federal and local contributions to the minimum amounts needed to provide the tenants with decent, safe, and sanitary housing.

(b) *Maximum income limits for admission.* Maximum income limits for admission shall be established for each size of family to be accommodated, and such amounts shall constitute the upper income limit of the top income grade used for the admission of tenants. In order to restrict admission to families in the lowest income group, the maximum income limits shall be set at least 20% below the income level at which families of the various sizes can afford decent, safe, and sanitary housing accommodations available from private enterprise and appropriate for their use. Families shall not be admitted whose income exceeds the maximum income limit for admission.

(c) *Maximum income limits for continued occupancy.* Maximum income limits for continued occupancy shall be established for each size of family to be accommodated, and such amounts shall constitute the upper income limit of the top income grade used for the continued occupancy of tenants. Maximum income limits for continued occupancy shall be set at the level at which families of the various sizes can afford decent, safe, and sanitary housing accommodations available from private enterprise and appropriate for their use. Families whose incomes, as determined at re-examination, have increased beyond the maximum income limit for continued occupancy shall be required to vacate when decent, safe and sanitary accommodations appropriate for their use and at rents within their means are available to them from private enterprise (see § 601.407).

(d) *Setting of rents in relations to income.* The rents established in the various income grades for families of different sizes shall be set so as to be within the financial range of such families and shall be as high as they reasonably can be expected to pay. In no event, however, may the gross rent be less than one-fifth of the net family income (see § 601.403) at the time of admission or at the time of re-examination, except that in the case of families with three or more minor dependents it may not be less than one-sixth of the net family income. Gross rent includes the dwelling rent charged the tenants plus the additional cost to the tenant (if not included in rent) of heat, light, water, and cooking fuel.

(e) *Rent schedules and rental income.* The local authority shall prepare a rent schedule showing the rents in the various income grades, the number of families which it estimates will be accommodated at each rent, and the total rental income to be received. The rent schedule shall be fixed and administered so as to produce an income which will keep Federal and local contributions at the lowest amount consistent with meeting the needs of a cross section of the families in the lowest income group. In no event, however, may the aggregate scheduled annual income of the developments comprising one project be less than an amount which, together with the maximum Federal annual contribution, will suffice to meet the aggregate annual expenses of administration of such developments (including debt service, reserves, and payments in lieu of taxes) estimated for the first ten years, plus the estimated additional annual cost of repairs, maintenance, and replacements thereafter. (See § 601.408.)

(f) *Dwelling utilities included in rent.* The local authority shall determine, for each sized dwelling unit, the amount of the dwelling utilities to be included in the rent charged to tenants. If the utilities consumed exceed the amount allowed in rent, surcharges shall be made for the excess consumption.

(g) *Families of employees of local authority.* The provisions of this section shall not apply to families of such employees of the local authority as it, with the approval of the FPHA, may require to reside in the project for the purpose of the proper administration thereof.

§ 601.403 *Definition of terms relating to tenant income*—(a) *Definition of net income at the time of admission and net income at the time of reexamination.* Net income at the time of admission (or at the time of reexamination) shall be the amount of the net family income anticipated for the twelve months succeeding the expected date of admission or date of reexamination.) In determining the net family income anticipated for the next twelve months, due regard shall be given to determinations which the Local Authority shall make both of the current rate of income and of the actual net income received from various sources in the past twelve months.

(b) *Net family income.* Net family income shall mean aggregate family income as defined in (c) below less deductions therefrom as specified in (d) below.

(c) *Aggregate family income.* (1) Aggregate family income shall include the following income, before any deductions, received by all members of the family who actually occupy or are actually to occupy the dwelling:

(i) Wages and salaries (including compensation for overtime), and all other earnings and compensation for personal services, such as commissions, fees, tips, etc., including the cash value of any compensation in kind, such as meals or food. Aggregate income includes the full amount of earnings before payroll deductions are made for any purpose.

(ii) Net profits from the operation of a business or profession.

(iii) The full amount received from pensions, annuities, retirement income, and other similar types of periodic receipts.

(iv) Payments in lieu of earnings, such as unemployment compensation, other social security benefits, dismissal wages, benefits in lieu of earnings other than lump sum payments under health and accident insurance, and workmen's compensation other than lump-sum payments.

(v) Cash relief receipts and the value of determinable relief allowances in kind.

(vi) Periodic and determinable allowances, alimony, contributions and gifts.

(vii) Interest, dividends, and net earnings of any kind from real or personal property.

(2) The following types of receipts are excluded from aggregate income.

(i) Amounts which are specifically received for, or are a reimbursement of, the costs of illness or medical care.

(ii) Casual and irregular gifts.

(iii) Casual and sporadic earnings of minor children.

(iv) Income from boarders and lodgers (since such income will not be realizable after admission to a public housing project (see § 601.404 (a)).

(v) Lump sum additions to family assets, such as inheritances, insurance payments, capital gains, and settlements for personal or property damages. (If such sums are substantial, the exclusion of the families in question will be considered in connection with ineligibility because of the amount of capital assets. (See § 601.404 (e)).)

(d) *Deductions from aggregate family income.* (1) The following items shall be deducted from aggregate family income to determine net family income:

(i) Special occupational expenses necessary to employment and for which no reimbursement is made by the employer, but only to the extent by which such expenses exceed normal and usual expenses (e. g. noon-day meals and transportation to work) incident to employment.

(ii) Deductions from wages for social security, for pension or retirement funds, or for health, accident, or medical benefit plans, if required by law or required by the employer as a condition of employment.

(iii) Amounts actually paid, if reasonable and necessary, for the support of a person or persons not residing with the family but for whose support one or more members of the family are legally or morally responsible; but not including expense incurred for the support of children away from home for purposes of normal and voluntary education.

(iv) Amounts actually paid, if reasonable and necessary, for the care of children or aged or incapacitated family members in order to permit the employment of a sole worker.

(2) The following items shall not be considered as allowable deductions: Payroll deductions for income tax, payroll deductions not required by the employer as a condition of employment for pensions or other benefits, payments for war bonds, group health, group or other insurance, bills and garnishments, installment purchases, repayment of loans, or interest and finance charges on such item.

§ 601.404 *Conditions for tenant admission.* The local authority shall accept as tenants only families who meet the requirements set forth below:

(a) *Family.* The term "family" shall mean a natural family consisting of a famliy head and one or more other persons related to the head by blood, marriage, or adoption, and in addition to a natural family, may include other persons known to have lived regularly as an inherent part of the family group and whose earnings and resources are available for use in meeting the living expenses of the group. The term "family" shall not include a group of unrelated persons living together, lodges, or persons living alone.

(b) *Net family income at the time of admission.* Net family income at the time of admission shall not exceed the maximum income limit for admission established in the approved management program.

(c) *Previous substandard housing condition.* The tenant shall:

(1) Prior to admission have been living under unsafe, insanitary, or congested housing conditions, as defined by the local authority in its statement of management policy, or

(2) Have been displaced from the site of a low-rent housing project because of its acquisition by the local authority, or displaced by off-site demolition undertaken as the result of compliance with an agreement for equivalent elimination.

Residence in substandard housing shall not be required of families of veterans who have been discharged (other than dishonorably) from the armed forces of the United States within one year prior to the date of application for admission to the development, if such families would otherwise have to move into substandard housing.

(d) *Citizenship.* The tenant (i. e., the person signing the lease) shall be a citizen of the United States.

(e) *Net assets.* The net assets (not including personal and household effects) of the family shall not exceed an amount determined by the local authority and approved by the FPHA.

(f) *Requirements of State law.* In the event the State law governing eligibility at the time of admission (or at the time of reexamination) differs from the eligibility requirements herein contained, family eligibility shall be determined in relation to both the State law and the FPHA requirements.

(g) *Families of employees of local authority.* The provisions of this section except paragraph (d) hereof, shall not apply to families of such employees of the local authority as it, with the approval of the FPHA, may require to reside in the project for the purpose of the proper administration thereof.

§ 601.405 *Tenant selection.* The local authority shall select tenants in acordance with an established procedure which shall conform to the requirements of this section and constitute a portion of the management program. Within 30 days after the award of the main construction contract, the local authority shall submit for approval specimen forms and instructions (such as the application for admission, the score sheet for determining degree of substandard housing conditions, and forms for computing and verifying family income) for use in determining eligibility for admission and the order of preference to be followed in selecting tenants.

(a) *Preference.* In the selection of tenants preference on a uniform and objective basis shall, within each income grade, be given to those families who are living in housing conditions most dangerous to their health and safety, and to families displaced from the sites of low-rent housing projects or displaced by offsite demolition undertaken as the result of compliance with an agreement for equivalent elimination.

(b) *Evidence of eligibility.* The local authority shall obtain a written statement from each family applying for admission setting forth the facts which relate to its eligibility. The local authority shall verify and certify to the accuracy of these statements for each family admitted.

(c) *Non-discrimination.* There shall be no discrimination in the selection of tenants because of religious, political, or other affiliations.

(d) *Lease required.* A responsible member of the tenant family shall execute a written lease or other enforceable agreement containing, among other things, an agreement to furnish the local authority with information regarding its eligibility for continued occupancy and an agreement to vacate the dwelling if the tenant becomes ineligible for continued occupancy.

§ 601.406 *Occupancy standards.* The local authority shall lease dwelling accommodations to tenants in accordance with objective standards of health and decency, adopted by the local authority and approved by the FPHA, taking into consideration the size of the dwelling and the family size and composition (i. e., number, age, sex, and family relationship) of the occupants. These standards shall govern the size of dwellings permissible for continued occupancy as well as for admission.

§ 601.407 *Conditions for continued occupancy.* The local authority shall annually re-examine the status of each family in the development to determine its eligibility for continued occupancy and appropriate rent adjustments, if any.

(a) *Eligibility for continued occupancy.* Families shall be eligible for continued occupancy only if they meet the following requirements:

(1) *Family.* The occupants shall constitute a family as defined in § 601.404 (a), except that a person or persons remaining as the residuum of a family may be permitted to continue in occupancy in a unit of appropriate size.

(2) *Net family income at the time of re-examination.* Net family income at the time of re-examination does not exceed the maximum income limit for continued occupancy established in the approved management program.

(3) *Other requirements.* The requirements set forth in § 601.404 (d), (e), and (f) shall apply in connection with eligibility for continued occupancy.

Families who are not eligible for continued occupancy shall be required to vacate, except as provided in (d) below.

(b) *Adjustment of rents.* If at the time of re-examination of any family, it is found that the net family income anticipated for the next 12 months does not fall within the limits of their present grade, or if the family size has changed, the rent for the succeeding 12 months shall be changed to the rent (as established in the approved Management Program) which corresponds to their changed status. In individual cases, if

warranted by changed circumstances, rents may be adjusted at any other date.

(c) *Changes in size of dwelling unit.* If the size of the family has changed so that a larger or smaller dwelling is required in accordance with the approved occupancy standards, the family shall be required to move as soon as a dwelling of the required size becomes available in the development.

(d) *Permission to remain if no other dwelling available.* Families whose net income at the time of re-examination exceeds the maximum income limit for continued occupancy may be permitted to remain in the development only if the local authority shows to the satisfaction of the FPHA that decent, safe, and sanitary accommodations appropriate to the use of such family and at rents within their means are not available from private enterprise. Such families shall, however, be notified of the ineligibility for continued occupancy and shall be required to vacate when such other accommodations are available. Such families shall be charged increased rentals (based on income grades) appropriate to their income: *Provided, however,* That in no event shall a rent be charged for any dwelling which exceeds the rent prevailing in the locality for comparable accommodations rented by private enterprise.

(e) *Families of employees of local authority.* The provisions of this section shall not apply to families of such employees of the local authority as it, with the approval of the FPHA, may require to reside in the project for the purpose of the proper administration thereof.

§ 601.408 *Estimate of Average Annual Income and Expense.* The Estimate of Average Annual Income and Expense is a forecast of the average yearly income and expense of the development over the life of the Contract for Financial Aid. It is designed to provide a long-term financial prospectus of the development, and to form the basis upon which reserves are established.

An Estimate of Average Annual Income and Expense for each development shall be included in the Management Program, and a revised estimate, if necessary, shall be prepared within 30 days after the award of the main construction contract (see § 601.401 (b) and (c)). The average annual estimate shall be based on the average income and expense anticipated during the first 10 years after the end of the initial operating period. It shall be supplemented by an estimate of the additional average annual expense for repairs, maintenance, and replacements anticipated after the first 10 years. No Contract for Financial Aid shall be approved if the Federal annual contributions estimated to be required for the project during the first 10 years exceed the maximum Federal annual contribution less the estimated additional average annual expense for repairs, maintenance, and replacements required for the developments comprising the project after the first 10 years.

The Estimate of Average Annual Income and Expense will be based upon the estimating factors developed by the FPHA with such adjustments as are required to adapt the factors to local conditions and operating plans. The local authority may submit to the FPHA for review and approval a revised Estimate of Average Annual Income and Expense should circumstances indicate that a permanent change in the probable cost of project operation has occurred. Temporary changes in cost levels, however, do not justify revised average annual estimates since these estimates are essentially long-term financial forecasts.

§ 601.409 *Budgets*—(a) *Operating budgets for a development.* The local authority shall prepare detailed operating budgets for each development which shall be presented on forms prescribed by the FPHA, and shall show, by calendar quarters, the income and expense anticipated for the budget period. Each budget shall be accompanied by a full justification, in the form prescribed by the FPHA, setting forth the work program and operating plan for the budget period, salary schedules, organization charts, and such other substantiating data as may be required by the FPHA. Upon approval by the FPHA each budget shall be formally adopted by the local authority.

No detailed budgets will be required for operations during the initial operating period, but a summary estimate of pre-occupancy expense during such period will be included in estimates of total development cost (see § 601.206).

The first operating budget of a development shall be submitted within 30 days after the award of the main construction contract. It shall (except as provided at the end of this paragraph) govern the period from the end of the initial operating period to the end of the first project fiscal year. Since these dates will not in general be known by the time the first operating budget is submitted, such budget shall be prepared for four separate calendar quarters beginning with January 1. When the end of the initial operating period is determined the portion of the budget for the calendar quarter immediately following shall be used, and successive quarterly portions shall be used in turn until the end of the first project fiscal year is reached. If the period from the end of the initial operating period to the end of the first project fiscal year exceeds four calendar quarters, a new budget by quarters will be required for use until the end of the first fiscal year is reached.

For operations subsequent to the end of the first fiscal year, the budgets for a development shall be for periods coincident with project fiscal years, and shall be submitted not less than 60 days before the beginning of the fiscal year to which they apply.

(b) *Definitions of initial operating period and of project fiscal year.* The initial operating period of a development shall begin on the first day of the month in which income from rentals is first received and shall terminate on the last day of the quarter in which 95 percent of the total dwelling units in the development first become occupied, but in no event later than one year after the end of the quarter during which the first dwelling unit in the development became occupied.

The first project fiscal year shall begin on the first day of a calendar quarter which is not more than 4 months and 10 days nor less than 1 month and 10 days prior to the date for the payment of Federal annual contributions as established at the time of permanent financing; and shall end twelve months thereafter. Subsequent fiscal years shall begin and end on the same calendar dates.

(c) *Budgets for a project.* The local authority shall prepare annual budgets for each project, which will reflect the aggregate net operating revenues of the developments comprising the project, the debt service, the payments in lieu of taxes, and the Federal annual contribution to be required. Upon approval by the FPHA each budget shall be formally adopted by the local authority.

The first project budget shall cover the period beginning with the date of issue of the Series A and B bonds and ending with the last day of the first project fiscal year. This budget shall be submitted not later than the end of the initial operating period which last occurs for any development within the project, but in no event less than 60 days before the end of the first fiscal year.

Thereafter project budgets shall be for periods coincident with the project fiscal years and shall be submitted at least 60 days before the beginning of the fiscal year to which they apply.

(d) *Control of expenditures.* The local authority shall conduct the administration of all developments and projects in accordance with the budgets which it has adopted.

The local authority should incur no expenses in connection with the administration of a development after the end of the initial operating period until a budget covering such expenses has been approved and adopted.

The local authority shall not in any quarter incur total expenses for any development or incur expenses under any major account classification (as established by the FPHA) which exceeds the amounts budgeted therefor, unless it has previously submitted and received FPHA approval of a revised budget showing such increased amounts; except that overruns of not more than 10% may be incurred in any major account classification without revision of the budget or FPHA approval if there are compensating underruns in other major account classifications (not exceeding 10% in any one classification) which will keep the total expense for the quarter within the amount budgeted therefor.

§ 601.410 *Reserves*—(a) *Reserves for repairs, maintenance, and replacements.* As of the last day of each calendar quarter following the end of the initial operating period for each development, there shall be set aside as a reserve for repairs, maintenance, and replacements an amount equal to one-fourth of the average annual estimate for repairs, maintenance, and replacements, less the actual expense for repairs, maintenance, and replacements incurred during such

quarter. The reserve thus accumulated shall remain in the custody of the local authority and be available to meet the expense of repairs, maintenance, and replacements in any calendar quarter in which the actual expense exceeds one-fourth of the average annual estimate therefor. In any such quarter, the reserve will be drawn upon to meet such excess.

(b) *Reserve for vacancy and collection losses.* As of the last day of each calendar quarter following the end of the initial operating period for each development, there shall be set aside as a reserve for vacancy and collection losses, an amount equal to one-fourth of the average annual estimate of vacancy and collection losses less actual rental losses due to vacancies and actual collection losses written off during such quarter: *Provided,* That the amount so set aside shall not increase the accumulated total reserve for vacancy and collection losses at the end of such quarter to an amount greater than the total dwelling rent scheduled for such quarter. The reserve thus accumulated shall remain in the custody of the local authority and be available to meet vacancy and collection losses in any calendar quarter in which the actual losses exceed one-fourth of the average annual estimate therefor. In any such quarter, the reserve will be drawn upon to meet such excess.

(c) *Increases or decreases in reserve rates.* Revisions in the rate of reserve accumulations may be effected, if approved by the FPHA, through a revision of the appropriate items in the Estimate of Average Annual Income and Expense.

§ 601.411 *Personal policy.* To effect efficient administration, the Local Authority shall establish, adopt, and file with the FPHA, a statement of personnel policy consistent with pertinent local public practices. This shall include the job titles and classifications, wage rates, weekly hours of work, working conditions, training program, method of hiring, qualification standards, leave regulations, separation policy, and policy concerning payment of employees in travel status. For wage rates, hours of work, and job classification of manual maintenance employees see § 601.416.

§ 601.412 *Procurement.* The local authority shall establish, adopt, and file with FPHA, a statement of procurement policy, consistent with applicable local ordinances and state laws, for the purchase of materials, supplies, equipment, and contractual services.

§ 601.413 *Insurance and bonds during management.* The local authority shall obtain insurance for each development in the coverages, types, and amounts or limits prescribed by the FPHA. Insurance purchased by the local authority shall be obtained after inviting competitive bids. In inviting such bids, the local authority shall not discriminate against either stock or mutual companies. Insurance shall be awarded to the lowest bidder, except that the local authority, with the prior approval of the FPHA, may award the insurance to other than the lowest bidder if the bid is reasonably within the lowest range of rates available to the local authority and if the local authority determines that such an award is in the best interests of the low-rent housing program in the community.

The required coverages are: fire and extended coverage, workmen's compensation, owner's, landlord's and tenant's public liability (excluding property damage); automobile, owned and non-owned; boiler (if boilers have been installed); burglary and inside robbery, outside robbery; and fidelity bonds.

§ 601.414 *Maintenance and operation of the physical plant.* The local authority shall establish and maintain standards of maintenance and operation which will assure attractive, decent, safe, and sanitary dwellings and grounds. The physical plant, including structures and their equipment, the site and its appurtenances, shall be kept in satisfactory working condition to assure their successful operation throughout their expected life.

The standards shall be such that the expense of maintenance and operation shall be held within the lowest limits consistent with good management with full consideration of the purpose and aims of public housing for low-income families.

The local authority shall provide in the maintenance and operation program for participation by tenants to the fullest extent consistent with the project design and acceptable community relations.

§ 601.415 *Community services and tenant activities.* The local authority shall be responsible for planning and making use of the resources and services furnished by established public and private community agencies to meet the health, welfare, educational, and recreational needs of the tenants. It shall encourage, advise, and assist tenants in conducting tenant-sponsored and tenant-directed activities in these fields. The local authority's main objective shall be to integrate tenant activities conducted in the development with those conducted in the neighborhood and community, and to secure for the tenants the opportunity of participating in and benefiting from the community services generally provided in the locality.

§ 601.416 *Labor*—(a) *Prevailing wages.* The local authority shall pay, and shall require those with whom it contracts to pay, wages or fees prevailing in the locality, as determined or adopted (subsequent to determination of applicable State or local law) by the FPHA, to all architects, technical engineers, draftsmen, technicians, laborers, and mechanics employed in the management of a project.

(b) *Manual maintenance employees.* In respect to manual maintenance employees, job titles, annual wage rates, and weekly hours of work shall be included in the determination of prevailing rate of pay. In instances where the rate of pay is established by state or local laws, such rate of pay will be adopted by the FPHA. In other communities, appropriate consideration will be given by the FPHA to the wages paid by municipalities in the determination of prevailing wage rates. The local authority may pay wages in excess of the prevailing wage rates as determined for such employees by the FPHA, *Provided:* (1) The amounts included in approved budgets for the wages of manual maintenance employees are sufficient to meet such wages, (2) such wages conform to the personnel policy established by the local authority, (3) the total annual amount paid in excess of the prevailing wages does not exceed 5% of the total annual wages of manual maintenance employees computed on the basis of the prevailing wage rates.

Annual wage rate means the amount of the payment for a year's employment (including sick and annual leave) at a definite number of hours per week determined by the FPHA to be prevailing in the community of the local authority. If overtime is considered at a regular and fixed number of hours per week, it shall be computed in the determination of the annual wage rate.

(c) *Non-discrimination.* There shall be no discrimination because of race, creed, color, national origin or political affiliations in the employment of persons in the administration of the low-rent housing program of any local authority.

§ 601.417 *Periodic management review.* The FPHA will periodically review the management operation and practices of the local authority through examination and analysis of reports, records, documents, and procedures and through inspection of the several developments. The FPHA will offer advice and assistance on needed repairs, adjustments in the operation of budgets, renting, tenant eligibility, maintenance of property, community and tenant activities, equivalent elimination, administration of funds, establishment of reserves, payments in lieu of taxes, annual contribution, and administrative and office procedures. The operation of the local authority will also be studied for the purpose of collecting information to be disseminated to others.

GENERAL

§ 601.501 *Documents, records, and reports.* The local authority shall maintain basic records and up-to-date operating records and reports documenting the development and the administration of each development and project. The local authority shall submit such financial, operating, and statistical reports, records, statements, and documents on a uniform and consistent basis as may be required, periodically or on a one-time basis, by the FPHA.

§ 601.502 *Access to project and records.* The FPHA shall have full access to any development and to all the books and records of the local authority pertaining to any development or project, including the right to make transcripts from such books and records at any time during normal business hours.

§ 601.503 *Remedies of the FPHA.* The Contract for Financial Aid will provide that the FPHA shall have, among others, the following remedies:

(a) *Termination of contract.* If, in violation of the provisions of the Contract for Financial Aid, the local authority (1) fails to acquire title to the site of any development or (2) delays unreasonably in letting the main construction contract for any development or (3) fails to effect a sale of the Series A bonds, the FPHA shall have the right to terminate the Contract for Financial Aid.

If a substantial breach of the low rent character of a project continues for two years after notice has been served on the local authority or if there are flagrant or unreasonable recurrences of substantial breaches of such low-rent character over a period of more than five years, the FPHA shall have the right to terminate the Contract for Financial Aid and the payment of annual contributions.

Before terminating the contract for any of the above reasons the FPHA shall serve written demand upon the local authority to remedy the defect in such period of time (not less than sixty days after service of the demand) as the FPHA shall specify in such demand.

(b) *Termination, withholding, or reduction of annual contributions.* The FPHA shall terminate Federal annual contributions for breach of the covenant that the local authority shall retain title to the project, as stated in § 601.304 (c) (6).

The FPHA shall have the right to withhold annual contributions for a breach of the covenant: (1) That dwellings be occupied only by eligible families, as stated in § 601.304 (c) (1) (ii); (2) that equivalent elimination be accomplished, as stated in § 601.304 (c) (3); (3) that the project be completed on schedule, as stated in § 601.304 (c) (4); or (4) that only persons who are citizens of the United States be admitted as tenants, as stated in § 601.304 (c) (7).

The FPHA shall have the right to withhold or reduce annual contributions for a breach of the covenant: (1) To rebuild the project after its destruction, as stated in § 601.304 (c) (5); or (2) to maintain the low-rent character of the project, as stated in § 601.304 (c) (1) (i).

The FPHA shall have the right to reduce annual contributions for a breach of the covenant to obtain sufficient local contributions, as stated in § 601.304 (c) (2).

In each of the above events, before exercising its rights, the FPHA shall serve a written demand upon the local authority to remedy the default complained of within a prescribed period of time, and if the local authority fails to remedy such default within such time; the FPHA may then terminate, withhold, or reduce such annual contributions.

(c) *Right to take possession of project.* In the event that the local authority defaults or threatens to default in certain covenants of the contract for financial aid, the FPHA shall have the right, after giving written notice to the local authority and without instituting any legal action, to take possession of the project and to complete, maintain, and operate the same in the name of the local authority until the defaults have been cured.

(d) *Right to take possession of bank accounts.* In the event, that the local authority defaults in certain covenants of the Contract for Financial Aid, the FPHA shall have the right to direct any bank or banks with which the local authority maintains an account in which any rents or revenues from the project or any other funds relating to the development or administration of the project are deposited or held (other than any account expressly required by the Contract for Financial Aid to be maintained with the fiscal agent), to refuse to permit any withdrawals from any such account until further notice from the FPHA. In any such event, the FPHA shall also have the right itself to withdraw funds from any such account at such times as it may deem necessary in order to make good any refusal or neglect of the local authority to perform any of the covenants set forth in the Contract for Financial Aid.

(e) *Right of legal action.* In the event that the local authority defaults or threatens to default in certain covenants of the Contract for Financial Aid, the FPHA shall also have the right to institute a legal action to enforce the observance by the local authority of all the covenants or to cure the default thereof, including the right to the writ of mandamus or an injunction, and the right to have a receiver appointed to take possession and control of the project, and to complete, maintain, and operate the same as long as may be necessary to cure such breach of covenant.

If the local authority fails to pay when due into certain fiscal agent accounts named in the contract, any amounts required by the provisions thereof to be paid into such accounts, the FPHA may, by appropriate legal proceedings, recover such amounts of money from the local authority and deposit such moneys into the respective accounts.

(f) *Right to provide insurance.* If the local authority fails to obtain adequate and proper insurance or to pay premiums when the same are due in respect to such insurance, the FPHA shall have the right to obtain such insurance or pay premiums on behalf of the local authority.

§ 601.504 *Prohibitions of personal interests of members and employees.* No member of the local authority shall participate in any decision relating to the project, affecting his personal interests or the interests of any corporation, partnership, or association in which he is directly or indirectly interested. No member, officer, agent, servant, or employee of the local authority shall have any interest, direct or indirect, in any contract for property, materials, or services to be acquired by the local authority. The local authority shall not enter into any contract for property, materials, or services with any former member of the local authority within one (1) year after he shall have ceased to be a member except as may be required by law.

§ 601.505 *Congressmen not to benefit.* No member of or delegate to the Congress of the United States of America shall be allowed to participate in the funds made available by the FPHA.

§ 601.506 *Naming of project.* The local authority shall not name any development or project for any living person.

§ 601.507 *Bonuses and commissions.* The local authority shall not pay any bonus or commission for obtaining approval of any Application for Allotment of Funds or any Application for Financial Aid.

§ 601.508 *Domestic materials.* The local authority shall require that only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States of America, and that only such manufactured articles, materials, and supplies as have been manufactured in the United States of America substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States of America, shall be employed in carrying out any development. However, the local authority may request the FPHA to waive the foregoing restrictions so as to permit the purchase of foreign articles, materials, or supplies, if the use of domestic articles, materials, or supplies is impracticable, or if the cost thereof is determined by the FPHA to be unreasonable.

§ 601.509 *Prison-made goods.* The local authority shall require that no materials manufactured or produced in a penal or correctional institution be incorporated into any development.

§ 601.510 *Waiver of requirements.* Under exceptional circumstances and on presentation of satisfactory evidence, provisions of these requirements which are not mandatory provisions under the United States Housing Act of 1937, as amended, may be waived. Any such waiver shall be in writing and duly signed by the Commissioner or his duly authorized representative.

§ 601.511 *Applicability to existing and future contracts.* All future contracts between the FPHA and local authorities will be prepared so as to effectuate these requirements. The issuance of these requirements, however, does not in any way modify or impair any contract outstanding on May 1, 1945, between the local authority and the FPHA or between the local authority and any other party, nor does it modify or impair any approvals or determinations made prior to such date. To the extent that these requirements do not conflict with contracts outstanding on May 1, 1945, these requirements shall be applicable to FPHA's administration of such contracts and to all approvals and determinations made thereunder.

§ 601.512 *Conflicting orders.* Any provision of existing orders, bulletins, or other official documents issued by the United States Housing Authority, or its successors, which are in conflict with these Requirements are superseded as of May 1, 1945, to the extent of such conflict.

[SEAL] PHILIP M. KLUTZNICK,
Commissioner.

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TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5458]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MISCELLANEOUS AMENDMENTS

In order to correct certain minor miscellaneous errors appearing in Regulations 111 (26 CFR, Cum. Supp., Part 29), as last amended by Treasury Decision 5454, approved May 10, 1945, such regulations are amended as follows:

PARAGRAPH 1. The fifth sentence of § 29.11–1, as amended by Treasury Decision 5425, approved December 29, 1944, is amended by inserting "35," immediately following "32,".

PAR. 2. The second sentence of § 29.22 (a)–8 is amended by striking out "paragraphs (1), (2), (3), (4), and (5) of".

PAR. 3. Paragraph (a) of § 29.22 (b) (4)–4 is amended as follows:

(A) The first sentence of the second paragraph is amended by inserting immediately following the words "income tax return" the words "for any taxable year beginning before January 1, 1944,".

(B) The fourth paragraph is amended by striking therefrom "partnerships,".

PAR. 4. The first sentence of § 29.23 (a)–2 is amended by striking out "lodgings" and inserting in lieu thereof "lodging".

PAR. 5. The fourth sentence of the last paragraph of § 29.23 (b)–1 is amended to read as follows: "(See, however, section 121.)"

PAR. 6. The sixth sentence of § 29.23 (c)–1 is amended by striking out "29.131–8" and inserting in lieu thereof "29.131–9".

PAR. 7. Section 29.23 (e)–3 is amended as follows:

(A) By striking "capital" from the first sentence.

(B) By striking "or to other than capital assets" from the fourth sentence.

PAR. 8. The second sentence of § 29.23 (g)–1 is amended by striking out "29.117 (a)–1" and inserting in lieu thereof "117 (a) (1)".

PAR. 9. Section 29.23 (k)–6 is amended by striking out "amendment" in the last sentence of the second paragraph and inserting in lieu thereof "section".

PAR. 10. Section 29.23 (m)–1, as amended by Treasury Decision 5413, approved October 31, 1944, is further amended as follows:

(A) By striking out "29.23 (m)–28" from the first sentence of the portion designated (f) and inserting in lieu thereof "29.23 (m)–19".

(B) By striking out "29.23 (m)–28" from the first sentence of the portion designated (g) and inserting in lieu thereof "29.23 (m)–19".

PAR. 11. Section 29.27 (i)–1 is amended as follows:

(A) The first sentence of the second paragraph is amended by striking out "sections 27 (h) and (i)" and inserting in lieu thereof "section 27 (h) and (i)".

(B) The last sentence of Example (1) is amended by striking out "dividends paid on July 15" and inserting in lieu thereof "dividend paid on July 15".

(C) Example (2) is amended by striking out "dividends paid on July 15" and inserting in lieu thereof "dividend paid on July 15".

PAR. 12. In order to correct a typographical error in section 28 (d) (1), as set forth preceding § 29.28 (d)–1, the word "the" is stricken from the phrase "in accordance with the regulations prescribed".

PAR. 13. The third sentence of the second paragraph of § 29.44–4 is amended by striking out "if ascertained to be worthless and charged off within the taxable year" and inserting in lieu thereof "if uncollectible".

PAR. 14. The fourth sentence of § 29.47–1, as amended by Treasury Decision 5425, is amended by striking out "29.56–1 (a)" and inserting in lieu thereof "29.56–1".

PAR. 15. The third sentence of § 29.52–1 is amended to read as follows: "For returns of insurance companies see §§ 29.201–1, 29.204–1 and 29.207–1; of foreign corporations, see section 235; and of affiliated corporations, see section 141 and § 29.141–1."

PAR. 16. The last sentence of § 29.101 (8)–1 is amended by striking out "in the Code" and inserting in lieu thereof "in section 101".

PAR. 17. Section 29.101 (11)–1 is amended by striking out the last sentence.

PAR. 18. The first sentence of § 29.101 (12)–1 is amended by striking out "and shall not be required to file returns".

PAR. 19. The first sentence of the second paragraph of § 29.101 (18)–1 is amended by inserting after the word "return", first appearing in such sentence, the words "on Form 1120".

PAR. 20. Section 29.102–4 is amended as follows:

(A) By striking out the period at the end of the second sentence and inserting in lieu thereof "; (d) the credit for income subject to the tax imposed by subchapter E of chapter 2 provided in section 26 (e).".

(B) By striking out "in (a), (b), and (c) above" in the third and fourth sentences and inserting in lieu thereof "in (a), (b), (c), and (d) above".

PAR. 21. The first sentence of § 29.107–2 is amended by striking out "Section 107 (b) provides that the gross income" and inserting in lieu thereof "Section 107 (b) provides that if, in the taxable year, the gross income".

PAR. 22. In order to correct a typographical error in the first sentence of section 112 (f), as set forth preceding § 29.112 (f)–1, the phrase "compulsorily and involuntarily" is changed to read "compulsorily or involuntarily".

PAR. 23. The last sentence of § 29.113 (a) (22)–1, as amended by Treasury Decision 5433, approved January 26, 1945, is further amended by striking out "$6,500" and inserting in lieu thereof "$7,500".

PAR. 24. In order to correct a typographical error in section 124 (f) (1), as set forth preceding § 29.124–0, the phrase "Sectary of the Navy" is changed to "Secretary of the Navy".

PAR. 25. Paragraph (b) of § 29.125–8 is amended by striking out "is allowable as a deduction" and inserting in lieu thereof "are allowable as deductions".

PAR. 26. Section 29.126–1, as amended by Treasury Decision 5389, approved July 10, 1944, is further amended as follows:

(A) The next to the last sentence is amended by striking out "the tax attributable" and inserting in lieu thereof "the surtax attributable".

(B) The last sentence is amended by striking out "The tax attributable" and inserting in lieu thereof "The surtax attributable".

PAR. 27. The third example in § 29.131–8 is amended by striking out "85 percent on dividends received" and inserting in lieu thereof "85 percent of dividends received".

PAR. 28. In order to correct a typographical error in section 141 (h), as set forth preceding § 29.141–1, the phrase "for any taxable" is changed to read "for any taxable year".

PAR. 29. The first sentence of § 29.162–1, as amended by Treasury Decision 5380, approved June 22, 1944, is amended by striking out "there is deductible" and inserting in lieu thereof "there are deductible".

PAR. 30. The last sentence of the fourth paragraph of paragraph (d) of § 29.162–2, as amended by Treasury Decision 5380, is amended by striking out "calendar year 1943" and inserting in lieu thereof "calendar year 1942".

PAR. 31. The third sentence of Example (2) of paragraph (g) of § 29.207–4, as amended by Treasury Decision 5369, approved May 11, 1944, is amended by striking out "is apportioned" and inserting in lieu thereof "are apportioned".

PAR. 32. The second sentence of paragraph (b) of § 29.236–1, as amended by Treasury Decision 5339, approved March 9, 1944, is amended by striking out "§ 29.56–1 (a)" and inserting in lieu thereof "§ 29.56–1".

PAR. 33. The first sentence of § 29.311–1 is amended by striking out "Revised Statutes, as amended, in respect of any income tax imposed by chapter 1 (paragraph 81 of the appendix of these regulations)," and inserting in lieu thereof "Revised Statutes, as amended (paragraph 81 of the appendix to these regulations), in respect of any income tax imposed by chapter 1,".

PAR. 34. The example at the end of § 29.393–1 is amended to read as follows:

Example. The X Corporation, a personal service corporation, has for the calendar year 1942 a net income, as computed under chapter 1, of $190,000. The Federal income tax payable under chapter 1 for that year amounts to $76,000. Contributions or gifts payment of which is made during the taxable year to or for the use of donees described in section 23 (q) for the purposes therein specified amount to $35,000. The Supplement S net income of the corporation is $94,000, computed as follows:

Net income under chapter 1	$190,000
Add: Contributions deductible in computing net income under section 21	10,000
Net income computed without the benefit of any deduction for contributions	200,000

Less:		
Federal income tax	$76,000	
Contributions deductible under section 393 (b) (15 percent of $200,000)	30,000	
		$106,000
Supplement S net income		94,000

PAR. 35. The first sentence of § 29.394–2 is amended to read as follows: "Each shareholder of a personal service corporation who as of the last day of the taxable year of the corporation is required to include in his gross income his proportionate share of the undistributed Supplement S net income of the corporation shall, for the purpose of the tax imposed by section 11 (normal income tax), section 13 (tax on corporations in general), section 14 (tax on special classes of corporations), section 201 (tax on life insurance companies), section 204 (tax on insurance companies other than life or mutual, and mutual marine insurance companies), section 207 (tax on mutual insurance companies other than life or marine), or section 362 (tax on regulated investment companies), be allowed a credit against net income of his proportionate share of the interest specified in section 25 (a) (1), interest on United States obligations, or section 25 (a) (2), interest on obligations of instrumentalities of the United States, which is included in the gross income of the corporation."

PAR. 26. Section 29.502–1 (8) is amended by striking out "section 502 (a)" and inserting in lieu thereof "section 502 (e)".

(Sec. 62, Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62))

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

Approved: June 15, 1945.

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

[F. R. Doc. 45–10686; Filed, June 16, 1945; 3:39 p. m.]

TITLE 29—LABOR

Chapter IX—War Food Administration (Agricultural Labor)

[Supp. 52]

PART 1111—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF WASHINGTON

WORKERS ENGAGED IN HARVESTING WHEAT AND DRY PEAS AND IN PERFORMING GENERAL FARM LABOR ON WHEAT AND PEA FARMS DURING HARVEST SEASON IN CERTAIN WASHINGTON COUNTIES

§ 1111.12 *Wages of workers engaged in harvesting wheat and dry peas and in performing general farm labor on wheat and pea farms during the harvest season in Walla Walla, Columbia, Garfield and Whitman Counties and in a portion of Spokane County, State of Washington.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to wages and salaries issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F.R. 3177), entitled "Specific Wage Ceiling Regulations," and based upon a certification of the Washington WFA Wage Board that a majority of the producers of wheat and a majority of the producers of peas in the area affected have requested the intervention of the War Food Administrator and based upon relevant facts submitted by the Washington WFA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in harvesting wheat and dry peas and in performing general farm work on wheat and pea farms during the harvest season in Walla Walla, Columbia, Garfield and Whitman Counties and that portion of Spokane County lying South of the Northern boundary of Township Twenty-four, North and West of the Eastern boundary of Range Forty-one East, State of Washington, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 16702; 9 F.R. 6035, 14547).

(b) *Definitions.* When used in this section:

(1) The term "general farm labor" shall include all services performed in connection with the production of wheat and dry peas during the wheat and dry pea harvest season.

(2) The term "board" means customary meals and housing but does not include other perquisites.

(c) *Maximum wage rates.*

(1) General farm labor—$10 per day plus board.

(2) Wheat and dry pea harvest labor:
- (A) Combine operator—$20 per day plus board.
- (B) Tractor driver—$12 per day plus board.
- (C) Header tender—$10 per day plus board.
- (D) Sack sewer—$12 per day plus board.
- (E) Sack jigger—$10 per day plus board.

If workers are paid on any other basis, the rate of compensation shall not exceed the equivalent of the rates herein provided. No perquisites may be paid in addition to the maximum wage rates specified above unless otherwise specifically provided herein. This section shall not be construed as establishing maximum salary or wage rates for services performed by farm managers or farm superintendents.

(d) *Administration.* The Washington WFA Wage Board, located at 235 Liberty Building, Yakima, Washington, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator March 23, 1945 (10 F.R. 3177).

(e) *Applicability of the specific wage ceiling regulations.* This section shall be deemed a part of the specific wage ceiling regulations issued by the War Food Administrator March 23, 1945 (10 F. R. 3177) and the provisions of such regulations shall be applicable to this section and any violations of this section shall constitute a violation of such specific wage ceiling regulations.

Effective date. This Supplement No. 52 shall become effective at 12:01 a. m., Pacific war time, June 18, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. III), 57 Stat. 63 (1943), 50 U. S. C. 964 (Supp. III), 58 Stat. 632 (1944), E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; regulations of the Econimic Stabilization Director, 8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611; 10 F.R. 3177)

Issued this 16th day of June 1945.

K. A. BUTLER,
Acting Director of Labor,
War Food Administration.

[F. R. Doc. 45–10681; Filed, June 16, 1945; 3:31 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 30]

PART 602—GENERAL ORDERS AND DIRECTIVES

RECLAIMED COKE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of solid fuel for defense, for private account and for export and this regulation is deemed necessary and appropriate in the public interest and to promote the national defense.

Sec.

AUTHORITY: §§ 602.830 to 602.836, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; WPB Dir. 33, as amended, 9 F.R. 64; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827.

§ 602.830 *Purpose of regulation.* This regulation is designed to assure a fair apportionment of the available supply of "reclaimed coke" in the United States and in Canada.

§ 602.831 *Definitions.* (a) "Reclaimed coke" means beehive coke which has been reclaimed from waste banks adjacent to beehive ovens. It also means by-product coke having a top size of not more than 1⅛" which has been recovered from a breeze pile or waste bank.

(b) "Producer" means any person who reclaims beehive or by-product coke.

(c) "Wholesaler" means any producer to the extent that he ships, distributes or sells reclaimed coke to retail dealers or wholesalers and any person to the extent that he receives or purchases reclaimed coke for shipment, dis-

tribution or resale to retail dealers or other wholesalers.

(d) "Retail dealer" means any person (including the retail outlet, branch or department of one who is also a producer, wholesaler or commercial dock operator) to the extent that he distributes reclaimed coke in any transaction, except a wholesale transaction, involving the disposal of reclaimed coke physically handled in a truck, wagon or other less than carload facility without regard to quantity or frequency of delivery.

(e) "Person" means any individual, partnership, association, business trust, governmental corporation or agency, or any organized group of persons.

(f) "SFAW" means Solid Fuels Administration for War.

§ 602.832 *Distribution of reclaimed coke by wholesalers.* (a) Each wholesaler in the United States shall determine the percentage of the total tonnage of reclaimed coke shipped by him during the period April 1, 1944 to March 31, 1945, inclusive, to or for the account of retail dealers or other wholesalers in the United States and Canada that was shipped by him to or for the account of retail dealers and wholesalers in Canada in the aggregate.

(b) No wholesaler in the United States shall, during the period April 1, 1945 to March 31, 1946, ship a greater percentage of his total shipments of reclaimed coke to or for the account of retail dealers and wholesalers in Canada in the aggregate than the percentage determined in paragraph (a) of this section.

(c) A wholesaler who did not ship reclaimed coke to Canada during the period April 1, 1944 to March 31, 1945, inclusive, is prohibited from shipping reclaimed coke prior to April 1, 1946 to any retail dealer or wholesaler in Canada without first obtaining the written permission of SFAW.

§ 602.833 *Damages for breach of contract.* No person shall be held liable under any contract for damages or penalties for any default which shall result directly or indirectly from compliance with this regulation.

§ 602.834 *Violations.* Any person who violates any provision of this regulation may be precluded in whole or in part from shipping, delivering or receiving solid fuels and may be prohibited from delivering or receiving any material under priority control. SFAW may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. sec. 80) or under the Second War Powers Act (50 U.S.C. 633).

§ 602.835 *Official interpretations.* No interpretation of this regulation is authorized or official unless it is in writing and signed by the Administrator, the Deputy Administrator, or the General Counsel of SFAW.

§ 602.836 *Applications for modification or exception; inquiries and communications.* (a) Any application for modification of or exception from any provisions of this regulation shall be filed in triplicate with the Solid Fuels Administration for War, Washington 25, D. C. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such request for modification or exception.

(b) All inquiries and communications with references to the administration of this regulation shall be addressed to the Solid Fuels Administration for War, Washington 25, D. C.

This regulation may be cited as SFAW Regulation No. 30.

This regulation shall take effect on the 1st day of July 1945.

Issued this 13th day of June 1945.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 45-10612; Filed, June 15, 1945; 3:01 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

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; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-813]

JORDON REFRIGERATOR CO.

Harry Fogel, Albert Fogel and Frank Fogel, partners, doing business as Jordon Refrigerator Company at 237 North Broad Street, Philadelphia, Pennsylvania, are engaged in the manufacture and sale of refrigerating systems and equipment. Between June 1, 1944 and December 13, 1944, the partnership manufactured and assembled 55 new refrigerating systems, consisting of 23 display cases and 32 dry beverage coolers, without authorization of the War Production Board and in violation of Limitation Order L-38. Between September 14, 1944 and November 21, 1944, the partnership delivered 17 new refrigerating systems, consisting of 2 display cases and 13—8′ dry beverage coolers and 2 beer cabinet dispensers on orders not bearing preference ratings, in violation of Limitation Order L-38. Between June 30, 1944 to January 1, 1945, the partners maintained inadequate records covering their operations in that the records were incomplete and inaccurate and they failed to keep production records, in violation of § 944.15 of Priorities Regulation No. 1. The partners should have been familiar with the provisions of Priorities Regulation No. 1 and Limitation Order L-38, and their actions constituted grossly negligent violations thereof.

These violations have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.813 *Suspension Order No. S-813.* (a) Harry Fogel, Albert Fogel and Frank Fogel shall not for three months from the effective date of this order apply or extend any preference ratings to obtain delivery of any refrigerating systems, equipment or parts, unless otherwise authorized in writing by the War Production Board.

(b) Harry Fogel, Albert Fogel and Frank Fogel shall cancel immediately all preference ratings which they have applied or extended to orders for refrigerating systems, equipment and parts which have not yet been filled, except that if they have extended a customer's rating to get an item for delivery without change in form to that customer (as distinct from replacing it in inventory) they need not cancel the rating; *Provided,* The item when received is promptly delivered to the customer whose rating was extended.

(c) Nothing contained in this order shall be deemed to relieve Harry Fogel, Albert Fogel and Frank Fogel, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to Harry Fogel, Albert Fogel and Frank Fogel, partners, doing business as Jordon Refrigerator Company, their successors or assigns, or persons acting in their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(e) This order shall take effect on June 16, 1945.

Issued this 9th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10668; Filed, June 16, 1945; 11:10 a. m.]

[Suspension Order S-815]

PART 1010—SUSPENSION ORDERS

SCHMUCK CO.

Schmuck Company is a corporation engaged in the selling of lumber and building materials in Hanover, Pennsylvania. Between December 10, 1943 and November 14, 1944, the company furnished $8,281.56 worth of lumber and other building materials to be used in the construction of an addition to the L. E. Beaudin Shoe Company factory at Fairfield, Pennsylvania, when the company knew or had reason to know that the construction of this addition had not been authorized by the War Production Board and was in violation of Conservation Order L-41. This negligent delivery of material by the company was in violation of Conservation Order L-41.

This violation has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.815 *Suspension Order No. S-815.* (a) For a period of two months from the effective date of this order, unless otherwise specifically authorized in writing by the War Production Board,

Schmuck Company shall not deliver any lumber to its customers, except on certified orders as defined and governed by Limitation Order L–335, bearing a preference rating of AA–3 or higher.

(b) For a period of two months from the effective date of this order, unless otherwise specifically authorized in writing by the War Production Board, Schmuck Company shall not extend to any of its suppliers certified orders to purchase any lumber as defined and governed by Limitation Order L–335, except certified orders bearing preference ratings of AA–3 or higher.

(c) Schmuck Company shall not for a period of two months from the effective date of this order, order or accept delivery for any lumber under the provisions of Direction 8 of Limitation Order L–335, as amended from time to time.

(d) Nothing contained in this order shall be deemed to relieve Schmuck Company of any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) The restrictions and prohibitions contained herein shall apply to Schmuck Company, its successors and assigns, or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(f) This order shall take effect on June 16, 1945.

Issued this 9th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–10667; Filed, June 16, 1945; 11:10 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L–65, Revocation]

ELECTRICAL APPLIANCES

Section 3291.311 *General Limitation Order L–65* and all authorizations issued under it are revoked. Manufacturers may now produce and deliver the electrical appliances formerly controlled by L–65 and and parts for them, without regard to the provisions of Order L–65 or any grant of appeal or authorization relaxing its restrictions. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order. The manufacture and delivery of electrical appliances formerly controlled by L–65 and parts for them remain subject to all applicable regulations and orders of the War Production Board.

Issued this 16th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–10666; Filed, June 16. 1945; 11:10 a. m.]

Chapter XI—Office of Price Administration

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

[MPR 30,[1] Amdt. 13]

WASTEPAPER

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

Maximum Price Regulation 30 is amended in the following respects:

1. Section 1347.14 (f) is amended to read as follows:

(f) *Invoice requirements.* Each sale of commercially packed wastepaper shall be invoiced except that an accumulator (as defined in § 1347.11), whose practice has been to send shipping notices instead of invoices and to settle accounts on the basis of periodic credits from his buyer, may continue that practice.

(1) *What the invoice shall contain.* Each invoice shall separately state:

(i) The date of loading.

(ii) The name and address of the buyer and seller, and if consigned other than to the buyer, the name and address of the consignee.

(iii) The name of each grade and the total weight of each grade. The grade name shall be the applicable grade name listed in § 1347.14 (a) or it shall be the grade name of a specialty sold in accordance with the provisions of § 1347.14 (c).

(iv) The price charged per ton for each grade, the loading charge, if any, and the amount of broker's allowance, if any.

(v) Identification of origin of shipment, i. e.

(*a*) The packer's invoice shall show the name of the city or town and the street address from which shipment starts.

(*b*) The broker's invoice shall show the name of the city or town from which shipment starts and while he need not show the street address of origin on the copy of the invoice sent to the consumer, he shall show it on the copy he retains in his files.

(vi) Identification of vehicle in which shipped, i. e.

(*a*) The railroad car number and initials or the barge number or name shall be shown on the packer's invoice if he loads directly into a car or barge or if he makes shipment by truck owned or controlled by him for the purpose of reloading into a car or barge, except as noted under (*d*).

(*b*) The railroad car number and initials or the barge number or name shall be shown on the broker's invoice on every shipment to the consumer involving rail or barge movement, except as noted under (*d*).

(*c*) In all other cases the invoice shall state the license number or truck number of the truck into which the wastepaper is loaded.

(*d*) If, under the circumstances specified in (*a*) or (*b*), the seller is prohibited by railroad or governmental authority from entering upon the property for determination of vehicle identification, a statement to that effect, on the invoice, shall constitute full compliance with the requirements of this subdivision (vi).

(2) *When the invoice must be mailed.* The invoice shall be prepared by the seller and mailed to his buyer before the end of the business day following the day when the wastepaper was shipped, except that when the seller does not receive the description of the wastepaper from his supplier or suppliers within that time, he shall prepare and mail an invoice to his buyer as soon as he receives that description.

(3) *Records.* In all cases, the buyer shall keep every invoice received by him and the seller shall keep a copy of each invoice prepared by him and both buyer and seller shall make their copies available for inspection by the Office of Price Administration at any time. The broker shall also identify in his records his sources of supply of all paper in each shipment made by him.

2. Paragraphs (g), (h) and (i) of § 1347.14 are redesignated (h), (i) and (j) respectively and a new paragraph (g) is added as follows:

(g) *Shipping notice requirements.* On each sale of commercially packed wastepaper by a dealer or broker the seller shall prepare and forward a shipping notice in accordance with the following subparagraphs. This requirement shall not apply to any sale by an accumulator (except as noted under paragraph (f) above) or by his broker or sales agent nor to any sale by a broker on which shipping notices covering the entire shipment must be prepared and forwarded with the shipment by previous sellers in accordance with the following subparagraphs. (Important! See definitions in § 1347.11).

(1) *What the shipping notice shall contain.* Each shipping notice shall separately state:

(i) The date of loading.

(ii) The name of each grade. The grade name shall be the applicable grade name listed in § 1347.14 (a) or it shall be the grade name of a specialty sold in accordance with the provisions of § 1347.14 (c).

(iii) The total weight of each grade and the number of bales of each grade.

(iv) If baled, the weight of each bale, except that individual bale weights need not be shown if:

(*a*) The shipping notice covers an entire carload or truckload of wastepaper from a single commercial packer and is consigned directly to the consumer, or

(*b*) The shipment is made by the commercial packer of the bales and he has no adequate weighing facilities available. In this case, the commercial packer shall note the following on his shipping notice, "No adequate weighing facilities available" or

(*c*) The wastepaper was purchased commercially packed from a previous seller who was not required to show individual bale weights.

[1] 7 F.R. 9732; 8 F.R. 3845, 6109, 7350, 7821, 7199, 13049, 17483; 9 F.R. 6107, 8056, 11108; 10 F.R. 1787.

(v) The name of the city or town at which shipment originates.

(vi) Identification of vehicle in which shipped, i. e.

(*a*) The railroad car number and initials or the barge number or name shall be shown on the packer's shipping notice if he loads directly into a car or barge or if he makes shipment by truck owned or controlled by him for the purpose of reloading into a car or barge, except as noted under (*d*).

(*b*) The railroad car number and initials or the barge number or name shall be shown on the broker's shipping notice on every shipment to the consumer involving rail or barge movement, except as noted under (*d*).

(*c*) In all other cases the shipping notice shall state the license number or truck number of the truck into which the wastepaper is loaded.

(*d*) If, under the circumstances specified in (*a*) or (*b*), the seller is prohibited by railroad or governmental authority from entering upon the property for determination of vehicle identification, a statement to that effect, on the shipping notice, shall constitute full compliance with the requirements of this subdivision (vi).

(2) *Responsibility of the packer.* On each sale of wastepaper commercially packed by him, the packer shall prepare a shipping notice, in accordance with subparagraph (1) above, and shall forward it as follows:

(i) If initial loading is directly into a railroad car or barge, the packer shall mail the shipping notice to his buyer (broker or consumer, as the case may be) not later than twelve hours after loading.

(ii) If shipment starts by truck owned or controlled by the packer which makes delivery to a railroad car or barge for the purpose of reloading therein, the packer shall mail the shipping notice to his buyer not later than twelve hours after delivery to the car or barge.

(iii) On all other shipments by truck owned or controlled by the packer, the packer shall have the truck driver keep the shipping notice with the shipment and deliver it to the consignee.

(iv) On all shipments by truck not owned or controlled by the packer, the packer shall give the shipping notice to the driver of the truck before the truck leaves the point of shipment.

(3) *Responsibility of the broker.* On each sale of commercially packed wastepaper by a broker, as defined in § 1347.11, the broker's responsibility shall be as follows:

(i) If the shipment moves direct from packer to consumer by rail or barge, the broker shall prepare and mail a new shipping notice to the consumer not later than twelve hours after he receives the packer's shipping notice.

(ii) If shipment starts by truck owned or controlled by the packer and is reloaded into a railroad car or barge for shipment to the consumer, the broker shall prepare and mail a shipping notice to the consumer not later than twelve hours after he receives shipping notices from all suppliers involved in the broker's shipment.

(iii) If shipment starts from the packer by truck owned or controlled by the broker and is reloaded into a railroad car or barge for shipment to the consumer, the broker shall have the driver of the truck secure a shipping notice from the packer and the broker shall prepare a new shipping notice and shall mail it to the consumer not later than twelve hours after loading or, if the broker's shipment involves wastepaper from other suppliers, not later than twelve hours after he receives shipping notices from all such suppliers.

(iv) If shipment starts from the packer by truck owned or controlled by the broker and is delivered to the consumer other than by railroad car or barge, the broker shall have the driver of the truck secure a shipping notice from the packer and shall have the packer's shipping notice accompany the shipment through to the consumer and shall deliver it to the consumer.

(v) If shipment is made direct from packer to consumer by truck owned or controlled by the packer, the broker shall have no responsibility as to any shipping notice.

(vi) If shipment starts from the packer by truck owned or controlled by the consumer the broker shall have no responsibility as to any shipping notice.

(vii) On all other shipments involving rail or barge movement, the broker shall prepare a shipping notice and shall mail it to the consumer not later than twelve hours after completion of loading, into the car or barge, of all wastepaper involved in the broker's shipment.

(viii) On all other truck shipments the broker shall prepare a shipping notice and shall have it accompany the shipment through to the consumer and shall deliver it to the consumer.

(4) *Responsibility of the consumer.* On any shipment by truck owned or controlled by the consumer, the consumer shall have the driver of the truck secure a shipping notice from the shipper and shall have it accompany the shipment through to destination.

(5) *Records.* In all cases the buyer shall keep every shipping notice received by him and the seller shall keep a copy of every shipping notice prepared by him and both buyer and seller shall make their copies available for inspection by the Office of Price Administration at any time.

This amendment shall become effective June 21, 1945.

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

Issued this 16th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10675; Filed, June 16, 1945; 11:54 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 1 to Supp. 5]

PROCESSED GRAINS FOR FEEDING AND MIXING

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

Supplement No. 5 to Food Products Regulation No. 2 is amended in the following respects:

1. Section 5 (a) (13) is amended to read as follows:

(13) The terms "corn", "oats", "barley", "rye", "wheat", "grain sorghums" and "mixed grain" means such grains as defined in the Official Grain Standards of the United States. "Corn" shall include "ear corn", "snapped corn" and "corn feed meal" and "grain sorghums" shall include "grain sorghum heads", as defined herein.

2. Sections 5 (a) (16), 5 (a) (17), 5 (a) (18) and 5 (a) (19) are added to read as follows:

(16) "Ear corn" means corn on the cob from which the shuck has been removed.

(17) "Snapped corn" means corn on the cob with all or part of the shuck attached.

(18) "Corn feed meal" means the fine siftings obtained in the manufacture of screened corn chop, screened ground corn or screened cracked corn with or without its aspiration products added.

(19) "Grain sorghum heads" means the entire head of grain sorghums before threshing.

3. The first paragraph of section 9 (b) (1) is amended to read as follows:

(1) If you made sales of the processed grain being priced during January 1943, and you have records of such sales, your markup per ton shall be $2.50, plus the amount determined by ascertaining the average differential (simple or weighted) between your selling prices or bona fide offerings per ton for the product being priced and your selling prices or bona fide offerings per ton for the lowest priced processed grain produced from the kind of grain or grains used in the commodity being priced on the same day or days, to the same class of purchaser, and in similar quantities. If you made no sales during January 1943, you shall substitute for January 1943 the most recent prior month in which you made any sales.

4. The last paragraph of section 9 (b) (1) is amended to read as follows:

If you have determined your markup in good faith pursuant to the provisions of this subparagraph, you may after reporting it continue to use such markup subject to disapproval by such district office of the Office of Price Administration at any time. The district office of the Office of Price Administration may disapprove your markup upon finding that it is in excess of the markups of other sellers of the same or similar products and may in such case specify the markup that you shall use thereafter.

5. The first sentence of section 9 (b) (2) is amended to read as follows: "If you did not sell the product prior to or during January 1943 or if you do not have the appropriate records with respect to sales required by subparagraph (1) above, you must before making any

sales file an application with the district office of the Office of Price Administration for the district in which your processing plant is located for the establishment of a markup on your sales of such products."

This amendment shall become effective June 21, 1945.

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

Issued this 16th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10679; Filed, June 16, 1945; 11:55 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289,[1] Amdt. 30]

DAIRY PRODUCTS

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

Revised Maximum Price Regulation 289 is amended in the following respects:

1. Section 18a (d) is amended to read as follows:

(d) *Sales of listed dairy products delivered shipside by licensed ship suppliers to ship operators.* Notwithstanding other provisions of this regulation, the maximum price at which any licensed ship supplier shall sell and deliver shipside to a ship operator any listed dairy product, purchased under the provisions of this section or purchased from any agency of the United States Government, shall be the sum of (1) the purchase price paid by the licensed ship supplier for such listed dairy product, (2) the difference between the maximum price he could charge for such sale of the listed dairy product under other sections of this regulation and the highest maximum price he could pay any one of his usual suppliers for the listed dairy product under other sections of this regulation, and (3) actual out-of-pocket storage charge approved in writing by the War Shipping Administration.

2. Section 20 (a) (7) is amended to read as follows:

(7) *Sales of butter delivered shipside by licensed ship suppliers and Group I and Group II ship chandlers.* Notwithstanding other provisions of this section 20, the maximum price for the sale of any particular score and grade of butter delivered shipside any vessel operating under the direction or control of the United States Government, the War Shipping Administration or any of the United Nations by a licensed ship supplier, a Group I ship chandler or a Group II ship chandler either to the United States Government or to a ship operator shall be the maximum price for "sales by a creamery" of that particular score or grade in that place as established by paragraph (a) (2) of this section plus the proper applicable addition indicated below:

- 1¼¢ per pound for delivery shipside of more than 1,500 pounds.
- 2¢ per pound for delivery shipside by a licensed ship supplier, other than a ship chandler, of 1,500 pounds or less.
- 2½¢ per pound for delivery shipside by a Group I ship chandler of 1,500 pounds or less.
- 3¢ per pound for delivery shipside by a Group II ship chandler of 1,500 pounds or less.

3. A new section 20 (1) (6) is added to read as follows:

(6) Ship chandler means any licensed ship supplier who files with the Regional Office of the Office of Price Administration a statement approved by the District Food Control Representative of the War Shipping Administration in New York, New Orleans, or San Francisco stating that he (1) has been allotted a ship store's quota under War Food Order No. 74 covering the sale of each of the following products: Meats, butter, cheese, canned fruits and fruit juices and canned vegetables and vegetable juices; (2) who is currently regularly engaged in the sale to ship operators of a complete line of food products, including but not limited to, meats, poultry, butter, cheese, eggs, fluid milk, canned goods, dry groceries, fresh fruits and vegetables and fresh or frozen fish. A Group II ship chandler means a ship chandler whose total dollar volume of sales during the fiscal year 1944 amounted to less than $500,000.00, and who has filed with the appropriate Regional Office of the Office of Price Administration a certified statement showing the amount of his total dollar volume of sales during that year. A Group I ship chandler is a ship chandler whose total annual dollar volume of sales was $500,000.00 or more for the fiscal year 1944, or who did not file with the appropriate Regional Office of the Office of Price Administration a certified statement showing the amount of his total dollar volume of sales during that year.

This amendment shall become effective June 15, 1945.

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

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10625; Filed, June 15, 1945; 4:38 p. m.]

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

[RMPR 507,[1] Amdt. 3]

CEILING PRICES OF CERTAIN FRESH AND FROZEN FISH AND SEAFOOD SOLD AT RETAIL

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

Revised Maximum Price Regulation No. 507 is amended in the following respects:

1. In section 26, the item "Salmon, Atlantic, Eastern" is added to Table A–I to read as follows:

CENTS PER POUND MARK-UPS OVER "NET COST" ALLOWED TO RETAILERS FOR FISH AND SEAFOOD COVERED BY THIS REGULATION, BY SPECIES, FOR THE MONTHS OF APRIL, MAY, JUNE, JULY, AUGUST AND SEPTEMBER

	Whole fish sold on gross weight basis and prepared to customer's order [1]		Fillets, cuts and steaks sold as purchased [1]	
	Groups 1 and 2	Groups 3 and 4	Groups 1 and 2	Groups 3 and 4
I. Fresh fish				
Kind of fish:	*Cents per pound*	*Cents per pound*	*Cents per pound*	*Cents per pound*
51. Salmon, Atlantic, Eastern	11	9	11	9

[1] Retailers processing these items prior to offering for sale at retail, who price in accordance with section 15, shall use these tables.

2. In section 26, the item "Salmon, Atlantic, Eastern" is amended in Table A–III to read as follows:

CENTS PER POUND MARK-UPS OVER "NET COST" ALLOWED TO RETAILERS FOR FISH AND SEAFOOD COVERED BY THIS REGULATION, BY SPECIES, FOR THE MONTHS OF JANUARY THROUGH DECEMBER

	Whole fish, sold on gross weight basis and prepared to customer's order [1]		Fillets, cuts and steaks sold as purchased [1]	
	Groups 1 and 2	Groups 3 and 4	Groups 1 and 2	Groups 3 and 4
III. Frozen fish				
Kind of fish:	*Cents per pound*	*Cents per pound*	*Cents per pound*	*Cents per pound*
60. Salmon, Atlantic, Eastern	10	8	10	8

[1] Retailers processing these items prior to offering for sale at retail, who price in accordance with section 15, shall use these tables.

This amendment shall become effective June 21, 1945.

Issued this 16th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10676; Filed, June 16, 1945; 11:55 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136,[1] Amdt. 4]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

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

Section 19 (e) is amended to read as follows:

(e) *Textile bobbins and spools.* The maximum manufacturers' price for textile bobbins and spools made principally of wood shall be determined as follows: The manufacturer shall multiply the net

[1] 10 F.R. 2352, 2653, 2928, 3554, 3948, 3950.

[1] 9 F.R. 14601; 10 F.R. 2289, 3694, 3979.

[1] 9 F.R. 4748, 6420, 6239, 6884, 7079, 7163, 7615, 7854, 10589, 12034.

price he had in effect to a purchaser of the same class on October 1, 1941, by whichever of the following percentages is applicable:

(i) 124% in the case of American Bobbin Company, Lewiston, Maine; Bowen-Hunter Bobbin Company, East Corinth, Vermont; The Jackman Company, East Corinth, Vermont; Monticello Bobbin Company, Monticello, Georgia; and Walter L. Parker Bobbin & Spool Company, Lowell, Massachusetts;

(ii) 120% in the case of Jas. H. Billington Company, Philadelphia, Pennsylvania; Dana S. Courtney Company, Chicopee, Massachusetts; and New England Bobbin & Shuttle Company, Nashua, New Hampshire.

(iii) 118% in the case of all other manufacturers.

This amendment shall become effective June 15, 1945.

Issued this 15th day of June 1945.

IVAN CARSON,
Acting Administrator.

[F. R. Doc. 45-10623; Filed, June 15, 1945; 4:37 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 5C, Amdt. 6]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

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

Section 1394.7851 (b) (9) is added to read as follows:

(9) for use with a motor vehicle to transport convalescent veterans or members of the armed forces from hospitals or convalescent centers to points of recreation and return when such transportation is requested by the medical or administrative head of such establishment. A ration issued under the subparagraph may include the mileage necessary for the applicant or driver to reach the hospital from his home and return to his home but the total mileage allowed for this purpose shall not exceed 100 miles. No ration may be allowed under this subparagraph unless the application is accompanied by a certification signed by the administrative or medical head of such establishment and stating the following information:

(i) The name and address of the hospital or convalescent center;

(ii) That he is the administrative or medical head of that establishment;

(iii) That the hospital or convalescent center is operated by the Army, Navy, Marine Corps, Coast Guard, or Veterans' Administration;

(iv) That the transportation of resident patients to and from a sports event, entertainment, picnic or other recreational activity has been prescribed as part of the establishment's recreational program, giving the number of patients and attendants and the nature and location of the activity;

(v) That transportation by the allowable use of Red Cross, U. S. O., or other rations or by other means of transportation is not available or adequate for the purpose;

(vi) That the use of all the vehicles covered by the applications which the certification accompanies is necessary for the purpose, giving the license number of each vehicle and the number of patients and the number of attendants to be carried by these vehicles; that he requests the issuance of the rations;

(vii) If the recreational activity is a visit at a home, that the distance the patients are to be transported is within a radius of 50 miles of the hospital or convalescent center;

(viii) If the point of recreation is not at a home, that the distance the patients are to be transported is within a radius of 50 miles of the hospital or convalescent center or that no adequate recreation is available within that radius.

This amendment shall become effective at 12:01 a. m. June 17, 1945.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 (421 and 507, 77th Cong.; Pub. Law 509, 78th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, 8 F.R. 9492, 9868, 9 F.R. 8775, 12338, 13039; E.O. 9125, 7 F.R. 2719)

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 16th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10677; Filed, June 16, 1945; 11:54 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 20]

SUGAR

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

Section 7.4 (b) is amended by changing the parenthetical expression in the first sentence to read as follows:

(OPA Forms R-120-A, R-140 or a similar sheet.)

This amendment shall become effective June 20, 1945.

Issued this 16th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10678; Filed, June 16, 1945; 11:54 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 23]

SUGAR

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

1. Section 3.3 (d) is added to read as follows:

(d) An industrial user who has a base period use of sugar for cough drops must at the time of, or before, application for an allotment for the third quarterly allotment period of 1945, report, in writing, to the Board or District Office with which he is registered, the amount of sugar he used in each quarterly period of 1941, separately stated for each quarter, for making cough drops. These amounts shall be deducted from his base for Class 14 as shown on OPA Form R-1200, Schedule I, and added to his base period use for Class 9.

2. Section 3.18 (a) is amended by adding the words "cough drops" to Class 9 and by deleting the words "cough drops" from Class 14.

3. Section 3.18 (d) is added to read as follows:

(d) Notwithstanding the provisions of section 3.18 (a), any allotment obtained for periods beginning before July 1, 1945, for products in Class 14 may be used for such products and for cough drops. Moreover, allotments based on a base period use of sugar for cough drops and obtained for periods which began before July 1, 1945 may not be used in the production of any product in Class 9, other than cough drops.

4. Section 19.8 (b) (2) and 19.8 (b) (3) are redesignated 19.8 (b) (3) and 19.8 (b) (4) respectively and section 19.8 (b) (2) is added to read as follows:

(2) The amount, if any, on the date of application, of unused sugar remaining from his last provisional allowance of sugar for manufacturing condensed milk in containers of more than one gallon.

5. Section 19.8 (d) is added to read as follows:

(d) *Restriction on use.* Sugar obtained under this section may be used only for the purposes for which it was granted, and at the rate permitted by the Washington Office.

6. Section 20.2 is amended to read as follows:

SEC. 20.2 *Allotment percentages for industrial users.*

	Percentage of sugar base (for a quarterly allotment period commencing on or after July 1, 1945)
1. Bread and other bakery products	60
2. Baking mixes, including batters	60
3. Breakfast cereals; and cereal paste products such as spaghetti and macaroni	60
4. Ice cream; ices; sherbets; frozen custards; and mixes used for these purposes	50
5. Condensed milk in containers of one gallon or less; cheese; other dairy products not included in other items; frozen eggs; and sugared egg yolks	50
6. Bottled beverages (alcoholic and nonalcoholic); flavoring and coloring extracts; fountain syrups; drink mixes; brandied fruits; maraschino cherries; fountain fruits; pickled fruits and vegetables; relishes	50

[1] 9 F.R. 13641, 13992, 14642, 15048, 10 F.R. 201.

	Percentage of sugar base (for a quarterly allotment period commencing on or after July 1, 1945)
7. Mayonnaise and salad dressing	50
8. Products fried in fat (except bakery products) such as nuts, potato chips	50
9. Candy; chocolate; cocoa; chewing gum, cough drops	50
10. Sandwiches	50
11. Dehydrated and dried soup and soup mixes	50
12. Canned and bottled foods (not included in other items); table syrup	50
13. Experimental, educational demonstration, and testing purposes	50
14. Pharmaceuticals (internal); allergy foods; vitamin oils	110
15. Pharmaceuticals (external)	110
16. All other classes; food	50
17. All other classes; non-food	50
18. Jams, jellies, preserves, marmalades and fruit butters	50

This amendment shall become effective June 15, 1945.

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

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10628; Filed, June 15, 1945; 4:39 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 82]

PROCESSED FOODS

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

Section 6.6 (k) is amended to read as follows:

(k) *Allotments for the third quarterly period for industrial users of canned or bottled vegetables or vegetable juices having a point value.* An industrial user who during the third quarter of his base period used canned or bottled vegetables or vegetable juices which on June 3, 1945, had a point value (other than zero) may apply for an allotment covering such vegetables or vegetable juices. The application shall be made on OPA Form R-315 to the Board or District Office with which he is registered and must give his best estimate of the number of pounds of such vegetables or juices, separately for each item (as listed on the Official Table of Point Values, effective June 3, 1945) which he used during the third quarter of his base period. The Board or District Office may grant the application if it finds that the industrial user during the third quarter of his base period used canned or bottled vegetables or vegetable juices which had a point value (other than zero) on June 3, 1945. The amount of his allotment shall be computed in the following way:

(1) The number of pounds of each such item of canned or bottled vegetables or vegetable juices which he used during the third quarter of his base period is multiplied by the point value in effect for that item on June 3, 1945 (As shown on the Official Table of Point Values, effective June 3, 1945);

(2) The resulting figures are added together and multiplied by 0.38.

The result represents his allotment for the third allotment period of 1945 for canned or bottled vegetables or vegetable juices which had a point value (other than zero) on June 3, 1945. (Paragraph (d) of this section applies in determining whether an industrial user who receives an allotment under this paragraph is entitled to a check and in determining the amount of the check.)

This amendment shall become effective June 15, 1945.

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

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10630; Filed, June 15, 1945; 4:39 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 61 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (b) (7) is added to read as follows:

(7) For the allotment period from July 1, 1945 to September 30, 1945, inclusive:

Processed foods	Class of product or use (on Schedule I of OPA Form R-1200)	Factor
(i) Fruits:		
(*a*) Canned and bottled	All	10
(*b*) Frozen	All	0
(*c*) Dried and dehydrated	All	0
(ii) Vegetables:		
(*a*) Canned and bottled	All	0
(*b*) Frozen	All	0
(iii) Miscellaneous:		
(*a*) Dry beans	All	0
(*b*) Jellies, jams, marmalades, preserves, fruit butters.	All	0

This amendment shall become effective June 15, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10629; Filed, June 15, 1945; 4:39 p. m.]

PART 1429—POULTRY AND EGGS

[2d Rev. MPR 269,[1] Amdt. 7]

POULTRY

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

Second Revised Maximum Price Regulation 269 is amended in the following respects:

1. Section 7.6 (d) is amended to read as follows:

(d) *Sales of processed poultry items delivered shipside by licensed ship suppliers, other than Group 2 ship chandlers, to ship operators.* Notwithstanding other provisions of this regulation, the maximum price at which any licensed ship supplier, except a Group 2 ship chandler, shall sell and deliver shipside to any ship operator, processed poultry items purchased under the provisions of this section or purchased from any agency of the United States Government shall be the sum of (1) the purchase price paid by the licensed ship supplier for such processed poultry items, (2) actual out-of-pocket storage charges approved in writing by the War Shipping Administration, and (3) an amount not in excess of 2¢ per pound.

2. Section 7.6 (e) is redesignated section 7.6 (f).

3. A new section 7.6 (e) is added to read as follows:

(e) *Sales of processed poultry items delivered shipside by Group 2 ship chandlers to ship operators.* Notwithstanding other provisions of this regulation, the maximum price for sales of processed poultry items, delivered shipside by Group 2 ship chandlers to ship operators, shall be the sum of (1) the purchase price paid by the ship chandler for such processed poultry items, (2) actual out-of-pocket storage charges approved in writing by the War Shipping Administration, and (3) an amount not in excess of 3¢ per pound.

4. A new section 7.6 (f) (6) is added to read as follows:

(6) Group 2 ship chandler means any licensed ship supplier whose total dollar volume of sales during the fiscal year 1944 amounted to less than $500,000.00, and who files with the Regional Office of the Office of Price Administration a statement approved by the District Food Control Representative of the War Shipping Administration in New York, New Orleans or San Francisco, stating that he (1) has been allotted a ship store's quota under War Food Order No. 74, covering the sale of each of the following products: meats, butter, cheese, canned fruits and fruit juices and canned vegetables and vegetable juices and (2) who is currently regularly engaged in the business of selling to ship operators a complete line of food products including, but not limited to meats, poultry, butter, cheese, eggs, fluid milk, canned goods, dry groceries, fresh fruits and vegetables and

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[1] 9 F.R. 3, 104, 574, 695, 765, 848, 1997, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3073, 3513, 3579, 3708, 3710, 3944, 3947, 4026, 4351, 4475, 4604, 4818, 4876, 5074, 5436, 5695, 5829, 6234, 6235, 6647, 6951, 7080, 7081, 7202, 7257, 7345, 7437, 7773, 8793, 9169, 9954, 10037, 10636, 11113.

[1] 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 3707, 4542, 4605, 4607, 4883, 5956, 6103, 6151, 6450, 7344, 7423, 7433, 9169, 9170, 9266, 9278, 9896, 10264, 10877, 10876, 11273, 11513, 11906, 11961, 12813, 12867, 14061, 14643, 15002, 15054; 10 F.R. 43, 776, 924.

[1] 9 F.R. 15095; 10 F.R. 521, 1827, 2097, 3370.

fresh or frozen fish. Furthermore, however, no person shall be deemed to be a Group 2 ship chandler for the purposes of this regulation unless he has also filed with the appropriate Regional Office of the Office of Price Administration a certified statement showing the amount of his total dollar volume of sales during the fiscal year 1944.

This amendment shall become effective June 15, 1945.

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

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10624; Filed, June 15, 1945; 4:37 p. m.]

PART 1429—POULTRY AND EGGS

[RMPR 333,[1] Amdt. 6]

EGGS AND EGG PRODUCTS

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

Revised Maximum Price Regulation 333 is amended in the following respects:

1. Section 1.13 is amended by deleting paragraph (b) under Table A-1.

2. Section 3.2 is amended by deleting paragraph (z).

3. Section 1.14 is redesignated section 1.15.

4. A new section 1.14 is added to read as follows:

SEC. 1.14 *Maximum prices on delivered sales by licensed ship suppliers and ship chandlers.* This section establishes maximum prices for delivered sales by licensed ship suppliers (including ship chandlers) of procurement or consumer grades of eggs for use on ships operated under the jurisdiction of War Shipping Administration and delivered shipside the vessel. After the price for the size and grade has been determined by reference to Tables A and A-1, this Table A-3 must be used to determine the maximum delivered price for the sale by the particular kind of licensed ship supplier.

(a) *"Licensed ship supplier"* means any ship supplier licensed by War Food Administration under War Food Order 74 or any ship supplier who holds a certificate from War Shipping Administration to the effect that he has been regularly engaged in supplying eggs or egg products directly to ship operators for use on vessels under the control or direction of WSA and that his services are essential in the supplying of such vessels.

(b) *"Ship chandler"* means any person who files with the Regional Office of the Office of Price Administration a statement approved by the District Food Control Representative of the War Shipping Administration in New York, New Orleans, or San Francisco stating that he (1) has been allotted a ship store's quota under War Food Order No. 74 covering the sale of each of the following products: meats, butter, cheese, canned fruits and fruit juices and canned vegetables and vegetable juices and who is currently regularly engaged in the business of selling to ship operators a complete line of food products, including but not limited to, meats, poultry, butter, cheese, eggs, fluid milk, canned goods, dry groceries, fresh fruits and vegetables and fresh or frozen fish. A Group II ship chandler means a ship chandler whose total dollar volume of sales during the fiscal year 1944 amounted to less than $500,000.00, and who has filed with the appropriate Regional Office of the Office of Price Administration a certified statement showing the amount of his total dollar volume of sales during that year. A Group I ship chandler is a ship chandler whose total annual dollar volume of sales was $500,000.00 or more for the fiscal year 1944, or who did not file with the appropriate Regional Office of the Office of Price Administration a certified statement showing the amount of his total dollar volume of sales during that year.

TABLE A-3—OTHER TYPES OF SALES—LICENSED SHIP SUPPLIERS

Grade	If purchased from—	Maximum price for delivery shipside the vessel on sales by:		
		Any licensed ship supplier	Group I—ship chandler	Group II—ship chandler
Consumer or Procurement.	Producer, shipper, prior purchaser, first receiver, Jobber.	Price for the grade and size in tables A, A-1 plus 1.5¢ per dozen.	Price for the grade and size in tables A, A-1 plus 2.0¢ per dozen.	Price for the grade and size in tables A, A-1 plus 3.0¢ per dozen.
Procurement	U. S. Government agency.	1.5¢ per dozen over purchase price paid.	2.0¢ per dozen over purchase price paid.	3.0¢ per dozen over purchase price paid.

This amendment shall become effective June 15, 1945.

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

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

Approved: June 13, 1945.

GROVER B. HILL,
First Assistant
War Food Administrator.

[F. R. Doc. 45-10626; Filed, June 15, 1945; 4:38 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 111]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

Maximum Price Regulation No. 426 is amended in the following respects:

1. Section 8 (a) (16) is amended by changing the last word "fruit" to "commodity."

2. Section 15, Appendix H, Table 2, Maximum Prices for Spinach is amended by deleting footnotes 4 and 5.

3. Section 15, Appendix K is amended by deleting examples 1 through 6 in paragraph (g) and by deleting paragraphs (o) and (t).

This amendment shall become effective June 15, 1945.

Issued this 15th day of June 1945.

IVAN CARSON,
Acting Administrator.

[F. R. Doc. 45-10627; Filed, June 15, 1945; 4:39 p. m.]

PART 1445—LIVESTOCK

[MPR 469, Amdt. 13]

LIVE HOGS

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

Maximum Price Regulation No. 469 is amended by changing the ceiling price listed in Schedule I of section 13, Appendix A, for South St. Paul, Minnesota, to read "14.55".

This amendment shall become effective June 16, 1945.

Issued this 16th day of June 1945.

CHESTER BOWLES,
Administrator.

Approved June 14, 1945.

GROVER B. HILL,
First Assistant War Food
Administrator.

[F. R. Doc. 45-10688; Filed, June 16, 1945; 4:11 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 10—AIR RAID AND BLACK-OUT REGULATIONS FOR VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES

Pursuant to Executive Order No. 9074 (7 F. R. 1587) and in accordance with the provisions of the Act of July 9, 1943, 57 Stat. 391, the Air Raid and Black-Out Regulations for Vessels, Harbors, Ports, and Waterfront Facilities are amended as follows, effective upon publication in the FEDERAL REGISTER:

[1] 9 F.R. 11514, 12216; 10 F.R. 1609, 2025, 3221.

Section 10.1 to 10.13 inclusive are hereby repealed.

Dated: June 15, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

Approved:

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 45-10672; Filed, June 16, 1945; 11:14 a.m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION: VETERANS' CLAIMS

DISALLOWANCE AND AWARDS

§ 3.1255 *Reduction when disabled person is in an institution (§ 35.06 (f), as amended).* (a) Where any disabled veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the United States or any political subdivision thereof, the pension, compensation, or retirement pay shall not exceed $20 per month; *Provided,* That the amount payable for any such disabled veteran entitled to pension for non-service-connected disability under the provisions of § 35.013, as amended, shall not exceed $8 per month.

(b) *Provided further,* That in any case of such disabled veteran, who shall be deemed by the Administrator of Veterans Affairs to be insane, where the estate derived from any source equals or exceeds $1500, any payment of disability pension, compensation or retirement pay being made will be discontinued.

(c) Any veteran subject to the provisions of paragraphs (a) and (b) will be deemed to be single and without dependents in the absence of satisfactory proof to the contrary; and in no event will increased compensation, pension or retirement pay be granted for any period more than six months prior to the receipt of satisfactory evidence showing that the veteran has a wife, child or dependent parent. In those instances where the required proof of dependents is not of record, sworn statements, on Form 404 or otherwise, as to dependency status, will constitute a prima facie showing thereof. The veteran will be informed of the necessary additional evidence and that in the event it is not submitted within sixty days award will be adjusted on the basis of a veteran without dependents, effective from the date of admission to the institution. The above permitted prima facie showing of dependents should be applied in original claims only when the initial award is approved and required evidence of relationship is requested within sixty days of the admission to the hospital or institution. (57 Stat. 554; 38 U.S.C. 727)

§ 3.1267 *Resumption of awards discontinued under § 35.06 (f), as amended.* Where payments to or in behalf of an incompetent beneficiary have been discontinued pursuant to the provisions of § 35.06 (f), as amended, and § 3.1255, the award will not be reopened unless and until an accounting is received, disclosing that the estate is reduced to $500.00 or less, whereupon payments at a rate not in excess of $20.00 monthly or $8.00 monthly, as the case may be, will be resumed effective as of the first of the month in which the notice is received: *Provided,* That if the disabled person is discharged from the institution before the estate is reduced to $500.00, or it is determined that he has a dependent or dependents or for any other reason does not meet the requirements of § 35.06 (f), as amended, the award will be reopened in accordance with the facts found to exist. In the computation of the $1500.00 or $500.00 limitation there will be included money belonging to the disabled person in "Funds Due Incompetent Beneficiaries", in the possession of his fiduciary, if there is one, and/or in the possession of the chief officer of the institution. (57 Stat. 554; 38 U.S.C. 727)

§ 3.1275 *Payments where there is a guardian.* (a) The disability pension or compensation payable to a minor or a person mentally incompetent under the pension laws, Public No. 2, 73d Congress, Public No. 78, 73d Congress, or Public No. 141, 73d Congress, or the retirement pay to which an incompetent veteran is entitled, may be paid to the guardian, curator or conservator, if one is serving, or to the person otherwise legally vested with the care of the beneficiary or his estate, or, when payments have been suspended or withheld from a guardian, to a person having actual custody of the minor incompetent, in accordance with the provisions of section 21 of the World War Veterans' Act, 1924, as amended by Public No. 262, 74th Congress, subject to §§ 3.1276, 3.1310, and 3.1315.

(b) Benefits due a minor or incompetent adult Indian who is a recognized ward of the Government, for whom no legal guardian or other fiduciary has been appointed, may be paid to the proper superintendent or other bonded officer of the Indian Service designated by the Secretary of the Interior to receive funds, for the use of such beneficiary, in accordance with the provisions of Public No. 373, 72d Congress. (57 Stat. 554; 38 U.S.C. 727)

§ 3.1276 *Institutional awards.* When an incompetent or insane disabled person entitled to disability compensation, pension, or retirement pay is a patient in a hospital or institution; payments on his account may be made by means of an institutional award in accordance with the following:

(a) When no guardian has been appointed or when payments to an unsatisfactory guardian have been stopped or suspended. If the appointment of a legal guardian is not otherwise indicated and the cost of the veteran's maintenance is being borne by his estate, the amount charged by the State for such maintenance may be paid through means of an institutional award in addition to the $8 or $20 payable, if otherwise in order and if authorized by the proper State official, otherwise cost of maintenance will be awarded to "Funds Due Incompetent Beneficiaries". (57 Stat. 554; 38 U.S.C. 727)

* * * * *

(d) In either event, in accordance with the provisions of § 35.06 (f), as amended, there may be paid to the chief officer in behalf of the disabled person the $20 or $8 per month payable, or in the event the veteran has dependents and more is payable under his disability rating or there are funds to his credit in "Funds Due Incompetent Beneficiaries", such additional amount as may be needed will be allowed, on the basis of a certification by the chief officer of the hospital or institution with respect to the need and the amount required and a certification by the chief attorney concerned as to the neglect or refusal of the guardian to supply necessary funds. Accordingly, in such cases there may be awarded to the chief officer of the hospital or institution (for definition of chief officer see § 3.1277 of this chapter) as provided above, any amount necessary for the disabled person's comforts and desires not included in the regular support, care, treatment, and maintenance of the disabled person provided by the hospital or institution. Any benefits payable on account of the disabled person not paid to the chief officer of the institution or to the guardian or not apportioned to a dependent or dependents will be paid into "Funds Due Incompetent Beneficiaries". Any excess funds in the hands of the chief officer of an institution other than a Veterans Administration facility at the end of each accounting period, which he may deem unnecessary for expenditure for the benefit of a disabled person, will be returned to the Veterans Administration or to the guardian, if one is serving. (57 Stat. 554; 38 U.S.C. 727)

* * * * *

APPORTIONMENTS

§ 3.1310 *Apportionments authorized.* Disability pension (including increases authorized while following courses of rehabilitation under Public No. 16, 78th Congress), disability compensation, emergency officers retirement pay, and on and after October 17, 1940, service pension and pension for service prior to April 21, 1898, amounting to more than $20.00 monthly, will be apportioned according to the table provided in § 3.1311 of this chapter, except where otherwise authorized or provided herein:

(a) When the disabled person and his wife are not living together by reason of estrangement.

(b) Where the child or children are not in the custody of the disabled person.

(c) Where action is being effected toward the appointment of a fiduciary for an incompetent or insane beneficiary.

(d) In those cases where an incompetent veteran with a wife, child, or dependent parent, and for whom no guardian or other legal fiduciary has been appointed, is maintained in an institution by the United States or a political subdivision thereof, the disability pension payable under § 35.013 will be apportioned, if otherwise in order, in ac-

cordance with the schedule set out below. Prior to authorizing an apportionment of disability pension as provided herein adequate development will be accomplished for the purpose of determining the need therefor and the evidence to establish the marital status, relationship, and dependency in the case of a parent, will be secured. In any case where there is doubt as to the propriety of the contemplated action or where, after all feasibly available evidence is secured, there is doubt as to the marital status or relationship, the case will be submitted, together with a full statement of the pertinent facts, to the director, veterans claims service, for an advisory opinion or such other action as may be deemed appropriate.

Where there is (are):

A wife but no child or where all children are in her custody—portion to wife—$42 monthly.

A child but no wife—portion for child—$33 monthly.

Two or more children but no wife—portion for children—$42 monthly (to be divided equally between them).

A dependent parent but no wife or child—portion for parent—$33 monthly.

Two dependent parents but no wife or child—portion for parents—$42 monthly (to be divided equally between them).

Any increase in pension by reason of the veteran having attained the age of sixty-five or having been rated permanently and totally disabled and in receipt of pension for a continuous period of ten years or more will be added to the amount allowed the dependents as hereinabove described. From the balance there will be paid to the manager, if a Veterans Administration facility, or such other proper official in charge of the institution, $8.00 monthly or such sum as may be required by the approved estimate sheet, and any sum remaining awarded to "Funds Due Incompetent Beneficiaries". When the apportionments provided herein are believed to work a hardship upon one or more parties in interest, recourse then may be had to the provisions of § 3.1315 of this chapter for a special apportionment under the approved procedure relating thereto.

(e) Where it is determined that an institutional award in behalf of an incompetent or insane beneficiary is in order, pending action on a special apportionment under § 3.1315 of this chapter. (§ 35.06, as amended) (57 Stat. 43; 38 U.S.C. 701; 58 Stat. 230; 38 U.S.C.A. Ch. 12 Note)

§ 3.1311 *Table of apportionments.* * * *

(c) Where the evidence of record shows that the veteran and his wife are separated, the whereabouts of the wife is unknown, and all reasonable means to locate the wife have been unsuccessful or where she states in writing that she desires no share of the award, or fails for ninety days or more to respond to correspondence from the Veterans Administration informing her of her rights, which is not returned unclaimed, there will be no apportionment on her account unless the rating is on a temporary basis, or increased pension is being paid for the wife under § 35.017 (c), as amended, in which event there will be reserved for the wife only that amount authorized by the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, to be paid on her account at such time as her whereabouts may be ascertained. If there are children not in the veterans' custody the award will be apportioned according to the table provided in paragraph (a) of this section on the basis of the disabled person and child or children until such time as the whereabouts of the wife may be ascertained or she expresses a desire to claim her share of the award. In such event the award will be reapportioned on the basis of the disabled person, wife and child or children.

(d) If and while a claimant is rated temporarily disabled, or is in receipt of increased pension by virtue of pursuit of a course of vocational rehabilitation under § 35.017, as amended, that part of the benefit which is payable to him by virtue of his having a dependent father or mother, or both, will be apportioned and paid directly to the dependent when it appears that the claimant has neglected or refused to contribute to his, her, or their support in substantially the amount which he, she, or they would receive if apportionment were made; *Provided,* That no apportionment will be made where the duly appointed guardian under orders of the court of appointment makes or has made like contribution for the support of the parent or parents. (§ 35.06, as amended) (57 Stat. 43; 38 U.S.C. 701)

(e) Where in order under the conditions specified in §§ 3.1310–3.1317 of this chapter, subsistence allowance payable on account of education or training will be apportioned $50 to the veteran and $25 to the dependent. In the event that there is more than one dependent the $25 will be equally divided among them. Where the veteran is receiving a reduced subsistence allowance, such reduced subsistence allowance will be apportioned two-thirds to the veteran and one-third to the dependent or dependents. Where there is more than one dependent such one-third share shall be equally divided among them. If the application of the above provisions should in any case work a hardship upon the the veteran or any of his dependents, appropriate consideration may be had under § 3.1315 of this chapter: *Provided,* That where the wife states in writing that she desires no share of the subsistence allowance or fails for ninety days or more to respond to correspondence informing her of her rights, which is not returned unclaimed, no additional subsistence allowance shall be payable on her account. (58 Stat. 284; 38 U.S.C. 693)

§ 3.1312 *Apportionment not authorized.* * * *

(d) Where the disabled person or his guardian is rendering support which, in view of the circumstances present in the individual case, is considered fair and reasonable. (57 Stat. 554; 38 U.S.C. 727)

* * * * * *

(h) Where the wife, child, father or mother of the disabled veteran is shown by evidence satisfactory to the Administrator of Veterans Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies. (57 Stat. 554; 38 U.S.C. 727)

§ 3.1315 *Special apportionments.* Where it is clearly shown by competent evidence that the application of the provisions of §§ 3.1276, 3.1310 and 3.1311 of this chapter, or the fact that no apportionment is authorized under § 3.1312 of this chapter, will result in undue hardship upon the disabled person or any one of his dependents and relief can be afforded without undue hardship to the other persons in interest, the complete case file will be forwarded by the authorization officer or the attorney reviewer with appropriate recommendation as to the exact manner of the proposed relief, to the adjudication officer or the chief, claims division, who will determine without regard to the provisions of §§ 3.1276, 3.1310, 3.1311 and 3.1312 of this chapter, the disability pension, service pension, disability compensation, emergency officers retirement pay, or subsistence allowance which will be apportioned and the exact amount to be apportioned to each individual in interest. Should an appeal from such an apportionment be received the case file will be referred to the adjudication officer or the chief, claims division, in order that the special apportionment from which the appeal is taken may be reconsidered in the light of any additional evidence developed in connection with the appeal. When it is found that no change is warranted, Form P–8d, properly prepared, will be approved. Thereafter regular appellate procedure will be for application. (§§ 30.9803–309804) (57 Stat. 554; 38 U.S.C. 727)

§ 3.1317 *Discontinuance of apportionments; effective dates.* Where disability pension, disabilty compensation, service pension, emergency officers retirement pay, or subsistence allowance is apportioned between the veteran and his dependents and payments have been or are being made to the dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the dependent shall be the date of last payment and the award to the veteran will be adjusted accordingly; except that in the event of death, the date of death; divorce, the date preceding the date of divorce; in the case of a child, the date preceding the eighteenth, or twenty-first birthday, or cessation of school attendance, or the date preceding the date of marriage, will be the effective date. Where a minor child of a disabled person being paid apportioned disability compensation, pension, emergency officers retirement pay, or subsistence allowance enters the active military or naval service, such apportioned award will be discontinued

as of the date of last payment and, effective as of the next day, such child's apportioned share will be added to the disability compensation, pension, emergency officers retirement pay, or subsistence allowance otherwise payable to the veteran. Where the estranged wife of a disabled veteran is receiving apportioned disability compensation, pension, emergency officers retirement pay, or subsistence allowance in behalf of herself and a minor child and such minor child enters the active military or naval service, the apportioned share for the estranged wife will be continued in the same amount as was payable prior to the child's entry into active service, such increased amount to continue during the child's minority or until the cessation of the condition upon which the apportionment was made. The provisions of the two sentences immediately above are also for application when retirement pay under section 5, Public No. 18, 76th Congress, is apportioned while the veteran is being furnished hospital treatment, institutional or domiciliary care by the United States or any political subdivision thereof. (A. D. 599) (57 Stat. 554; 38 U.S.C. 727)

[SEAL] FRANK T. HINES,
Administrator of Veterans Affairs.

JUNE 16, 1945.

[F. R. Doc. 45-10592; Filed, June 15, 1945; 1:00 p. m.]

Notices

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 60]

ST. PAUL AUTOMOBILE DEALERS, INC.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of St. Paul Automobile Dealers, Inc., St. Paul, Minnesota; Case No. S-2180.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving the members of the St. Paul Automobile Dealers, Inc.;

I find that the repair of motor trucks, other than those used for local retail deliveries, by members of the St. Paul Automobile Dealers, Inc., pursuant to contract, whether oral or written, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 15th day of June 1945.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 45-10659; Filed, June 16, 1945; 10:26 a. m.]

Wage and Hour Division.

[Administrative Order 345]

NEWSPAPER PUBLISHING AND GRAPHIC ARTS INDUSTRY, PUERTO RICO

RECOMMENDATION OF SPECIAL INDUSTRY COMMITTEE 3 FOR PUERTO RICO FOR MINIMUM WAGE RATE

Whereas, on February 11, 1944, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 227, appointed Special Industry Committee No. 3 for Puerto Rico, hereinafter referred to as the Committee, and directed the Committee to proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the various industries in Puerto Rico in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee included three disinterested persons representing the public, a like number representing employers in the newspaper publishing and graphic arts industry in Puerto Rico, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and residents of the United States outside of Puerto Rico; and

Whereas, on May 29, 1944, the Committee, after investigating economic and competitive conditions in the newspaper publishing and graphic arts industry, filed with the Administrator a report containing its definition of the newspaper publishing and graphic arts industry and its recommendation for a 40-cent minimum hourly wage rate in the newspaper publishing and graphic arts industry; and

Whereas, pursuant to notice published in the FEDERAL REGISTER on July 12, 1944, a public hearing on the Committee's recommendations was held in New York, New York, on September 19, 1944 before Donald M. Murtha, the Presiding Officer designated by the Administrator, at which time all interested persons were given an opportunity to be heard; and

Whereas, pursuant to section 4 of the rules governing the proceeding before the presiding officer, the hearing was reopened for the purpose of taking further evidence on April 26, 1945, before Russell Sturgis, Territorial Representative of the Wage and Hour Division, United States Department of Labor, in San Juan, Puerto Rico, due notice of said reopened hearing having been published in the FEDERAL REGISTER on April 3, 1945; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act with special reference to sections 5 and 8, has concluded that the recommendation of the Committee for a minimum wage rate in the newspaper publishing and graphic arts industry, as defined, is not supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, would not, if approved, carry out the purposes of sections 5 and 8 of the act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 3 for Puerto Rico for a Minimum Wage Rate in the Newspaper Publishing and Graphic Arts Industry in Puerto Rico," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York;

Now, therefore, it is ordered, That the recommendations of Special Industry Committee No. 3 for Puerto Rico for the newspaper publishing and graphic arts industry in Puerto Rico are hereby disapproved.

Signed at New York, New York, this 13th day of June 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-10608; Filed, June 15, 1945; 1:31 p. m.]

[Administrative Order 347]

SPECIAL INDUSTRY COMMITTEE 4 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION AND APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

Do hereby accept the resignation of Mr. Raymond W. Garffer from Special Industry Committee No. 4 for Puerto Rico and do appoint in his stead as representative for the employers on such Committee, Mr. Rolando Anglada of Santurce, Puerto Rico.

Signed at New York, New York, this 13th day of June 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-10607; Filed, June 15, 1945; 1:31 p. m.]

[Administrative Order 346]

SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO

APPOINTMENT TO INVESTIGATE AND RECOMMEND MINIMUM WAGE RATES; AMENDMENT

Amending title and definition of the "Paper and related products industries" as contained in Administrative Order No. 344 appointing Special Industry Committee No. 4 for Puerto Rico.

Whereas, on June 13, 1945 by Administrative Order No. 345 the Administrator of the Wage and Hour Division of the

United States Department of Labor disapproved the recommendation of Special Industry Committee No. 3 for Puerto Rico for the Newspaper Publishing and Graphic Arts Industry in Puerto Rico; and

Whereas, the Administrator now desires to amend Administrative Order No. 344, dated May 10, 1945 (10 F.R. 5532), appointing Special Industry Committee No. 4 for Puerto Rico so as to amend the title and definition of the "Paper and Related Products Industries" to include the operations, activities and products previously included in the newspaper publishing and graphic arts industry, as defined by Special Industry Committee No. 3 for Puerto Rico:

Now, therefore, by virtue of and pursuant to the authority vested in the Administrator by the Fair Labor Standards Act of 1938, as amended, *It is ordered*, That Administrative Order No. 344, dated May 10, 1945 is hereby amended so that the title of the "Paper and Related Products Industries" in paragraph 2 of said order shall read "Paper, Paper Products, Printing, Publishing, and Related Industries", and the title and definition of the "Paper and Related Products Industries" in paragraph 3 of said order shall read as follows:

Paper, paper products, printing, publishing, and related industries. The manufacture of pulp from wood, rags and other fibers; the conversion of such pulp into paper or paper board; the manufacture of building board from bagasse and similar materials; the manufacture of paper, paper board and pulp into bags, containers, tags, cards, envelopes, pressed and molded pulp goods and all other converted paper products, and the manufacture of all like products in which a synthetic material in sheet form, such as cellophane and pliofilm, is the basic component; the printing performed on any of the foregoing products; and the printing or publishing of newspapers, books, periodicals, maps, music and all other products or services of typesetters and advertising typographers, electrotypers and stereotypers, photo-engravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates.

Provided, however, That the definition shall not include any product or activity included in the paper box manufacturing industry (as defined in the wage order for that industry in Puerto Rico), or in the leather, textile, rubber, straw, and related products industries (as defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico).

Signed at New York, New York, this 14th day of June 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-10702; Filed, June 16, 1945; 4:42 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5333]

J. V. BLEVINS CO. AND J. V. BLEVINS BROKERAGE CO.

NOTICE OF HEARING

In the matter of James V. Blevins, an individual, trading as J. V. Blevins Company and J. V. Blevins Brokerage Company.

Complaint. The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH ONE: James V. Blevins is an individual, doing business as J. V. Blevins Company and J. V. Blevins Brokerage Company, with his principal office and place of business located at 155 Second Avenue S, Nashville, Tennessee. The respondent since June 19, 1936, has been and is now engaged in business as a broker of food products, turpentine, mineral oil, cottonseed oil, linseed oil, paint thinners, and various other types of miscellaneous merchandise (all of which are hereinafter designated as merchandise). The respondent since June 19, 1936, has also been and is now engaged in business as a direct buyer of merchandise. The respondent as a direct buyer of merchandise has engaged in the business of buying and selling such merchandise for his own account for resale. The respondent operates a warehouse which is also located in Nashville, Tennessee, in which he stores, and from which he thereafter sells, substantial quantities of merchandise; and is engaged in business with Horace Norrell, in Trussville, Alabama, under the firm name of Blevins & Norrell Company.

PAR. TWO: In the course and conduct of his said business since June 19, 1936, respondent has bought in his own name and for his own account for resale merchandise from various packers, processors, distributors and other sellers who are located in states other than the state in which respondent is located, and as a result of respondent's purchases and his instructions such merchandise has been shipped and transported by the respective sellers thereof across state lines to the respondent.

PAR. THREE: The respondent operates his business by the use of two separate and distinct methods, namely, (1) as a "broker" of merchandise and (2) as a "direct buyer" of merchandise.

First: Respondent's business as a broker of merchandise may be described as follows: Respondent in such capacity acts as sales agent and negotiates the sale of merchandise for and on account of seller-principals, and respondent's only compensation for such services is a commission or brokerage fee paid by such seller-principals.

The respondent solicits and obtains orders for merchandise at the respective seller-principals' prices and on such seller-principals' terms of sale. The respondent in this capacity acts as a broker and transmits purchase orders to his several seller-principals, who thereafter invoice and ship such merchandise to the customers.

The respondent as such broker has no financial interest in the merchandise he sells. His only financial interest is the commission or brokerage fee he receives and accepts for making the sales. Such commissions or brokerage fees are customarily based on a percentage of the invoice sales price of the merchandise sold.

The respondent in this capacity is a broker and not a trader for profit. The respondent does not take title to, or have any financial interest in, the merchandise sold and he neither makes a profit nor suffers any loss on the transaction. This phase of respondent's business is not challenged by the complaint.

The phase of the respondent's business that is challenged herein as being unlawful are those acts and practices of the respondent's when operating as a "direct buyer", which are hereinafter more fully set forth.

Second: Respondent's business as a "direct buyer" of merchandise may be described as follows: The respondent transmits his own purchase orders for merchandise directly to the various interstate sellers from whom he buys. Such sellers invoice and ship such merchandise directly to respondent. The respondent receives and accepts, directly or indirectly, from the respective sellers from whom he buys such merchandise commissions or brokerage fees. Such commissions or brokerage fees are customarily, but not always, paid to the respondent by the various sellers permitting the respondent to deduct from the invoice price of the merchandise purchases an amount which is equal to, or approximately equal to, the commissions or brokerage fees such sellers pay their brokers.

The respondent in connection with such purchases is a direct buyer, and as such is a trader for profit, purchasing and reselling such merchandise in his own name and for his own account, and at his own prices and on his own terms, taking title to such merchandise and assuming all the risk incident to ownership.

If such merchandise shipped to the respondent by the various sellers is lost or damaged in transit, the respondent files claim with the carrier and collects damages from the carrier in his own name and for his own account.

The respondent upon receipt of such merchandise from his various sellers' warehouses such merchandise and insures the merchandise at his own expense and in his own name and for his own account against contingent loss or damage.

The respondent for a period since June 19, 1936, in his annual tax returns sets out the value of the merchandise he has purchased for a stated year and sets out the amount of profit he has re-

ceived on the sale of such merchandise, or the losses he has sustained on such sales; on the basis of respondent's declaration, respondent's taxes are assessed and paid.

When respondent sells such merchandise, he invoices the merchandise to his customers in his own name and for his own account and at prices and on terms that he determines. The respondent assumes full and complete credit risks on such transactions, reaping a profit or sustaining a loss thereon as the case may be.

PAR. FOUR: The receipt and acceptance since June 19, 1936, by respondent James V. Blevins, doing business as J. V. Blevins Company and J. V. Blevins Brokerage Company, of commissions, brokerage or other compensation or discounts in lieu thereof, as set forth under method two in Paragraph Three hereof, and such acts and practices as hereinabove set out, are in violation of the section 2 (c) of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 12th day of June, A. D. 1945, issues its complaint against said respondent.

Notice. Notice is hereby given you, James V. Blevins, an individual trading as J. V. Blevins Company and J. V. Blevins Brokerage Company respondent herein, that the 20th day of July, A. D., 1945, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.
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> * * * * * *
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> Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent to proceed in regular course on the charges set forth in the complaint.
>
> If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.
>
> Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 12th day of June, A. D. 1945.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-10662; Filed, June 16, 1945; 10:59 a. m.]

[Docket No. 5114]

PROFESSOR VALENTINE GREENEWALD

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1945.

In the matter of Valentine Greenewald, an individual trading as Professor Valentine Greenewald.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, June 19, 1945, at ten o'clock in the forenoon of that day (central standard time), in Hearing Room No. 322, Federal Building, Covington, Kentucky.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommedation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-10663; Filed, June 16, 1945; 10:59 a. m.]

[Docket No. 5252]

D. J. JANE CO., AND FRANK E. WHALEN

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1945.

In the matter of Lewman A. Lane, an individual, trading as D. J. Lane Company, and Frank E. Whalen, an individual.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 25, 1945, at ten o'clock in the forenoon of that day (central standard time), in Room T-2, Federal Building, Topeka, Kansas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-10664; Filed, June 16, 1945; 10:59 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN

[Supplemental Vesting Order 5041]

AMERICAN HYALSOL CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

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

2. Finding that Deutsche Hydrierwerke, A. G., and Bohme Fettschemie, G. m. b. H. are the owners of property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. $177,000.00 face amount of twenty-year, 4 per cent Gold Debenture Bonds due June 17, 1952, issued by American Hyalsol Corporation and registered in the name of Dr. Gottfried Weiss on the books and records of American Hyalsol Corporation, and all obli-

gations represented thereby, together with all accrued interest thereon,

b. That certain bank account maintained with the Chase National Bank, New York, New York, entitled "Chase National Bank, depositary of American Hyalsol Corporation and Dr. Gottfried Weiss under terms of letter dated June 17, 1944", and any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same, and

c. Those certain sums deposited by American Hyalsol Corporation in an account maintained with the Chase National Bank, New York, New York, Foreign Department, in the name of Gottfried Weiss, which sums represent interest payments on the bonds described in subparagraph 3–a hereof, and any and all security rights in and to any and all collateral for such portion of said account, and the right to 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, nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 15, 1945.

[SEAL] FRANCIS J. MCNAMARA,
Deputy Alien Property Custodian.

[F. R. Doc. 45-10674; Filed, June 16, 1945; 11:35 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev.–282, Revocation]

ATLANTA AND FORT BENNING, GA.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a petition for the revocation of Supplementary Order ODT 3, Revised–282 (9 F.R. 10508), filed with the Office of Defense Transportation by the carriers subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised–282, be, and it hereby is, revoked, effective June 21, 1945.

Issued at Washington, D. C., this 16th day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45–10617; Filed, June 15, 1945; 3:26 p. m.]

[Supp. Order ODT 3, Rev.–334 Amdt. 1]

ST. LOUIS, MO., AND OKLAHOMA CITY, OKLA.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a notice filed with the Office of Defense Transportation pursuant to § 501.9 (d) of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), by carriers subject to Supplementary Order ODT 3, Revised–334 (9 F.R. 11442), and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised–334, be, and it hereby is, amended by eliminating Tri-State Motor Transport, Inc., of Joplin, Missouri, as a carrier subject thereto, and substituting in lieu thereof Glen E. Breeding and Irene Breeding, doing business as Breeding Motor Freight Lines, of Muskogee, Oklahoma.

Issued at Washington, D. C., this 16th day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45–10618; Filed, June 15, 1945; 3:25 p. m.]

[Supp. Order ODT 3, Rev. 729]

NEW JERSEY, NEW YORK, AND PENNSYLVANIA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

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[1] Filed as part of the original document.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 21, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 16th day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

LoBiondo Brothers Motor Express, Inc., Bridgeton, N. J.

W. H. Harris, III, doing business as Salem Express, Salem, N. J.

[F. R. Doc. 45-10613; Filed, June 15, 1945; 3:27 p. m.]

[Supp. Order ODT 3, Rev. 730]

NORTH CAROLINA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

[1] Filed as part of the original document.

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 21, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 16th day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

J. E. Baxley, doing business as J. E. Baxley Transfer Co., Rockingham, N. C.

J. J. Heeney, doing business as Heeney Transfer Co., Rockingham, N. C.

[F. R. Doc. 45-10614; Filed, June 15, 1945; 3:27 p. m.]

[Supp. Order ODT 3, Rev. 731]

NORTH CAROLINA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of

which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 21, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 16th day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

C. L. Hegler, Thomasville, North Carolina.
R. C. Parker, Thomasville, North Carolina.

[F. R. Doc. 45-10615; Filed, June 15, 1945; 3:27 p. m.]

[Supp. Order ODT 3, Rev. 732]

SOUTH CAROLINA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

[1] Filed as part of the original document.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 21, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 16th day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Carey Transfer & Storage Co., Inc., Spartanburg, S. C.

Brock Transfer & Storage Co., Inc., Spartanburg, S. C.

Paul Finley, doing business as Finley Transfer Company, Spartanburg, S. C.

[F. R. Doc. 45-10616; Filed, June 15, 1945; 3:26 p. m.]

[Supp. Order ODT 6A-93, Amdt. 1]

KANSAS CITY, MO.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a petition for the amendment of Supplementary Order ODT 6A-93 (10 F.R. 2051), filed with the Office of Defense Transportation by the carriers subject thereto, and good cause appearing therefor,

It is hereby ordered; That Supplementary Order ODT 6A-93 be, and it is hereby, amended by eliminating Central States Freight Co. of Chicago, Illinois, as a carrier subject thereto, and by adding Bruce Motor Freight, Inc., of Des Moines, Iowa, as a carrier subject thereto.

This amendment shall become effective June 21, 1945.

Issued at Washington, D. C., this 16th day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45-10619; Filed, June 15, 1945; 3:25 p. m.]

[Supp. Order ODT 6A-137]

NEW YORK STATE

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A, as amended (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to conserve and providently utilize vital transportation equipment, materials, and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall file forthwith a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 21, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 16th day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[1] Filed as part of the original document.

APPENDIX 1

Joseph A. Pinter, doing business as Pinter Bros., Lindenhurst, N. Y.
Perkins Trucking Co., Inc., Long Island City, N. Y.
M & M Transportation Co., Somerville, Mass.

[F. R. Doc. 45-10620; Filed, June 15, 1945; 3:26 p. m.]

CHICAGO, ILL., AREA

POSSESSION AND OPERATION OF PROPERTY OF MOTOR CARRIERS

To each motor carrier engaged in the transportation of property in or about the city of Chicago who has a labor agreement or contract with The Chicago Truck Drivers, Chauffeurs and Helpers Union of Chicago and Vicinity No. 705, Independent, or The International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. L., or any local labor organization affiliated with either of such unions:

1. You are hereby notified that, by order of the President of the United States (Executive Order 9554), possession and control of your motor carrier transportation system, including all real and personal property, plants, facilities, and other assets, wherever situated, used or useful in connection with the operation of such system, are hereby taken and assumed by the Director of the Office of Defense Transportation as of 12:01 o'clock a. m. on the 16th day of June, 1945. Possession and control is not taken of any of your property, plants, facilities, or other assets, which are not used or useful in the operation of your transportation system.

2. The purpose of possession, control, and operation of motor carrier transportation systems and properties by the United States pursuant to said Executive order is to assure the maintenance of an effective system of transportation for the movement of troops, materials of war, and supplies and food for the armed forces and the civilian population.

3. Effective this date, Ellis T. Longenecker is hereby appointed Federal Manager of the motor carrier transportation systems and properties taken hereunder, with full authority, subject to my direction:

(a) To possess, control, and operate, or arrange for the operation of, each of the systems and properties taken hereunder in such manner as may be necessary for the successful prosecution of the war and maintenance of essential civilian economy and to accomplish the purposes of the Executive order, through or with the aid of such public or private agencies, persons, or corporations as he may designate;

(b) Subject to the provisions of the Executive order, to manage or operate, or arrange for the management or operation of, said systems and properties under such terms and conditions of employment as he deems advisable and proper;

(c) From time to time, to return to any of the motor carriers such real or personal property, or other assets, of such carrier, as he determines to be unnecessary to the operation of its motor carrier transportation system; and

(d) To request the Secretary of War or such persons as he may designate, to furnish protection for persons employed or seeking employment with the transportation systems of which possession is taken hereunder and the properties of such systems, and to furnish equipment, manpower, and other facilities or services necessary to carry out the provisions and purposes of the Executive order of the President.

4. Possession and control is not taken by this notice and order of any motor carrier transportation system which is in the possession of the United States on the date hereof.

5. A copy of this notice and order shall be posted by each carrier in the principal place of business or headquarters of its transportation system and in each terminal maintained in connection with its operation.

Issued at Washington, D. C., this 15th day of June 1945.

C. D. YOUNG,
Deputy Director, Office of Defense Transportation.

[F. R. Doc. 45-10653; Filed, June 15, 1945; 4:47 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Amdt. 1 to Order 905]

A. SANTAELLA & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

The maximum prices for the "Santaellas-Santaellas", "Centropolis-Specials", "Mariano-Specials", "As You Like It-Specials", "Peterson-Specials", "El Pasha-Specials", "Ravisole Club-Specials", "Flor de A. Santaella & Co.-Specials", "Algara-Specials", "El Promoto-Specials", "Curb Exchange-Specials", "La Optima-Specials", "Ben Morris-Specials" cigars set forth in Paragraph (a) of Order No. 905 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Santaellas	Santaellas	50	$56	7
Centropolis	Specials	50	56	7
Mariano	do	50	56	7
As You Like It	do	50	56	7
Peterson	do	50	56	7
El Pasha	do	50	56	7
Ravisole Club	do	50	56	7
Flor de a Santaella & Co.	do	50	56	7 7
Algara	do	50	56	7
El Promoto	do	50	56	7
Curb Exchange	do	50	56	7
La Optima	do	50	56	7
Ben Morris	do	50	56	7

This amendment shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10590; Filed, June 15, 1945; 12:37 p. m.]

[MPR 580, Order 76]

JANTZEN KNITTING MILLS

ESTABLISHMENT OF MAXIMUM PRICES

Order 76 to Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-112.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The price for sales at retail submitted in the application filed by Jantzen Knitting Mills, Portland 14, Oregon, dated April 17, 1945, for each article described in the application, and covered by Maximum Price Regulation No. 580, is hereby established as the ceiling price of the article for sales at retail.

(b) The retail ceiling prices as established by paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 1, 1945, Jantzen Knitting Mills must mark each article for which a price is established by paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price $_____

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article for which a price is established by paragraph (a), the seller shall send the purchaser a copy of this order and a statement showing the articles covered by this order and their retail ceiling prices as established by paragraph (a).

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10591; Filed, June 15, 1945; 12:37 p. m.]

[MPR 120, Order 1392]

CARLO BIANCHI & CO., INC., AND H & C COAL CO.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 7. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

CARLO BIANCHI & CO., INC., FRAMINGHAM, MASS., BIANCHI NO. 1 MINE, FIRE CREEK SEAM, MINE INDEX NO. 1058, RALEIGH COUNTY, W. VA., SUBDISTRICT 5, RAIL SHIPPING POINT, JONBEN, W. VA., STRIP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification	D	D	C	A	A	B	B	B	B	B
Rail shipment	406	416	426	381	371	406	376	346	341	336
Truck shipment	491	411	441	376	361	356	-----	-----	-----	-----

H & C COAL CO., c/o O. C. HAMILTON, CHARMCO, W. VA., H & C MINE, FIRE CREEK SEAM, MINE INDEX NO. 1063, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT, ANJEAN, W. VA., DEEP MINE

Price classification	D	D	C	A	A	B	B	C	C	C
Rail shipment	406	416	426	381	371	406	376	341	336	331
Truck shipment	491	411	441	376	361	356	-----	-----	-----	-----

Railroad locomotive fuel (for the following mine index Nos.:

Any single-screened lump or double-screened coals	391
Run of mine	376
Screenings, larger than 1¼" x 0 but not exceeding 2½" x 0	361
Screenings 1¼" x 0 and smaller	336

This order shall become effective June 16, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10570; Filed, June 15, 1945; 12:31 p. m.]

[MPR 120, Order 1393]

VICTORY COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provision of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

VICTORY COAL CO., GREENSBORO, PA., MABEL MINE, SEWICKLEY SEAM, MINE INDEX NO. 4335, GREENE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: DILLMER, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 8, MAXIMUM TRUCK PRICE GROUP NO. 11

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	J	J	H	H	H	H	J	J	J	-----	-----
Rail shipment	324	324	309	309	309	299	274	274	264	-----	-----
Railroad fuel	324	324	309	309	309	299	274	274	269	269	-----
Truck shipment	394	394	394	374	354	354	354	294	274	274	244

WESTMORELAND BRICK CO., CLARK BLDG., PITTSBURGH, PA., WEBCO MINE, UPPER FREEPORT SEAM, MINE INDEX NO. 4318, WESTMORELAND COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT: HUNKER, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 1, MAXIMUM TRUCK PRICE GROUP NO. 8

Price classification	F	F	E	E	E	E	F	F	F	-----	-----
Rail shipment	324	324	319	319	319	309	289	289	274	-----	-----
Railroad fuel	329	329	329	329	329	314	289	289	284	284	-----
Truck shipment	429	429	429	409	379	379	379	319	299	299	269

WILLIAMS COAL CO., BRAEBURN, PA., WILDCAT MINE, UPPER FREEPORT SEAM, MINE INDEX NO. 4315, WESTMORELAND COUNTY, PA., SUBDISTRICT 8, RAIL SHIPPING POINT: BRAEBURN, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 9, MAXIMUM TRUCK PRICE GROUP NO. 8

Price classification	E	E	D	D	C	C	C	C	C	-----	-----
Rail shipment	349	349	339	339	349	339	314	314	294	-----	-----
Railroad fuel	349	349	339	339	349	339	314	314	294	284	-----
Truck shipment	429	429	429	409	379	379	379	319	299	299	269

WINDY HILL COAL CO., OLIVER, PA., WINDY HILL MINE, SEWICKLEY SEAM, MINE INDEX NO. 4300, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, OLIVER NO. 1, PA., DEEP MINE, R. R. FUEL PRICE GROUP 8, MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	J	J	H	H	H	H	H	H	H	-----	-----
Rail shipment	324	324	309	309	309	299	274	274	264	-----	-----
Railroad fuel	324	324	309	309	309	299	274	274	269	269	-----
Truck shipment	429	429	429	399	389	389	389	324	304	304	279

GUY A. HOUT, 199 LINCOLN ST., UNIONTOWN, PA., GAYES SLATE DUMP MINE, PITTSBURGH SEAM, MINE INDEX NO. 4332, FAYETTE COUNTY, PA., SUBDISTRICT 3, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 7

Truck shipment	429	429	429	399	389	389	389	324	304	304	279

HOVANEC COAL CO., R. D. NO. 3, BOX 65-A, UNIONTOWN, PA., HOVANEC MINE, PITTSBURGH SEAM, MINE INDEX NO. 4340, FAYETTE COUNTY, PA., SUBDISTRICT 3, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 7

Truck shipment	429	429	429	399	389	389	389	324	304	304	279

CRISTINO PELUSO, BOX 417, MASONTOWN, PA., PELUSO NO. 3 MINE, SEWICKLEY SEAM, MINE INDEX NO. 4331, FAYETTE COUNTY, PA., SUBDISTRICT 3, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 7

Truck shipment	429	429	429	399	389	389	389	324	304	304	279

JOSEPH SERBEN, BOX 245, SUTERSVILLE, PA., OLD SARAH MINE, PITTSBURGH SEAM, MINE INDEX NO. 4301, ALLEGHENY COUNTY, PA., SUBDISTRICT 9, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Truck shipment	439	439	439	404	374	374	374	339	299	299	284

SURRENA & CROY, R. D. NO. 2, KENNERDELL, PA., SURRENA & CROY MINE, UPPER KITTANNING SEAM, MINE INDEX NO. 4326, BUTLER COUNTY, PA., SUBDISTRICT 1, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 2

Truck shipment	449	449	449	429	419	419	419	334	304	304	284

JAMES N. WHITE, 311 5TH ST., WEST NEWTON, PA., WHITE COAL CO. MINE, PITTSBURGH SEAM, MINE INDEX NO. 4289, WESTMORELAND COUNTY, PA., SUBDISTRICT 9, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 8

Truck shipment	429	429	429	409	379	379	379	319	299	299	269

The maximum prices listed in this order include the increases in maximum prices where authorized by Amendment 137 to MPR 120 which became effective May 1, 1945.

This order shall become effective June 16, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10571; Filed, June 15, 1945; 12:31 p. m.]

[MPR 120, Order 1394]

DARK RIDGE FUEL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

DARK RIDGE FUEL CO., C/O E. A. WARD, PINEVILLE, KY., LOW BRANCH MINE, STRAIGHT CREEK SEAM, MINE INDEX NO. 5091,[1] BELL COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: PINEVILLE, KY., F. O. G. 111, DEEP MINE

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21	22
Price classification	F	F	F	F	E	E	D	C	C	A	C	H	H	H	----
Rail shipments and railroad fuel	415	410	400	400	400	370	355	350	345	435	330	325	315	310	----
Truck shipment [1]	420	400	365	365	335	315	275	270	----	----	----	----	----	----	----

[1] Previously established.

HENRY COAL CO., CLIFTON, W. VA., HENRY COAL CO. MINE, PITTSBURGH NO. 8 SEAM, MINE INDEX NO. 7386 MASON COUNTY, W. VA., SUBDISTRICT 4, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21	22
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----	----

MCINTYRE BROTHERS, C/O BASCOM MCINTYRE, LETCHER, KY., MCINTYRE BROTHERS MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 7387, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT: BLACKEY, KY., F. O. G. 100 DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K	----
Rail shipments and railroad fuel	365	365	360	360	360	350	330	325	325	360	315	300	2985	295	----
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----	----

MARY ALICE COAL CO., C/O H. K. BUTTERMORE, HARLAN, KY., MARY ALICE MINE, HARLAN SEAM, MINE INDEX NO. 7362, HARLAN COUNTY, KY., SUBDISTRICT 2, RAIL SHIPPING POINT: MARY ALICE, KY., F. O. G. 80, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	J	J	J	J	H	H	G	F	D	D	C	F	F	F	K
Rail shipments and railroad fuel	390	385	375	375	360	350	330	320	330	385	315	310	305	305	290
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----	----

MAYKING COAL SALES CO., C/O SKAGGS & ADAMS, MAYKING, KY., SKAGGS & ADAMS MINE, ELKHORN SEAM, MINE INDEX NO. 7069, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: MAYKING, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J	----
Rail shipments and railroad fuel	380	375	365	365	360	350	330	325	325	360	315	310	300	295	----
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----	----

PLEASANT VIEW COAL CO., C/O JOHN P. GORMAN, ROCKHOLDS, PY., WALDEN MINE, JELLICO SEAM, MINE INDEX NO. [1] 2994, WHITLEY COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: ROCHOLDS, KY., F. O. G. 111, DEEP MINE

Price classification	O	O	O	O	J	J	H	G	E	G	F	K	K	K	----
Rail shipments and railroad fuel	375	370	355	355	375	365	345	340	340	375	325	315	310	310	----
Truck shipment [1]	420	400	365	365	335	315	275	270	----	----	----	----	----	----	----

[1] Previously established.

TURKEY PEN COAL CO., C/O PETE GUTHRIE, PINEVILLE, KY., TURKEY PEN MINE, COLLIER SEAM, MINE INDEX NO. 7320, BELL COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: RAMONA, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price Classification	J	J	J	J	G	G	F	G	E	C	C	G	G	G	----
Rail shipments and railroad fuel	405	400	390	390	375	365	350	340	340	375	330	325	315	310	----
Truck shipment	420	400	365	365	335	315	275	270	----	----	----	----	----	----	----

This order shall become effective June 16, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10572; Filed, June 15, 1945; 12:31 p. m.]

[MPR 120, Order 1395]

LUXNER COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and

the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

LUXNER COAL CO., c/o ALBERT LUXNER, CARMICHAELS, PA., EILEEN NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4333, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, DICKERSON RUN, PA., JONES MILL, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 6, MAXIMUM TRUCK PRICE GROUP NO. 7

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	E	E	C	C	B	B	C	C	C	-----	-----
Rail shipment	319	319	319	319	319	309	284	284	264	-----	-----
Railroad fuel	319	319	319	319	319	309	284	284	264	254	-----
Truck shipment	424	424	424	394	384	384	384	319	299	299	274

MAHONING VALLEY SAND CO., POST OFFICE BOX 14, WEST PITTSBURGH, PA., NO. 5 MINE, UPPER FREEPORT SEAM, MINE INDEX NO. 4295, LAWRENCE COUNTY, PA., SUBDISTRICT 1, STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Truck shipment	444	444	444	409	404	404	404	329	274	274	249

NORTH STAR COAL CO., BESSEMER BLDG., PITTSBURGH, PA., JEAN NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4338, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: IMPERIAL, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 1, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	A	A	C	C	F	D	E	E	E	-----	-----
Rail shipment	339	339	319	319	284	299	259	259	244	-----	-----
Railroad fuel	339	339	319	319	299	299	259	259	254	254	-----
Truck shipment	434	434	434	399	369	369	369	334	294	294	279

NORTH STAR COAL CO., BESSEMER BLDG., PITTSBURGH, PA., JEAN NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4338, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: IMPERIAL, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 1, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	A	A	C	C	F	D	E	E	E	-----	-----
Rail shipment	369	369	349	349	314	329	289	289	274	-----	-----
Railroad fuel	369	369	349	349	329	329	289	289	284	284	-----
Truck shipment	439	439	439	404	374	374	374	339	299	299	284

OLIVER COKE CO., c/o STEVE KOLARIK, BOX 39, OLIVER, PA., HELEN MINE, PITTSBURGH SEAM, MINE INDEX NO. 4313, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: OLIVER NO. 1, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 6, MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	E	E	C	C	B	B	C	C	C	-----	-----
Rail shipment	349	349	349	349	349	339	314	314	294	-----	-----
Railroad fuel	349	349	349	349	349	339	314	314	294	284	-----
Truck shipment	429	429	429	399	389	389	389	324	304	304	279

P & M COAL CO., 510 29TH ST., BEAVER FALLS, PA., P & M MINE, NO. 6 SEAM, MINE INDEX NO. 4324, BEAVER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT: KOPPEL, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 10, MAXIMUM TRUCK PRICE GROUP NO. 4

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	D	D	C	C	B	B	B	B	B	-----	-----
Rail shipment	319	319	319	319	319	309	284	284	269	-----	-----
Railroad fuel	319	319	319	319	319	309	284	284	269	254	-----
Truck shipment	424	424	424	409	384	384	384	314	274	274	254

FRED SILHOL, JR., 316 STATION ST., BRIDGEVILLE, PA., SILHOL NO. 3 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4296, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: OAKDALE, PA., & BRIDGEVILLE, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 2, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	C	C	C	C	F	F	F	F	F	-----	-----
Rail shipment	334	334	319	319	284	274	259	259	244	-----	-----
Railroad fuel	334	334	319	319	299	284	259	259	244	244	-----
Truck shipment	434	434	434	399	369	369	369	334	294	294	279

SMITH BROTHERS & KESTNER, BOX 6, HILLSIDE, PA., SMITH NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4321, WESTMORELAND COUNTY, PA., SUBDISTRICT 5, RAIL SHIPPING POINT: SIDING 5335, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 13, MAXIMUM TRUCK PRICE GROUP NO. 8

Price classification	E	E	E	E	E	C	B	B	B	-----	-----
Rail shipment	319	319	289	289	289	309	284	284	269	-----	-----
Railroad fuel	319	319	299	299	299	309	284	284	269	254	-----
Truck shipment	424	424	424	404	374	374	374	314	294	294	264

TOMAN COAL CO., DERRY, PA., TOMAN NO. 2 MINE, FREEPORT SEAM, MINE INDEX NO. 4336, WESTMORELAND COUNTY, PA., SUBDISTRICT 5, RAIL SHIPPING POINT: PEANUT, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 14, MAXIMUM TRUCK PRICE GROUP NO. 8

Price classification	F	F	E	E	E	E	F	F	F	-----	-----
Rail shipment	324	324	319	319	319	309	289	289	274	-----	-----
Railroad fuel	329	329	329	329	329	314	289	289	274	274	-----
Truck shipment	429	429	429	409	379	379	379	319	299	299	269

TRIPLE CITY CONSTRUCTION CO., c/o JOSEPH D'ANGELO, 28 BEN LOMOND ST., UNIONTOWN, PA., O'BRIEN MINE, PITTSBURGH SEAM, MINE INDEX NO. 4330, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: MARTIN, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 6, MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	E	E	D	D	D	D	D	D	D	-----	-----
Rail shipment	319	319	309	309	309	299	279	279	254	-----	-----
Railroad fuel	319	319	309	309	309	299	279	279	254	254	-----
Truck shipment	424	424	424	394	384	384	384	319	299	299	274

The maximum prices listed in this order include the increases in maximum prices where authorized by amendment No. 137 to MPR 120 which became effective May 1, 1945.

This order shall become effective June 16, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10573; Filed, June 15, 1945; 12:32 p. m.]

[MPR 120, Order 1396]

LEAMASTER COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 20. The mine index numbers and the price

classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.231 and all other provisions of Maximum Price Regulation No. 120.

LEAMASTER COAL CO., HUNTINGTON, UTAH, LEAMASTER MINE, HIAWATHA NO. 2 SEAM, MINE INDEX NO. 1005, EMERY COUNTY, UTAH, SUBDISTRICT 1, RAIL SHIPPING POINT, MOHRLAND, UTAH, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 1

	Size group Nos.								
	1, 2	3, 4, 5, 6	7	8, 9	10, 11	12	13	14	15
Rail shipments and railroad fuel	470	420	355	335	295	275	355	330	310
Truck shipment	510	470	380	345	325	305	395	365	335

EARL J. ROBERTSON, ORANGEVILLE, UTAH, TRAIL MOUNTAIN COAL CO. MINE, UNNAMED SEAM, MINE INDEX NO. 1007, EMERY COUNTY, UTAH, SUBDISTRICT 1, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 1

Truck shipment	510	470	380	345	325	305	395	365	335

WILLIAM J. SMIRL, KANAB, UTAH, SMIRL ALTON MINE, UNNAMED SEAM, MINE INDEX NO. 1006, KANE COUNTY, UTAH, SUBDISTRICT 2, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 2

Truck shipment	450	410	335	300	275	255	350	325	310

This order shall become effective June 16, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10574; Filed, June 15, 1945; 12:32 p. m.]

[RMR 136, Order 454]

CLAYTON MFG. CO.

APPROVAL OF MAXIMUM PRICES

Order No. 454 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Clayton Manufacturing Co. Docket No. 6083-136.25a-282.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum prices for sales by Clayton Manufacturing Company, Alhambra, California, of spare parts for its manufactured products shall be determined as follows: The manufacturer shall apply the following formulae to determine his maximum list prices, and shall deduct from the resultant list prices all discounts, allowances and other deductions that he had in effect to a purchaser of the same class on October 1, 1941:

(1) For any part of Clayton design and manufacture, except where a change of design has occurred since October 1, 1941, the company shall multiply by four the manufacturing costs of the part determined on the basis of October 1, 1941, cost factors.

(2) For any part of Clayton design and manufacture where a change of design has occurred since October 1, 1941, the company shall multiply by four the manufacturing costs of the part determined on the basis of October 1, 1941, cost factors. However, direct material and labor costs shall be determined as of the date when the part as modified was first produced by the company, or as of the date of the issuance of this order, whichever is the earlier.

(3) For any part (except anti-friction bearings) which is not of Clayton design and manufacture, the company shall multiply its net invoiced cost, plus inbound freight, by 2½.

(4) For any anti-friction bearings the company shall multiply its net invoiced cost, plus inbound freight, by 3.

(b) The maximum prices for sales by resellers of spare parts listed in paragraph (a) shall be determined as follows: The reseller shall increase or decrease the maximum net price he had in effect to a purchaser of the same class just prior to the issuance of this order by the percentage by which his net invoiced cost has been increased or decreased by reason of this order.

(c) Clayton Manufacturing Company shall notify each person who buys the spare parts listed in paragraph (a) for resale of the percentage by which this order permits the reseller to increase, or requires him to decrease, his maximum price. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) On or before January 15, 1946, Clayton Manufacturing Company shall file with the Machinery Branch, Office of Price Administration, Washington, D. C., a report for the six months' period following the issuance of this order showing its unit and dollar volume of sales of spare parts submitted as representative items at the maximum prices established by this order, and at the maximum prices in effect just prior to the issuance of this order. This report shall also show governmental and civilian sales separately.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10575; Filed, June 15, 1945; 12:32 p. m.]

[MPR 188, Order 36 Under 2d Rev. Order A-3, Revocation]

O. C. S. OLSEN CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188, *It is ordered,* That Order No. 36 under Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188 be and the same hereby is revoked.

This order shall become effective on June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10584; Filed, June 15, 1945; 12:34 p. m.]

[MPR 188, Order 65 Under 2d Rev. Order A-3, Revocation]

JOHN BOOS & CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188: *It is ordered,* That Order No. 65 under Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188 be and the same hereby is revoked.

This order shall become effective on June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10585; Filed, June 15, 1945; 12:34 p. m.]

[MPR 188, Rev. Order 81 Under Order A–2]

G. W. Frost & Sons

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the provisions of paragraph (a) (16) of Order A–2 under § 1499.159b of Maximum Price Regulation No. 188, *It is ordered,* That Order No. 81 under paragraph (a) (16) of Order No. A–2 under Maximum Price Regulation No. 188 is amended and revised to read as follows:

(a) *Manufacturer's maximum prices.* G. W. Frost and Sons, Stevens Point, Wisconsin, may increase its maximum prices in effect immediately prior to February 5, 1945, for all sales and deliveries to jobbers of the fifty-one articles of fishing tackle listed below, and described in its application of September 6, 1944, by the amounts indicated opposite each article, resulting in the adjusted maximum prices set forth below:

Article	Previous maximum price (per gross)	Permitted adjustment (per gross)	Adjusted maximum price to jobbers (per gross)
Angler 3 ft. single leaders	$8.40	$1.32	$9.72
Expert 6 ft. single gut leaders	16.80	2.64	19.44
Supreme 6 ft. single leaders, Mar. 2	26.20	6.20	32.40
Expert pennell deluxe snelled hooks	2.60	.61	3.21
Deluxe perch hooks	3.15	.98	4.13
Eyed div wg-hair wg assts	6.60	1.50	8.10
Angler 6 ft. single leaders	14.40	4.55	18.95
Expert 3 ft. single leaders	9.60	.12	9.72
Supreme 3 ft. single leaders pad 2	10.20	2.76	12.96
Supreme 6 ft. single leaders pad 2	16.80	5.88	22.68
Supreme 3 ft. single leaders pad 1	10.90	2.06	12.96
Supreme 6 ft. single leaders pad 1	19.60	4.95	24.55
Supreme 3 ft. single leaders mar 2	14.20	3.35	17.55
Supreme 6 ft. tapered leaders	22.80	3.12	25.92
Supreme 7½ ft. tapered leaders	25.80	3.26	29.06
Supreme 9 ft. tapered leaders	28.80	5.33	34.13
Supreme divided wings hair flies	7.80	2.10	9.90
Frostsons frosted wing flies	9.00	1.40	10.40
Frost grip silver bait hook sgl	2.80	.92	3.72
Frost grip sliced bait hooker	3.20	.74	3.94
Supreme single gut snelled hooks	3.10	.40	3.50
Supreme dry flies	11.00	2.07	13.07
Single wing dry flies	9.60	2.37	11.97
Angler pennell trout flies	5.60	2.50	8.10
Expert pennell trout flies	6.36	2.55	8.91
Angler pennell eyed wet fly asst	6.00	1.56	7.56
450 eyed div. wgs. hair wing assts	6.00	1.75	7.75
Pointer ringed bass flies	8.00	2.58	10.58
Magic streamer flies	8.40	1.30	9.70
Ringed spinner flies	7.20	1.71	8.91
Angler ringed bass flies	10.00	2.73	12.73
Supreme hair wing bass flies	12.00	1.80	13.80
Guinea hackle bass assts	12.60	1.91	14.51
Expert ringed jungle wing flies	12.00	5.58	17.58
Frostcraft streamer and extra fancy flies	19.20	2.36	21.56
Spent wing dry bass flies	13.80	2.54	16.34
Nymph creeper flies, spider flies	8.00	1.50	9.50
88 ringed hair wing flies	6.00	2.17	8.17
Water bug flies	8.00	1.40	9.40
Expert pennell deluxe double gut	3.45	1.12	4.57
Grip double gut bait hooks	3.60	1.27	4.87
Supreme double gut snelled hooks	3.80	1.06	4.86
Ouachita streamer hackle bass flies	12.60	2.13	14.73
Wonderlake streamer hackle bass flies	13.20	1.99	15.19
Frost grip bronze bait hooks	2.80	.71	3.51
Streamer hair fly assts	8.40	1.26	9.66
Supreme dry bass bug asst	15.60	.46	16.06
Gypsy fly fish getter asst	19.20	1.11	20.31
215 bluegill crappie fly asst	5.40	.85	6.25
Holly grove bass flies	11.00	.65	11.65
Streamer hackle bass flies	12.00	.06	12.06

These adjustments may be made and collected only when separately stated on each invoice. The adjusted prices are subject to the manufacturer's customary terms, discounts, allowances and other price differentials in effect during March 1942 on sales to jobbers.

(b) *Maximum prices of purchases for resale.* A person who hereafter purchases for resale articles for which the manufacturer's maximum prices have been adjusted by this order may collect from his customers in addition to his properly established maximum price in effect immediately before February 5, 1945, an adjustment charge in the same amount as the adjustment charge herein authorized for and which he pays his supplier. If such a purchaser for resale did not have an established maximum price for sales of the article at that time, he may add the same adjustment charge to the maximum price which he has thereafter established for his sales under the applicable price regulation. If the applicable price regulation requires his maximum prices to be computed on the basis of cost, the reseller must compute his maximum resale price (without the permitted adjustment charge) by using as cost his invoice cost not including any adjustment charge stated on the invoice. On all such resales, except sales to ultimate consumers, the adjustment charge may be made and collected only if it is separately stated on each invoice. Such adjusted prices are subject to each seller's customary terms, discounts, and allowances for sales of the same or similar articles.

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

(d) All requests for adjustments of maximum prices not specifically granted by this revised order are hereby denied.

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

This revised order shall become effective on the 13th day of June 1945.

Issued this 13th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–10411; Filed, June 13, 1945; 4:19 p. m.]

[MPR 188, Order 99 Under 2d Rev. Order A–3]

New Jersey Instrument Corp.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to Second Revised Order A–3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* New Jersey Instrument Corporation, 168 Coit Street, Irvington, New Jersey, may sell and deliver to jobbers its No. 1 cuticle nipper of its manufacture at prices no higher than its maximum price of $4.50 per dozen for such sales in effect immediately prior to the effective date of this order, plus an adjustment charge of $1.25 per dozen. This adjustment charge may be made and collected only if separately stated. The adjusted price is subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to the same class of purchaser.

(b) *Maximum price of purchasers for resale.* Any purchaser for resale, of the No. 1 cuticle nipper for which the manufacturer's maximum price has been adjusted as provided in paragraph (a) may add to his properly established maximum prices, in effect immediately prior to the effective date of this order, the dollars-and-cents amount of the adjustment charge which he is required to pay his supplier, provided such amount is separated stated. Such adjusted price is subject to the seller's customary terms, discounts, allowances, and other price differentials in effect on sales to each class of purchaser.

(c) *Notification.* Every person who makes a sale or delivery at an adjusted price permitted by this order shall furnish the purchaser with an invoice containing the following notice:

NOTICE OF OPA ADJUSTMENT

Order No. 99 under Second Revised Order A–3 under MPR 188 permits all sellers of the articles covered by this invoice to increase their ceiling prices, in effect immediately prior to June 16, 1945, by the exact dollar-and-cents amount of the adjustment charge appearing on this invoice.

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

This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–10586; Filed, June 15, 1945; 12:32 p. m.]

[MPR 188, Order 100 Under 2d Rev. Order A–3]

O. C. S. Olsen Co.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A–3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* O. C. S. Olsen Company, of 2527 Moffat Street, Chicago 47, Illinois may sell and deliver the commercial office furniture which it manufactures at prices no higher than its maximum prices for sales of each article currently in effect immediately prior to October 10, 1944 plus an adjustment charge of 5.7 percent of each such maximum price.

The adjustment charges, provided herein, may be made and collected only if stated separately.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale who handles the articles for which the manufacturer's maximum prices have been adjusted as provided in paragraph (a) in the course of their distribution from the manufacturer to the user may add to his properly established maximum price for those articles in effect immediately prior to October 10, 1944, the dollar-and-cents amount of the adjustment charge which he is required to pay to his supplier, provided the amount of such adjustment charge has been separately stated.

The maximum prices, as adjusted, of a purchaser for resale are subject to the seller's customary discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(c) *Notification.* Every person who makes a sale or delivery at an adjusted price permitted by this order shall furnish the purchaser with an invoice containing the following notice:

NOTICE OF OPA ADJUSTMENT

Order No. 100 under 2d Rev. Order No. A–3 under MPR 188 authorizes all sellers of the articles covered by this invoice to adjust their maximum prices, in effect prior to October 10, 1944, by adding no more than the exact dollar-and-cents amount of the adjustment charge appearing on this invoice, provided that amount is stated separately on an invoice which contains this notice.

(d) *Statements to be submitted to the Office of Price Administration.* After the effective date of this order, O. C. S. Olsen Company shall submit to the Office of Price Administration a detailed quarterly profit and loss statement within thirty days after the close of each quarter.

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

This order shall become effective on June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–10587; Filed, June 15, 1945; 12:33 p. m.]

[MPR 188, Order 101 Under 2d Rev. Order A–3]

JOHN BOOS & CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A–3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* John Boos & Company, of Effingham, Illinois may sell and deliver the industrial wood cutting blocks which it manufactures at prices no higher than its maximum price for sales of each article currently in effect immediately prior to December 18, 1944, plus an adjustment charge of 21.7 percent of each such maximum price.

The adjustment charges, provided herein, may be made and collected only if stated separately.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale who handles the articles for which the manufacturer's maximum prices have been adjusted as provided in paragraph (a) in the course of their distribution from the manufacturer to the user may add to his properly established maximum price for those articles in effect immediately prior to December 18, 1944, the dollar-and-cents amount of the adjustment charge which he is required to pay to his supplier, provided the amount of such adjustment charge has been separately stated.

The maximum prices, as adjusted, of a purchaser for resale are subject to the seller's customary discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(c) *Notification.* Every person who makes a sale or delivery at an adjusted price permitted by this order shall furnish the purchaser with an invoice containing the following notice:

NOTICE OF OPA ADJUSTMENT

Order No. 101 under 2d Rev. Order No. A–3 under MPR 188 authorizes all sellers of the articles covered by this invoice to adjust their maximum prices, in effect prior to December 18, 1944, by adding no more than the exact dollar-and-cents amount of the adjustment charge appearing on this invoice, provided that amount is stated separately on an invoice which contains this notice.

(d) *Statements to be submitted to the Office of Price Administration.* After the effective date of this order, John Boos & Company shall submit to the Office of Price Administration a detailed quarterly profit and loss statement within thirty days after the close of each quarter.

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

This order shall become effective on June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–10588; Filed, June 15, 1945; 12:33 p. m.]

[MPR 188, Order 3956]

LIGHTMORE APPLIANCE CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Lightmore Appliance Corporation, 738 Broadway, New York 3, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

ARTICLE—No. E. H. 1000 ELECTRIC REFLECTOR HEATER

Maximum prices for sales by manufacturer to—	*Each*
Wholesaler	$2.95
Retailer (in units of 6 or more)	3.60
Retailer (in units of less than 6)	3.90
Maximum prices for sales by sellers other than manufacturer to—	
Retailer (in units of 6 or more)	3.60
Retailer (in units of less than 6)	3.90
Consumer	6.25

These maximum prices are for the articles described in the manufacturer's application dated April 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days. They include the Federal Excise Tax.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statements:

Lightmore Appliance Corp.
738 Broadway
New York 3, N. Y.
Model No. E. H. 1000
OPA Retail Ceiling Price—$6.25
This price includes Federal Excise Tax
Do Not Detach

Order No. 3956
Model No. E. H. 1000
OPA Retail Ceiling Price—$6.25
This price includes Federal Excise Tax
Do Not Detach

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

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

(e) This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10576; Filed, June 15, 1945; 12:34 p. m.]

[MPR 188, Order 3957]

WEST GEORGIA COLLEGE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by West Georgia College, Genola, Georgia.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

ARTICLE—12 QT. WELL BUCKET

Maximum prices for sales by manufacturer to—	*Doz.*
Jobber	$5.94
Dropship Jobber	6.69
Retailer	7.43
Maximum prices for sales by sellers other than the manufacturer to—	
Retailer	7.43
	Each
Consumer	1.05

These maximum prices are for the articles described in the manufacturer's application dated March 31, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$1.05
Do Not Detach

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

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

(e) This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10577; Filed, June 15, 1945; 12:34 p. m.]

[MPR 188, Order 3958]

MANNICK WATCH REPAIR SHOP

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Mannick Watch Repair Shop, 1163¼ North Kingsley Drive, Los Angeles 27, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette maker	1	*Dozen* $0.54	*Dozen* $0.72	*Each* $0.10

These maximum prices are for the articles described in the manufacturer's application dated April 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$0.10 Each
Do Not Detach

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

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

(e) This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10578; Filed, June 15, 1945; 12:35 p. m.]

[MPR 188, Order 3959]

HAPPY HOUSE TRAILERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Happy House Trailers, 2240 Clybourn Avenue, Chicago 14, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette maker	"Rays Speedy"	*Dozen* $1.89	*Dozen* $2.52	*Each* $0.35

These maximum prices are for the articles described in the manufacturer's application dated April 7, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing

Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$0.35 Each
Do Not Detach

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

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

(e) This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10579; Filed, June 15, 1945; 12:35 p. m.]

[MPR 188, Order 3960]

ROCKWOOD PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Rockwood Products, P. O. Box No. 566, Trenton, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette roller	1	*Dozen* $1.89	*Dozen* $2.52	*Each* $0.35

These maximum prices are for the articles described in the manufacturer's application dated May 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$0.35 Each
Do Not Detach

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

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

(e) This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10580; Filed, June 15, 1945; 12:35 p. m.]

[MPR 188, Order 3961]

ALBEE SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Albee Sales Company, 3289 Fulton Street, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Metal Lounge Lamp with finished wood breaks and inserts, tubing finished with chrome or brass plated in Flemish, with sub. shade	L-301	*Each* $6.38	*Each* $7.50	*Each* $13.50
Student Bridge Lamp including shade	SE-101	7.23	8.50	15.30
Torchier Lamp includes gold lustre glass reflector	T-201	7.61	8.95	16.11

These maximum prices are for the articles described in the manufacturer's application dated March 16, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper ceiling price inserted in the blank space:

OPA Retail Ceiling Price—$_____
Do Not Detach

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

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

(e) This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10581; Filed, June 15, 1945; 12:35 p. m.]

[MPR 188, Order 3962]

A. & S. SPECIALTY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by A. & S. Specialty Company, 179 Wooster Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
8" Hand wrapped rayon ribbon boudoir lamp shade with braid trim	100	*Each* $0.43	*Each* $0.50	*Each* $0.90
19" Hand wrapped rayon ribbon lamp shade	500	1.49	1.75	3.15
Hand wrapped rayon ribbon bed light shade	600	.55	.65	1.17
19" Hand made rayon ribbon lamp shade	200	2.13	2.50	4.50

These maximum prices are for the articles described in the manufacturer's application dated March 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper ceiling price inserted in the blank space:

OPA Retail Ceiling Price—$_____
Do Not Detach

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

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

(e) This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10582; Filed, June 15, 1945; 12:36 p. m.]

[MPR 188, Order 3970]

RANDOLPH TOOL EQUIPMENT CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Randolph Tool Equipment Corporation, of 3701 North Broad Street, Philadelphia 40, Pennsylvania.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

MAXIMUM PRICES FOR SALES OF TOOL KITS

By manufacturer to—	*Each*
U. S. Government and prime distributors	$3.29
Wholesalers (jobbers)	4.11
Retailers	4.93
Industrial users	5.47
By sellers other than manufacturer to—	
Wholesalers (jobbers)	4.11
Retailers	4.93
Industrial users	5.47
Consumers, other than industrial users	8.22

These maximum prices are for the articles described in the manufacturer's application dated November 5, 1943.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries, f. o. b. factory, with full freight allowed on orders of $100 or more, and subject to a cash discount of 1% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$8.22
Do Not Remove or Obliterate

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

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

(e) This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10583; Filed, June 15, 1945; 12:36 p. m.]

[MPR 260, Amdt. 1 to Order 528]

MOLLIE BLOCK

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260: *It is ordered,* That:

The maximum prices for the "Lord Rector-Corona" set forth in paragraph (a) of Order No. 528, under Maximum Price Regulation 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Lord Rector	Corona	50	*Per M* $185	*Cents* 24

This amendment shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10589; Filed, June 15, 1945; 12:36 p. m.]

[Order 47 Under 19 (a), Revocation]

NAME-WOVEN INSTITUTIONAL TOWELS

ADJUSTABLE PRICING OF SALES AT WHOLESALE

The opinion accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 47 under § 1499.19 (a) of the General Maximum Price Regulation is hereby revoked subject to the provisions of Supplementary Order No. 40.

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10632; Filed, June 15, 1945; 4:40 p. m.]

[Order 375 Under 3 (b), Order 82]

V. E. IVERSON

AUTHORIZATION OF MAXIMUM PRICES

Order No. 82 under Order No. 375 of § 1499.3 (b) of the General Maximum Price Regulation. V. E. Iverson. Docket No. 6035.2-GMPR-ORD 375-162.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That:

(a) The maximum prices, f. o. b. Portland, Oregon, for the sellers indicated below, per one and one-half ounce bars packed 40 bars to the carton, on sales of "Frainut Candy Bar", manufactured by V. E. Iverson, Portland, Oregon, in accordance with the statements submitted in its price application of February 20, 1945, supplemented by letters of March 27 and April 20, 1945, shall be as follows:

Sales by—	To	Maximum prices
		Cents
V. E. Iverson	Retailers	6½
V. E. Iverson	Consumers	10
Retailers	do	10

(b) The prices established in this order are the highest prices for which "Frainut Candy Bar" may be sold by the respective sellers. All sellers on sales of this item shall reduce the above appropriate maximum prices by applying discounts, allowances and price differentials which have customarily been applied on sales of other comparable commodities. In the application of any customary differential, the specific maximum prices established by this order must not be exceeded.

(c) V. E. Iverson shall mail or otherwise supply to retailers who purchase this item, at the time of or prior to the first delivery, the following notice:

The Office of Price Administration has authorized us to sell our "Frainut Candy Bar" to retailers at a maximum price, f. o. b. Portland, Oregon, of 6½¢ per one and one-half ounce bar, packed 40 bars to the carton.

Our maximum price, f. o. b. Portland, Oregon and the maximum price f. o. b. Portland, Oregon, by retailers as authorized, on sales of the same item to consumers, is 10¢ per one and one-half ounce bar, packed 40 bars to the carton.

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

(e) This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10631; Filed, June 15, 1945; 4:40 p. m.]

[RMPR 136, Order 455]

DUTCHESS TOOL CO.

APPROVAL OF MAXIMUM PRICES

Order No. 455 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Dutchess Tool Company. Docket No. 6083-136.25a-241.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) The maximum prices for sales by all sellers of the following bakery machinery manufactured by Dutchess Tool Company, Beacon, New York, shall be determined as follows: The seller shall add the following amounts to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order:

Bakery machinery	*Increase*
Roll dough divider—standard type	$109.00
Automatic divider & rounder #8—6 pocket	1,017.75
Automatic divider & rounder #8—2 pocket	1,387.00

(b) The Dutchess Tool Company shall notify each person who buys the bakery machinery listed in (a) for resale of the dollars-and-cents amount by which this order permits the reseller to increase his maximum net price. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(c) All requests not granted herein are denied.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10633; Filed, June 15, 1945; 4:40 p. m.]

[MPR 188, Order 97 Under 2d Rev. Order A-3]

MICHIGAN MAPLE BLOCK CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturer's maximum prices.* Michigan Maple Block Company, of Petoskey, Michigan, may sell and deliver the articles listed below, which it manufacturers and which are fully described in the manufacturer's application dated January 31, 1945, at prices no higher than its maximum prices currently in effect immediately prior to the effective date of this order, plus the appropriate one of the following adjustment charges.

Article	Size	Adjustment charge
Monarch butcher block	20 x 24 16"	$0.17
	20 x 30 16"	.83
	20 x 40 x 16"	2.71
	24 x 24 x 16"	.66
	24 x 30 x 16"	1.24
	24 x 36 x 16"	2.47
	24 x 40 x 16"	3.39
	24 x 48 x 16"	4.36
	24 x 60 x 16"	4.91
	28 x 28 x 16"	2.53
	30 x 30 x 16"	3.04
	30 x 35 x 16"	3.89
	30 x 40 x 16"	4.30
	30 x 50 x 16"	2.76
	30 x 60 x 16"	4.86
	30 x 70 x 16"	1.88
	35 x 35 x 16"	4.47
Mission butcher block	25 x 35 x 17"	.70
	25 x 40 x 17"	2.50
	28 x 28 x 17"	.83
	30 x 30 x 17"	.93
	30 x 35 x 17"	1.51
	30 x 40 x 17"	1.76
	30 x 60 x 17"	2.37
	35 x 35 x 17"	2.00

The adjustment charges, provided herein, may be made and collected only if stated separately.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale who handles the articles for which the manufacturer's maximum prices have been adjusted as provided in paragraph (a) in the course of their distribution from the manufacturer to the users may add to his properly established maximum price for these articles in effect immediately prior to the effective date of this order, the dollar-and-cents amount of the adjustment charge which he is required to pay to his supplier, *Provided,* The amount of such adjustment charge his been separately stated.

The maximum prices, as adjusted, of a purchaser for resale are subject to the seller's customary discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(c) *Notification.* Every person who makes a sale or delivery at an adjusted price permitted by this order shall furnish to each person purchasing from him for resale an invoice containing the following notice:

NOTICE OF OPA ADJUSTMENT

Order No. 97 under 2d Rev. Order No. A-3 under MPR 188 authorizes all sellers of the articles covered by this invoice to adjust their maximum prices in effect prior to June 16, 1945, by adding no more than the exact dollar-and-cents amount of the adjustment charge appearing on this invoice, *Provided,* That amount is stated separately on an invoice which contains this notice.

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

This order shall become effective on June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10634; Filed, June 15, 1945; 4:41 p. m.]

[MPR 188, Order 98 Under 2d Rev. Order A-3]

OX FIBRE BRUSH CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A-3 under § 1439.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Ox Fibre Brush Company, Inc., of Frederick, Maryland, may sell and deliver the Model No. 2658 Comber Brush, which it manufactures and which is fully described in its application dated February 23, 1945, at prices no higher than its maximum prices currently in effect immediately prior to the effective date of this order plus an adjustment charge in the sum of $4.72, per gross.

The adjustment charge, provided herein, may be made and collected only if stated separately.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale who handles the article for which the manufacturer's maximum prices have been adjusted as provided in paragraph (a) in the course of their distribution from the manufacturer to the user may add to his properly established maximum price for sales of these articles in effect immediately prior to the effective date of this order, the dollar-and-cents amount of the adjustment charge which he is required to pay to his supplier, provided the amount of such adjustment charge has been separately stated.

The maximum prices, as adjusted, of a purchaser for resale are subject to the seller's customary discounts, allowances and other price differentials in effect during March, 1942, on sales to each class of purchaser.

(c) *Notification.* Every person who makes a sale or delivery at an adjusted price permitted by this order shall furnish the purchaser with an invoice containing the following notice.

NOTICE OF OPA ADJUSTMENT

Order No. 98 under Second Revised Order No. A-3 under MPR 188 authorizes all sellers of the articles covered by this invoice to adjust their maximum prices, in effect prior to ----, 1945, by adding no more than the exact dollar-and-cents amount of the adjustment charge appearing on this invoice: *Provided,* That amount is stated separately on an invoice which contains this notice.

(d) *Statements to be submitted to the Office of Price Administration.* After the effective date of this order, Ox Fibre Brush Company, Inc., shall submit to the Office of Price Administration a detailed quarterly profit and loss statement within thirty days after the close of each quarter.

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

This order shall become effective on June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10635; Filed, June 15, 1945; 4:41 p. m.]

[MPR 188, Order 3963]

NORMAN M. SCHILLER

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Norman M. Schiller, 138 Division Street, New York 2, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
		Each	*Each*	*Each*
Vanity lamp base	10	$1.40	$1.65	$2.97
Boudoir lamp base	50	3.40	4.00	7.20
Table lamp base	55	4.04	4.75	8.55
	56	2.13	2.50	4.50
	100	5.74	6.75	12.15

These maximum prices are for the articles described in the manufacturer's application dated March 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper ceiling price inserted in the blank space:

OPA Retail Ceiling Price—$------
Do Not Detach

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

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

(e) This order shall become effective on the 16th day of June, 1945.

Issued this 15th day of June, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10636; Filed, June 15, 1945; 4:41 p. m.]

[MPR 188, Order 3964]

HAYDENVILLE CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum list prices for sales by any person of unplated, unpolished brass fittings and trimmings manufactured by The Haydenville Company of Haydenville, Massachusetts, which were not delivered or offered for delivery by such person during March 1942, shall be 85 percent of the highest list prices for which he delivered or offered for delivery during March 1942 the identical chrome plated brass fittings and trimmings manufactured by The Haydenville Company of Haydenville, Massachusetts.

(b) The maximum list prices for sales by any person of unplated, unpolished brass fittings and trimmings manufactured by The Haydenville Company of Haydenville, Massachusetts, which were delivered or offered for delivery by such person during March 1942, shall be the highest list prices for which he delivered or offered for delivery the identical unplated, unpolished brass fittings and trimmings during March 1942.

(c) The maximum list prices determined by The Haydenville Company, Haydenville, Massachusetts, under the provisions of (a) above, shall, on sales to jobbers, be subject to a discount of 40 percent.

(d) In addition to the discount enumerated in (c) above, all sellers shall extend or render discounts, allowances and services at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

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

(f) Each seller, except a retailer, shall notify in writing each of its purchasers at or before the time of the first invoice, of the seller's maximum prices established by this order, as well as the maximum prices established for such purchasers upon resales.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10637; Filed, June 15, 1945; 4:42 p. m.]

[MPR 188, Order 3965]

PRICE-PFISTER MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum list prices for sales by any person of unplated, unpolished

brass fittings and trimmings manufactured by the Price-Pfister Manufacturing Company of Los Angeles, California, which were not delivered or offered for delivery by such person during March 1942, shall be 85 percent of the highest list prices for which he delivered or offered for delivery during March 1942 the identical chrome plated brass fittings and trimmings manufactured by the Price-Pfister Manufacturing Company of Los Angeles, California.

(b) The maximum list prices for sales by any person of unplated, unpolished brass fittings and trimmings manufactured by the Price-Pfister Manufacturing Company of Los Angeles, California, which were delivered or offered for delivery by such person during March 1942, shall be the highest list prices for which he delivered or offered for delivery the identical unplated, unpolished brass fittings and trimmings during March 1942.

(c) The maximum list prices determined by the Price-Pfister Manufacturing Company of Los Angeles, California, under the provisions of (a) above, shall, on sales to jobbers, be subject to a discount of 45 percent.

(d) In addition to the discount enumerated in (c) above, all sellers shall extend or render discounts, allowances, and services at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

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

(f) Each seller, except on sales to consumers, shall notify in writing each of its purchasers at or before the time of the first invoice, of the seller's maximum prices established by this order, as well as the maximum prices established for such purchasers upon resales.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10638; Filed, June 15, 1945; 4:42 p.m.]

[MPR 188, Order 3966]

MID-STATES ENGINEERING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following farm and home freezer manufactured by the Mid-States Engineering Company and as described in its application dated May 25, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington, D. C. shall be:

Item	Size	On sales to distributors	On sales to dealers	On sales to consumers
Bishop	16 cu. ft. with ½ HP condensing unit.	$242.50	$291	$485

(b) On sales by the Mid-States Engineering Company the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices established by this Order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

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

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

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: $6.00.

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

(f) The Mid-States Engineering Company shall stencil on the inside of the lid or cover of the farm and home freezers covered by this order, the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price $------

Plus freight and crating as provided in Order No. 3966 under Maximum Price Regulation No. 188.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10639; Filed, June 15, 1945; 4:43 p. m.]

[MPR 188, Order 3967]

AVIATION SCREW MACHINE PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Aviation Screw Machine Products, 323 North Beverly Drive, Beverly Hills, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	No.	Maximum prices for sales by all persons to—		
		Wholesalers	Retailers	Consumers
Cigarette maker and pouch	1001	*Dozen* $4.32	*Dozen* $5.76	*Each* $0.80

These maximum prices are for the articles described in the manufacturer's application dated May 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement

OPA Retail Ceiling Price—$0.80 Each
Do Not Detach

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

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

(e) This order shall become effective on the 16th day of June 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10640; Filed, June 15, 1945; 4:43 p.m.]

[MPR 188, Order 3968]

SCHMIT CONSTRUCTION CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following farm and home freezers manufactured by the Schmit Construction Company as described in its application dated May 10, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington, D. C., shall be:

Item	Size	On sales to distributors	On sales to dealers	On sales to consumers
L-D-10...	10 cu. ft. with ¼ HP condensing unit.	$190	$288	$380
L-D-15...	15 cu. ft. with ¼ HP condensing unit.	225	330	450

(b) On sales by the Schmit Construction Company the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

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

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

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: $6.00.

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

(f) The Schmit Construction Company shall stencil on the inside of the lid or cover of the farm and home freezer covered by this order, the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price—$_____

Plus freight and crating as provided in Order No. 3968 under Maximum Price Regulation No. 188

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10641; Filed, June 15, 1945; 4:43 p. m.]

[MPR 188, Order 3969]

TAVART CO., LTD.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the garage door hardware set manufactured by the Tavart Company, Ltd. of Los Angeles, California, and as described in its application postmarked January 25, 1945, shall be:

	Per set
On sales to jobbers	$11.80
On sales to hardware retailers and lumber yards	15.75
On sales to consumers	21.00

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

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

(d) The Tavart Company, Ltd. shall print in a conspicuous place on the box containing the garage door hardware set priced by this order, or affix a tag to such set, which shall contain substantially the following:

Maximum Retail Price Per Set $21.00

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

This order shall become effective this 16th day of June, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10642; Filed, June 15, 1945; 4:44 p. m.]

[MPR 188, Order 3976]

CASCO PRODUCTS CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.156 of Maximum Price Regulation No. 188, and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Casco Products Corporation, 512 Hancock Avenue, Bridgeport 2, Connecticut.

(1) For all sales and deliveries to the following classes of purchasers by all sellers, the maximum prices are those set forth below:

Article	Model No.	Wholesalers (jobbers)	Department and chain stores	Other retailers	Consumers
		Each	*Each*	*Each*	*Each*
Electric Heating Pad.	1230 K..	$2.05	$2.39	$2.53	$3.48
Electric Heating Pad.	1211 K..	3.19	3.79	4.11	5.60
Electric Heating Pad.	1204 K..	3.66	4.37	4.64	6.54

These maximum prices are for a total of 500,000 heating pads the production of which was specifically authorized by the War Production Board and described in the manufacturer's application for approval of maximum prices. The prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. The manufacturer's prices are f. o. b. factory and are subject to a cash discount of 2% for payment in ten days, net thirty days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. They are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the blanks properly filled:

Electric Heating Pad
Model
OPA Retail Ceiling Price—$_____
Federal Excise Tax Included
Do not detach or obliterate
Casco Products Corp.
Bridgeport, Conn.

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

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

(e) This order shall become effective on the 15th day of June 1945.

Issued this 15th day of June 1945.

IVAN CARSON,
Acting Administrator.

[F. R. Doc. 45-10643; Filed, June 15, 1945; 4:44 p. m.]

[MPR 220, Order 108]

EDELCO RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1315.1558 of Maximum Price Regulation 220 and section 6.4 of Revised Supplemental Regulation No. 14; It is ordered:

(a) *Applicability.* This order applies to the manufacturer's and retailer's sales of the waterproof shower and bathing cap made of 6 gauge V-NYL resin sheeting and manufactured by the Edelco Rubber Company, New York, New York.

(b) *Sales by the manufacturer.* The maximum price for sales by the Edelco Rubber Company, 362 Fifth Avenue, New York, New York, of the commodity described in paragraph (a) of this order shall be:

$4.75 per dozen for sales to wholesalers.
$5.50 per dozen for sales to retailers.

(c) *Sales by wholesalers.* The maximum prices for sales at wholesale of the commodity described in paragraph (a) of this order shall be the maximum price for such sales furnished the wholesaler by the manufacturer and computed by the manufacturer according to the pricing method and percentages set forth in § 1315.1559a of Maximum Price Regulation 220.

(d) *Sales at retail.* The maximum prices for sales at retail of the commodity described in paragraph (a) shall be the maximum prices for such sales furnished the retailer by his seller and computed according to the pricing method and percentages set forth in § 1315.1559a of Maximum Price Regulation 220.

(e) *Notification of maximum prices by the manufacturer and wholesalers.* The manufacturer shall compute the maximum prices applicable to sales by wholesalers and retailers of the commodity priced by this order according to the method and percentages set forth in § 1315.1559a of Maximum Price Regulation 220. The notification of maximum price provisions and other provisions of § 1315.1559a are applicable to the commodity priced by this order.

(f) Prior to August 1, 1945, the manufacturer shall recompute its costs and report them to the Office of Price Administration. The costs shall be recomputed in the manner provided in § 1315.1557(a) except that the actual number of labor hours, November 1943 labor rates, actual quantities of materials, and November 1943 materials prices shall be used in its recomputations.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10652; Filed, June 15, 1945; 4:47 p. m.]

[MPR 260, Amdt. 1 to Order 721]

MIREX CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

The maximum prices for the "El Veretta-Corona Royal" cigars set forth in paragraph (a) of Order No. 721, under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
El Veretta	Corona Royal	50	*Per M* $93.75	*Cents* 2 for 25

This amendment shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10644; Filed, June 15, 1945; 4:45 p. m.]

[MPR 260, Amdt. 2 to Order 342]

H. N. HEUSNER & SON, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered,* That:

The maximum prices for the Duquesne Club—5¼" set forth in paragraph (a) of Order No. 342 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Duquesne Club	5¼"	50	*Per M* $75	*Cents* 10

This amendment shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10645; Filed, June 15, 1945; 4:45 p. m.]

[MPR 260, Order 1241]

CERRO GORDO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered,* That:

(a) Cerro Gordo, 1095 Powell Street, San Francisco, California (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Lopez Y Lopez	De Luxe [1]	50	*Per M* $101.25	*Cents* 2 for 27

[1] Prices applicable only to cigars containing Puerto Rican and Havana filler in proportion specified in application.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10646; Filed, June 15, 1945; 4:45 p. m.]

[MPR 260, Order 1242]

ROBERT P. GONZALEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Robert P. Gonzalez Cigar Factory, 2004 Mitchell St., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Don Manuel	Palmas Grande	50	$185	24
	Palmas	50	138	18
Notice	Kings	50	138	18
Don Manuel	Coronas	50	75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10647; Filed, June 15, 1945; 4:45 p. m.]

[MPR 260, Order 1243]

R. M. GUITO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) R. M. Guito Cigar Factory, 804 E. Henderson Ave., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Don Manuel	Pantela Especial	50	$131.00	17
	Blunts	50	48.00	6
	Kings	50	101.25	2 for 27
	Palmas	50	169.00	22

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10648; Filed, June 15, 1945; 4:46 p. m.]

[MPR 260, Order 1244]

ELENA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) The Elena Cigar Factory, 1611 8th Avenue, Tampa 5, Fla., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
D. Elena	Corona	50	$48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10649; Filed, June 15, 1945; 4:46 p. m.]

[MPR 260, Order 1245]

CASTRO & LOPEZ CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Castro & Lopez Cigar Factory, 2201 N. Howard Ave., Tampa 7, Fla., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Flor de Lopez & Castro.	Kings	50	$101.25	2 for 27
	Corona Chica	50	93.75	2 for 25
Lopez Y Castro	Cremas	50	105.00	14
Flor de Lopez & Castro.	Panetela Extra	50	82.50	11
	Special Londres.	50	138.00	18

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10650; Filed, June 15, 1945; 4:46 p. m.]

[MPR 260, Order 1246]

MANUEL F. VILLARENO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Manuel F. Villareno, 1807 Columbus Drive, Tampa, Florida (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Vilma	Coronas	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective June 16, 1945.

Issued this 15th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10651; Filed, June 15, 1945; 4:46 p. m.]

[MPR 64, Order 180]

COLEMAN LAMP AND STOVE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 7, 8, and 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of the Models 333, 444C, and 555 Oil Burning Circulating Heaters manufactured by The Coleman Lamp and Stove Co., Wichita 1, Kansas as follows:

(1) For sales by the manufacturer to wholesalers the maximum prices are those set forth below:

Article	Model	Maximum price to wholesalers
		Each
Oil burning circulating heater	333	$10.37
	444C	19.96
	555	15.56

These prices are f. o. b. factory subject to the allowance of actual freight up to $3.00 per hundredweight for shipments of 100 lbs. or more, and are subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales by wholesalers to retail dealers the maximum prices are those set forth below:

Article	Model	Maximum price to retail dealers
		Each
Oil burning circulating heater	333	$13.32
	444C	25.63
	555	19.98

These prices are subject to each seller's customary terms, discounts, allowances and other price differentials on sales of similar articles.

(3) For sales by retail dealers to ultimate consumers the maximum prices are those set forth below:

Article	Model	Maximum price to ultimate consumers
		Each
Oil burning circulating heater	333	$19.98
	444C	38.42
	555	29.95

These prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) At the time of or prior to the first invoice to each purchaser for resale after the effective date of this order The Coleman Lamp and Stove Company and each wholesaler shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The Coleman Lamp and Stove Company before delivering any heater covered by this order shall attach securely to each heater a tag or label which clearly shows its manufacturer, its model number, and its OPA retail ceiling price. This tag or label may not be removed until after the heater has been sold to an ultimate consumer.

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

(e) This order shall become effective on the 18th day of June 1945.

Issued this 16th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10694; Filed, June 16, 1945; 4:12 p. m.]

[MPR 132, Order 4]

WATERPROOF AND CANVAS RUBBER FOOTWEAR

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to §§ 1315.70 (b) and 1315.73 (b) of Maximum Price Regulation No. 132 and section 6.4 of Second Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, it is ordered:

(a) *Applicability.* This order applies to sales by manufacturers, wholesalers and retailers of the waterproof and canvas rubber footwear listed in paragraph (b) of this order which is manufactured for the use of the United States government and rejected as not meeting the purchaser's standards, provided that the footwear at least equals the manufacturers' normal standards for commercial firsts or for commercial seconds and is serviceable as footwear.

(b) *Manufacturers' and wholesalers' maximum prices*—(1) *Manufacturers' and wholesalers' maximum prices for firsts.* The maximum prices for sales by manufacturers and wholesalers of footwear described in paragraph (a) of this order that at least equal manufacturers' normal standards for commercial firsts shall be as follows:

WATERPROOF FOOTWEAR

Item	*Maximum list prices (per pair)*
Men's Firemen's Stormking boot, Navy	$10.60
Men's toplace short boot, B Q D	3.80
Men's short legging boot, Army	3.60
Men's lumbermen's over, Yukon shell	2.95
Men's 4-buckle cashmerette arctic, B Q D	3.55
Men's 4-buckle cashmerette arctic, S. S.—extra heavy	4.00
Men's 4-buckle all-rubber arctic, A-N spec.	3.55
Men's 5-buckle arctic, S. S. B Q D and sea arctic, Navy	4.40
Men's 5-buckle rubber arctic, B Q D, and shore arctic, Navy	3.95
Women's 4-buckle cashmerette arctic, B Q D	3.15
Women's heavy storm rubber, B Q D	1.10
Men's clog, S. S., Navy	2.00
Men's flying boot A-6	17.00
Men's Navy flying boot	18.00

CANVAS FOOTWEAR

Men's jungle boot, B Q D	$4.15
War aid shoe	2.00
Men's tennis shoe, S. S., B Q D	1.50
Women's gym shoes, Navy	1.75

From the above list prices the manufacturer shall deduct all discounts, allowances, and other deductions that he had in effect to a purchaser of the same class on December 3, 1941.

From the above list prices the wholesaler who sold rubber footwear between April 1, and October 25, 1941 shall deduct all discounts and allowances that he had in effect to each class of purchaser between April 1, and October 25, 1941.

The discounts, allowances and other deductions off the above list prices that shall apply to wholesalers who did not sell rubber footwear between April 1, and October 25, 1941 shall be established under section 6 (b) of Revised Maximum Price Regulation No. 229.

(2) *Manufacturers' and wholesalers' maximum prices for seconds.* The maximum prices for sales by manufacturers and wholesalers of seconds of the footwear described in paragraph (a) of this order that at least equal manufacturers' normal standards for seconds shall be 90 percent of the seller's net

maximum selling price of the first (excluding cash discounts) to the same class of purchaser.

(c) *Retailers' maximum prices.* The maximum prices for sales at retail of the footwear described in paragraph (a) of this order shall be the retailer's net invoice purchase price (excluding cash discount), not exceeding his maximum purchase price, divided by .65 and adjusted to the nearest cent.

(d) *Notification of maximum prices.* With or prior to the first delivery to a wholesaler or a retailer of any of the footwear covered by this order, the seller shall notify the purchaser in writing of the maximum retail price or the method of computing the retail price as established by paragraph (c) of this order. If the purchaser is a wholesaler the notification shall also give the maximum prices applicable to the purchasers' sales at wholesale as established by paragraph (b) of this order and shall state that the wholesaler is required to notify each retailer to whom he sells of the maximum price for sales at retail or the method of computing maximum retail prices as established by paragraph (c) of this order.

(e) All provisions of Maximum Price Regulation 132 that are not inconsistent with this order shall apply to manufacturers' sales of the footwear covered by this order.

All provisions of Revised Maximum Price Regulation 229 that are applicable to the wholesalers' and retailers' sales of the footwear covered by that regulation and that are not inconsistent with this order shall apply to wholesalers' and retailers' sales of the footwear covered by this order.

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

This order shall become effective June 18, 1945.

Issued this 16th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10695; Filed, June 16, 1945; 4:12 p. m.]

[RMPR 136, Order 457]

HYTRON RADIO AND ELECTRIC CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 457 Under Revised Maximum Price Regulation 136. Machines, parts, and industrial equipment. Hytron Radio and Electronics Corporation. Docket No. 6083-136.21-347.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(e) The maximum prices for sales by all persons of type HY75 V. H. F. Triode radio tube manufactured by Hytron Radio and Electronics Corporation, Salem, Massachusetts, shall be determined as follows: The seller (manufacturer or reseller) shall add $1.00 each to the maximum net price he had in effect to a purchaser of the same class just prior to the issuance of this order.

(b) Hytron Radio and Electronics Corporation shall notify each person who buys the radio tube listed in paragraph (a) for resale of the dollars and cents amount by which this order permits the reseller to increase his maximum net price. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(c) All requests not granted herein are denied.

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

This order shall become effective June 18, 1945.

Issued this 16th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10697; Filed, June 16, 1945; 4:13 p. m.]

[RMPR 136, Order 458]

INDIAN MOTOCYCLE CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 458 under Revised Maximum Price Regulation No. 136. Machines, parts and industrial equipment. Indian Motocycle Company. Docket No. 6083-136.25a-258.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, and section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The Indian Motocycle Company, 837 State Street, Springfield, Massachusetts, is authorized to sell the Indian Motorcycle described in subparagraph (1) produced under the War Production Board's allocation to the Indian Motocycle Company for the 1945 production of 1120 units of the Model No. 3 motorcycle, at a price not to exceed the list price in subparagraph (1), adjusted as provided in that subparagraph, plus the applicable allowances in subparagraph (2):

(1) *List price.* The following list price, f. o. b. factory, to which shall be applied the seller's discount in effect on March 31, 1942, to the applicable class of purchasers:

Model	*List price f. o. b. factory*
No. 3 Motorcycle	$510

(2) *Charges.* (i) A charge for extra, special and optional equipment not to exceed the charge in effect on March 31, 1942 for such equipment when sold as original equipment, plus 10% of that charge;

(ii) A charge to cover handling and delivery expense computed in accordance with the seller's method in effect on March 31, 1942;

(iii) A charge to cover freight expense based on current freight rates and computed in accordance with the seller's method in effect on March 31, 1942;

(iv) A charge to cover federal excise taxes on tires and tubes, and other federal excise taxes, and state and local taxes on the vehicle being sold, computed in accordance with the seller's method in effect on March 31, 1942.

(b) A reseller of Indian motorcycles may sell, delivered at place of business, the Indian motorcycle described in subparagraph (1) below produced under the War Production Board's allocation to the Indian Motorcycle Company for 1945 production of 1,120 units of the Model No. 3 motorcycle, at a price not to exceed the total of the list price in that subparagraph and applicable allowances in subparagraph (2) below, less the discounts the reseller had in effect on March 31, 1942:

(1) *List price.*

Model	*List price, f. o. b. factory*
No. 3 motorcycle	$310

(2) *Charges.* (i) A charge for extra, special, and optional equipment which shall not exceed the charge the reseller had in effect on March 31, 1942 for such equipment plus 10% of that charge;

(ii) A charge for transportation which shall not exceed the charge the Indian Motorcycle Company would make for the transportation of the motorcycle to the place of business of the reseller;

(iii) A charge to include federal, state and local taxes on the purchase and sale, or delivery, of the motorcycle, computed in accordance with the reseller's method in effect on March 31, 1942;

(iv) The reseller's charge in effect on March 31, 1942, for handling and delivery;

(v) The dollar amount of all other charges or allowances which the reseller had in effect on March 31, 1942.

(c) A reseller of Indian motorcycles that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the list price in subparagraph (1) of paragraph (b) the following applicable charges:

(i) The original equipment retail charge that the Indian Motorcycle Company suggested on March 31, 1942 be made by resellers for the extra, special or optional equipment attached to the motorcycle as original equipment plus 10% of that charge;

(ii) A charge for transportation which shall not exceed the charge the Indian Motorcycle Company would make for the transportation of the motorcycle from the factory to the place of business of the reseller;

(iii) A charge equal to the charge made by the Indian Motorcycle Company, in accordance with the method that manufacturer had in effect on March 31, 1942, to cover the federal excise tax on tires and tubes, and other federal excise taxes on the vehicle being sold;

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the motorcycle;

(v) A charge equal to the reseller's actual expense for handling and delivery of the motorcycle.

(d) A reseller of Indian Motorcycles in any of the territories or possessions of

the United States, is authorized to sell the motorcycle described in paragraph (b) at a price not to exceed the maximum price established in paragraph (b) or (c), whichever is applicable, to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the motorcycle; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(e) All requests not granted herein are denied.

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

NOTE: Where the manufacturer has an established price in accordance with section 8 of Revised Maximum Price Regulation 136, which is different than a price permitted under paragraph (a) because of a substantial change in design, specifications or equipment of the motorcycle, the reseller may add to its price under paragraph (b), (c) and (d) any increase in price to it over the price it would otherwise pay under paragraph (a) plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a), the reseller must reduce its price under paragraph (b), (c) or (d) by the amount of the decrease and its customary markup on such an amount.

This order shall be effective June 16, 1945.

Issued this 16th day of June 1945.

IVAN D. CARSON,
Acting Administrator.

[F. R. Doc. 45-10698; Filed, June 16, 1945; 4:13 p. m.]

[MPR 188, Order 3974]

LINCOLN PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Lincoln Products, 1034 Spring Street, Philadelphia 7, Pennsylvania.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons—		
		To wholesalers	To retailers	To consumers
		Each	*Each*	*Each*
Glass assembled table lamp without shade	1002 6003	$1.21	$1.42	$2.56
Student Bridge Lamp, bronze plated, furnished with glass diffusing bowl for arm of lamp	14	5.53	6.50	11.70

These maximum prices are for the articles described in the manufacturer's application dated April 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper ceiling price inserted in the blank space:

OPA Retail Ceiling Price—$_____
Do Not Detach

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

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

(e) This order shall become effective on the 18th day of June, 1945.

Issued this 16th day of June, 1945.

CHESTER BOWLES,
Adminstrator.

[F.R. Doc. 45-10699; Filed, June 16, 1945; 4:14 p. m.]

[MPR 188, Order 3975]

PERIOD MFG. CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Period Manufacturing Co., Inc., 29 West 21st Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Number	Maximum prices for sales by all persons—		
		To wholesalers	To retailers	To consumers
		Each	*Each*	*Each*
13" Crystal Boudoir Lamp, hobnail base, break & small fluted glass tubing (no shade)	1000	$0.66	$0.78	$1.40
15" Polished Crystal Boudoir Lamp, hexagon base (no shade)	1003	1.03	1.21	2.18
23½" Glazed and decorated earthenware table lamp (no shade)	1006	.98	1.15	2.07

These maximum prices are for the articles described in the manufacturer's application dated February 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That rag or label shall contain the following statement, with the proper ceiling price inserted in the blank space:

OPA Retail Ceiling Price—$_____
Do Not Detach

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

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

(e) This order shall become effective on the 18th day of June 1945.

Issued this 16th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10700; Filed, June 16, 1945; 4:14 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1125]

PHILADELPHIA AND READING COAL AND IRON CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of June, A. D. 1945.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Refunding Mortgage Sinking Fund Gold Bonds, due January 1, 1973, of The Philadelphia and Reading Coal and Iron Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Friday, June 22, 1945, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10611; Filed, June 15, 1945; 2:47 p. m.]

[File No. 70-1093]

MIDLAND UTILITIES CO. AND HOBART LIGHT & WATER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commision, held at its office in the City of Philadelphia, Pa., on the 14th day of June, A. D. 1945.

In the matter of Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, and Hobart Light & Water Company; File No. 70-1093.

Notice is hereby given that a joint application-declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company ("Trustees"), a registered holding company and Hobart Light & Water Company ("Hobart"), a wholly-owned subsidiary thereof; and

Notice is further given that any interested person may, not later than June 25, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

The Trustees are the beneficial owners of all of the outstanding capital stock of Hobart which has been an inactive corporation since November 30, 1942 when it conveyed all its utility and other assets (excluding cash on hand) to Northern Indiana Public Service Company ("Northern"), a subsidiary of said Trustees, in consideration for 69,500 shares of the no par common stock of Northern (Holding Company Act Release No. 3888). By order dated October 24, 1944 (Holding Company Act Release No. 5317A) the Commission entered a divestment order, requiring Midland Utilities Company, its Trustees, and Midland Utilities Company as reorganized, to divest themselves of direct and indirect interest in and control over certain properties and businesses, including those of Hobart.

The Trustees now propose to acquire from Hobart all of its assets consisting of said 69,500 shares of the common stock of Northern and cash on hand in the amount of $6,798.57 (less such amount of said cash thereof as may be necessary to pay the tax liabilities, other debts, and the expenses of the liquidation of Hobart, estimated as not exceeding $600 in the aggregate) in full payment and satisfaction of demand notes of Hobart held by the Trustees in the principal amount of $479,153.09, and accrued interest thereon to the date of consummation of the transaction. Accrued interest on said notes to March 31, 1945 amounts to $135,760.96.

The application-declaration states that if the plan of reorganization of Midland Utilities Company is confirmed and finally effective prior to the transfer of the 69,500 shares of common stock of Northern by Hobart to said Trustees, the transfer of such shares will be made direct to Midland Utilities Company.

Applicant-Declarants have requested that the Commission enter an order finding the transfer of the 69,500 shares of common stock of Northern to the Trustees is necessary to effectuate the provisions of section 11 (b) of the act, and that such order conform to the definition of the term "order of the Securities and Exchange Commission" contained in section 373 (a) of the Internal Revenue Code, as amended, and that such order contain the recitals, specifications and itemizations required by section 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10610; Filed, June 15, 1945; 2:47 p. m.]

[Docket Nos. 16-1A3, 16-1A6, 16-1A5, 16-1A7, 16-1A4, 16-1A2]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER SETTING ASIDE DISCIPLINARY ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of June, A. D. 1945.

In the Matter of National Association of Securities Dealers, Inc. Review of disciplinary action under section 15A, Securities Exchange Act of 1934, as amended, in the consolidated cases of: John Doe I, Case No. 17, Dist. 13, Docket 16-1A3; John Doe II, Case No. 17, Dist. 8, Docket 16-1A6; John Doe III, Case No. 26, Dist. 8, Docket 16-1A5; John Doe IV, Case No. 21, Dist. 13, Docket 16-1A7; John Doe V, Case No. 2, Dist. 10, Docket 16-1A4; John Doe VI, Case No. 28, Dist. 8, Docket 16-1A2.

National Association of Securities Dealers, Inc., a national securities association registered under section 15A of the Securities Exchange Act of 1934, having instituted disciplinary proceedings with respect to certain of its members for violation of section 1 of Article III of said Association's rules of fair practice and having determined that fines should be imposed upon certain of said members;

The Commission having, on its own motion, instituted proceedings under section 15A (g) of said act to review the disciplinary action taken by said Association in six of the aforesaid cases;

Hearings having been held after appropriate notice, the Commission being duly advised and having this day issued its findings and opinion herein, on the basis of said findings and opinion and pursuant to section 15A (h) of said act.

It is hereby ordered, That the disciplinary action taken by said Association in all of the cases under review be, and it hereby is, set aside.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10658; Filed, June 16, 1945; 9:36 a. m.]

[File No. 70-1033]

NEW ENGLAND GAS AND ELECTRIC ASSN., AND NEW HAMPSHIRE GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of June 1945.

New England Gas and Electric Association, a registered holding company, and its subsidiary, New Hampshire Gas and Electric Company, having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10 and 12 thereof and Rules U-43 and U-44 promulgated thereunder; said application-declaration being concerned with the proposed donation by New England Gas and Electric Association to New Hampshire Gas and Electric Company, and the acquisition by the latter, of all the outstanding capital stock and income notes of The Derry Electric Company and The Lamprey River Improvement Company, both wholly-owned subsidiaries of New England Gas and Electric Association; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is hereby ordered, Pursuant to the applicable provisions of said act, that the aforesaid application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act and to the reservation of jurisdiction over the entries to be made on the books of New Hampshire Gas and Electric Company to reflect the acquisition of such securities.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10657; Filed, June 16, 1945; 9:35 a. m.]

[File No. 70-1036]

OHIO EDISON CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of June, A. D., 1945.

Ohio Edison Company, a registered holding company and a public-utility subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of $26,089,000 First Mortgage Bonds 2¾% Series of 1945, due 1975, in accordance with the competitive bidding requirements of Rule U-50 promulgated under the act; and

An order having been entered by the Commission on March 31, 1945 (Holding Company Act Release No. 5697), permitting said declaration, as amended, to become effective, jurisdiction being reserved with respect to the consummation of the issue and sale of the bonds until the results of the competitive bidding were made a matter of record, and with respect to the payment of legal fees and expenses of counsel in connection with the proposed transactions; and

An order having been entered by the Commission on April 10, 1945 (Holding Company Act Release No. 5717), releasing the jurisdiction reserved with respect to the results of the competitive bidding and continuing the reservation of jurisdiction with respect to the legal fees and expenses; and

Further hearings having been held with respect to the fees and expenses of Winthrop, Stimson, Putnam & Roberts, counsel for Ohio Edison Company, and of Simpson, Thacher & Bartlett, counsel for the successful bidders; and

It appearing to the Commission that the legal fees and expenses of Winthrop, Stimson, Putnam & Roberts in the sum of $15,000 and of Simpson, Thacher & Bartlett in the sum of $7,500 are not unreasonable and that jurisdiction over such fees and expenses should be released:

It is ordered, That the jurisdiction reserved in the Commission's orders of March 31, 1945 and April 10, 1945 with respect to the legal fees and expenses of counsel be and the same is hereby released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10656; Filed, June 16, 1945; 9:35 a. m.]

[File No. 70-1079]

LONG ISLAND LIGHTING CO.

MEMORANDUM OPINION AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of June, 1945.

Long Island Lighting Company ("Long Island"), a registered holding company, has filed a declaration, pursuant to the provisions of sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("the Act"), regarding the proposed issue of Certificates of Deposit to its preferred and common stockholders in exchange for, and as evidence of, the voluntary deposit by such stockholders of certificates for the Series A 7% cumulative preferred stock, Series B 6% cumulative preferred stock, and the common stock of the company. The stated purpose of such proposed issue is to afford stockholders a convenient and orderly means for transferring their present holdings on the books of the company, which, the company states, is not available to them at the present time by virtue of the circumstances described below.

After appropriate notice, a public hearing was held. Upon a consideration of the record, the Commission makes the following findings:

The declarant. Long Island Lighting Company, a public-utility holding and operating company, is incorporated under the laws of the State of New York and is engaged in the production, purchase and sale of electricity and manufactured gas. At the present time it has four direct and indirect public-utility subsidiaries and two non-utility subsidiaries, all of which are New York corporations.[1] Long Island registered as a holding company on April 23, 1945, pursuant to our order entered April 21, 1945, wherein we modified an exemption granted it on March 27, 1936, from all the provisions of the act, on behalf of itself as a holding company and every subsidiary company thereof as such, so as to terminate such exemption in respect of the registration, issuance of securities, reorganization, and other provisions of the act.[2]

Background of proposal. In February, 1944, Long Island filed a petition with the Public Service Commission of the State of New York "for approval of a reduction and certain changes in its capital and for authority to issue certain common stock." At that time, the company had outstanding the following capital stocks having a par or stated value as indicated:

TABLE I

Security	Number of shares outstanding	Aggregate par or stated value
Series A 7% cumulative preferred stock ($100 par value)	74,750	$7,475,000
Series B 6% cumulative preferred stock ($100 par value)	179,050	17,905,000
Common stock ($1 stated value)	3,000,000	3,000,000

In brief summary, the petition of the company proposed to reduce the par value of the cumulative preferred stocks from $100 per share to $60 per share with resulting reductions in the current annual dividend requirements to $4.20 per share in the case of the 7% preferred stock and to $3.60 per share in the case of the 6% preferred stock. The accumulated dividend arrearages as of June 30, 1944, in the total amount of $9,984,688 on both series of cumulative preferred

[1] There follows a corporate chart of the Long Island holding company system, with appropriate indentations to reflect the intercompany relationships:

	Percent
Long Island Lighting Company (electric and gas):	
Queens Borough Gas and Electric Company (electric and gas)	100
Nassau & Suffolk Lighting Company (electric and gas)	100
Long Beach Gas Company, Inc. (gas)	100
Kings County Lighting Company (gas)	97.74
Kings Appliance Corporation (non-utility)	100
Liland Corporation (non-utility)	100

[2] Long Island Lighting Company et al., Holding Company Act Release No. 5746.

stocks, representing $43.75 per share on the 7% stock and $37.50 per share on the 6% stock would remain unaffected. In addition, the outstanding shares of common stock were to be reclassified so that there would be outstanding 503,800 shares of common stock having a stated value of $5 per share. Such new common stock was to be distributed to preferred and common stockholders, respectively, on the basis of one share for each share of outstanding preferred stock, and one share for each 12 shares of outstanding common stock. The preferred stockholders would thereby receive an aggregate of 253,800 shares (or 50.38%), and the common stockholders an aggregate of 250,000 shares (or 49.62%), of the new common stcok.

On December 14, 1944, the Public Service Commission of the State of New York approved the company's petition. On December 16, 1944, Long Island filed with the Secretary of State of the State of New York, as an amendment to its articles of incorporation, a Certificate of Reduction of Capital which embodied the proposed changes in its capital structure and provided that the company would not issue any new stock certificates representing the rights and privileges existing prior to its filing.

However, on November 10, 1944, this Commission had ordered that a hearing be held, which was scheduled to commence on December 19, 1944, to determine whether the exemption formerly granted Long Island was detrimental to the public interest or the interests of investors or consumers, and, generally, with respect to whether the order of March 27, 1936, should be revoked or in any wise amended or modified. Upon learning that the Certificate of Reduction of Capital had been filled by the company, we applied to a Federal District Court for an injunction preserving the status quo pending our determination of the issues in the proceedings pending before us, by preventing further steps by way of consummation of the recapitalization of the company.[3] The District Court denied the relief sought for lack of power, and its order was affirmed by the United States Circuit Court of Appeals for the Second Circuit, one judge dissenting. The United States Supreme Court granted our petition for certiorari. However, before argument was had, counsel in the administrative proceeding before us stipulated that we might dispose of the issues in such proceeding notwithstanding the pendency of the judicial proceeding in the United States Supreme Court. Thereupon, as already noted, we issued our order of April 21, 1945, modifying the exemption formerly granted the company, and, on April 23, 1945, Long Island registered as a holding company.[4]

During the pendency of the foregoing judicial proceedings, temporary stays had been granted so that the securities provided for in the Certificate of Reduction of Capital were not distributed to Long Island's stockholders, and the changes in capitalization and other accounting adjustments were not reflected on the books of the company. In a letter dated May 1, 1945, the company advised its stockholders that this Commission had indicated disapproval of the terms of the proposed recapitalization, that it was evident that the Commission would not permit the company to issue the securities contemplated thereby, and that it therefore had become necessary to file with the Commission a comprehensive plan of reorganization under section 11 (e) of the act.

Under the foregoing circumstances, Long Island's stockholders have been unable, since December 16, 1944, to effect transfers of their stock on the transfer books of the company; and this situation is said by the company to have resulted in great inconvenience and hardship to many of its stockholders. Moreover, when we instituted the judicial proceedings referred to above, the New York Curb Exchange suspended trading, as at the close of business on December 19, 1944, in the preferred and common stocks of Long Island.[5] In this connection, it may be noted that the New York Curb Exchange has filed with us, pursuant to the Securities Exchange Act of 1934, an application for permission to extend unlisted trading privileges to the proposed Certificates of Deposit.

The certificates of deposit. The Certificates of Deposit to be issued by the company will state that there have been deposited with the company's depository certificates representing shares of the preferred or common stock, as the case may be, as it existed prior to the date of the filing in the Office of the Secretary of State of the State of New York of the Certificate of Reduction of Capital; and that the person in whose name the Certificate of Deposit is issued is entitled to receive the return of the deposited stock certificate, or, in lieu thereof, whichever it is ultimately determined such person is entitled to receive, either (a) the stock to which he would be entitled under the Certificate of Reduction of Capital, or (b) such securities, cash, other property, rights and interests as may be exchangeable therefor under any plan of recapitalization, merger or consolidation which may be finally approved pursuant to the provisions of the Public Utility Holding Company Act and other applicable law.[6]

The Certificates of Deposit will be transferable on the books of the depository in the same manner as certificates of stock, and holders thereof will be treated as stockholders of the company. Any Certificate of Deposit may be exchanged for two or more such Certificates representing the same aggregate number of shares of deposited stock, or it may be surrendered with other such Certificates in exchange for a lesser number of Certificates representing the same aggregate number of shares of deposited stock. The fees of the depositary in connection with the issuance of Certificates of Deposit in exchange for certificates of stocks will be paid by the company.

The deposit of certificates will be purely voluntary on the part of the stockholders of the company. If the Commission should permit the declaration to become effective, the company would notify its stockholders of such action and advise them that they may deposit their stock certificates and receive in exchange the Certificate of Deposit. Depositing stockholders may obtain upon request to the depositary a form of transmittal letter to be used in depositing certificates.

Conclusions. The proposed issue of the Certificates of Deposit is subject to the provisions of section 6 (a) of the act and must, therefore, satisfy the applicable requirements of section 7. Since the Certificates of Deposit are to be issued solely for the purpose of exchanging an outstanding security of the declarant, the provisions of section 7 (c) (2) (A) are satisfied. No State commission having informed us that applicable State laws have not been complied with, the provisions of section 7 (g) appear to be satisfied, and we observe no basis for adverse findings under section 7 (d) of the act. Insofar as the standards and requirements of section 12 (c) of the act and Rule U-42 thereunder are applicable to the acquisition by Long Island of such stock certificates as may be deposited for exchange, we find them to be satisfied.

It may be noted that we have this day approved the application of the New York Curb Exchange for permission to

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[3] The substance of the action sought to be enjoined was the overprinting of existing certificates for preferred stock and the issuance of certificates for new common stock called for by the terms of the Certificate of Reduction of Capital. We alleged in our complaint that serious doubt existed whether the provisions of the recapitalization plan were fair and equitable to the persons affected thereby, and whether, if presented to us, they would be found to meet the standards of the act prescribed by Congress for the protection of investors. We sought to preserve the status quo in order to have an adequate opportunity to determine whether Long Island was to be required to register as a holding company and, as a consequence thereof, whether the plan would be subjected to the standards of Section 11. In the meantime preservation of the status quo would prevent the scrambling of the rights of Long Island's security holders and the trading in its securities on a misleading basis.

[4] As a result of Long Island's registration as a holding company, the proceeding in the United States Supreme Court became moot and the Court vacated the judgment of the Circuit Court of Appeals and remanded the case to the District Court with directions to dismiss the complaint.

[5] These securities had been admitted to unlisted trading privileges on the Curb Exchange. Of course, an over-the-counter market in the company's stocks has always existed.

[6] In its stockholder letter of May 1, 1945, Long Island stated that it was studying the problems of consolidation and reorganization of itself and of its subsidiaries, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company, and Long Beach Gas Company, Inc., and that it would formulate a plan, pursuant to the provisions of section 11 (e) of the act, to provide for a single integrated company which would issue such securities as may be authorized by the Public Service Commission of the State of New York and this Commission, and that such securities would be allocated to the stockholders of the respective companies in the manner and form as may be prescribed and approved by the two commissions.

extend unlisted trading privileges to the Certificates of Deposit.

It is therefore ordered, That, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, said declaration be, and hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the general rules and regulations.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10654; Filed, June 16, 1945; 9:35 a. m.]

[File No. 812-378]

INVESTORS SYNDICATE OF AMERICA, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of June, A. D. 1945.

An application has been filed by Investors Syndicate of America, Inc., a registered investment company, pursuant to sections 6 (c) and 28 (c) of the Investment Company Act of 1940 for an order under which such company shall deposit and maintain with The Marquette National Bank of Minneapolis part of the investments maintained by such company as certificate reserve requirement under the provisions of sections 28 (a) and (b) of said act; and in connection therewith the applicant has submitted a form of agreement and supplemental agreement with The Marquette National Bank of Minneapolis wherein Investors Syndicate of America, Inc. undertakes to deposit and maintain part of its investments upon the terms and conditions therein set forth.

It is ordered, Pursuant to section 40 (a) of said act that a hearing on the aforesaid application be had on Friday, June 22, 1945 at 10 o'clock a. m. eastern war time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Henry C. Lank and any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant, Paul E. Von Kuster, Harry H. Gallagher, John Harrison, voting trustees, and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10655; Filed, June 16, 1945; 9:35 a. m.]

[File No. 70-1089]

JOHN H. WARE, 3D

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 15th day of June, 1945.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by John H. Ware, 3d (Ware); and

Notice is further given that any interested person may, not later than June 16, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may become effective, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia 3, Pennsylvania.

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

Ware proposes to organize two Pennsylvania companies, namely, Hamburg Gas & Fuel Company (Hamburg) and Pen Argyl Gas Company (Pen Argyl), which companies propose to issue and sell to Ware 300 and 600 shares, respectively, of $50 par value common stock for cash at par value (or for an aggregate of $45,000).

Thereupon, Hamburg and Pen Argyl propose to acquire certain gas utility assets from Allentown-Bethlehem Gas Company (Allentown), a subsidiary of The United Gas Improvement Company, a registered holding company, as follows:

Hamburg will acquire the gas utility assets of Allentown located in the Borough of Hamburg, Berks County, Pennsylvania, for a basic sales price of	$9,000
Pen Argyl will acquire from Allentown the gas utility assets located in the Borough of Pen Argyl, Northampton County, Pennsylvania, for a basic sales price of	$22,500

In each case an additional amount will be paid Allentown on account of certain tools, equipment, materials, supplies and accounts receivable.

Applicant considers section 10 of the act as applicable to the proposed transactions.

Applicant has requested that the effective date of such application be advanced.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-10671; Filed, June 16, 1945; 11:25 a. m.]

[File No. 70-960]

PHILADELPHIA ELECTRIC CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular meeting of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of June 1945.

The Commission, having, by order dated October 12, 1944, granted the application of Philadelphia Electric Company pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof, of the issue and sale, in accordance with the competitive bidding provisions of Rule U-50 promulgated under the act, of $65,000,000 principal amount of First and Refunding Mortgage Bonds, 2¾% Series, due 1967, and $65,000,000 principal amount of First and Refunding Mortgage Bonds, 2¾% Series, due 1974; and the Commission by said order having, among other things, reserved jurisdiction as to the reasonableness of all fees and expenses incurred in connection with the proposed financing; and

Applicant having filed an amendment setting forth information with respect to the nature of the services performed and requesting that jurisdiction be released as to the payment of the following fees and expenses: (a) $6,059.85 to Morgan, Lewis & Bockius, $3,601.07 to Frank M. Hunter, $3,000 to Miles & O'Brien, and $823.02 to T. G. Hilliard, all of the foregoing being counsel for the applicant, (b) $35,000 to Drexel & Co., financial adviser to the applicant, and (c) $30,000 to Drinker, Biddle and Reath, independent counsel for the underwriters, and

It appearing to the Commission that said fees and expenses are for necessary services and are not unreasonable;

It is ordered, That jurisdiction heretofore reserved in the Order of October 12, 1944, with respect to the payment of said fees and expenses be, and hereby is, released.

By the Commission.

Secretary.

[SEAL] ORVAL L. DUBOIS,

[F. R. Doc. 45-10670; Filed, June 16, 1945; 11:25 a. m.]

WAR FOOD ADMINISTRATION.

Office of Marketing Service

SUGARCANE PRODUCTION IN LOUISIANA

NOTICE OF HEARING WITH RESPECT TO FAIR AND REASONABLE WAGES

Pursuant to the authority contained in subsection (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, and Executive Order No. 9392, issued October 28, 1943, notice is hereby given that a public hearing will be held at Thibodeaux, Louisiana, in the Agricul-

tural Building, on June 26, 1945 at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the War Food Administrator in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wages for persons employed in Louisiana in the harvesting of sugarcane during the period from September 1, 1945, to June 30, 1946, and the planting and cultivating of sugarcane during the calendar year 1946 on farms with respect to which applications for payments under the said act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1945 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 War Food Administrator 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 with respect to the terms and conditions of contracts between laborers and producers of sugarcane.

Charles M. Nicholson, Harry H. Simpson, and Earle T. MacHardy are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Issued this 16th day of June 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-10682; Filed, June 16, 1945; 3:31 p. m.]

WAR MANPOWER COMMISSION.

WACO, TEX., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Waco Area is hereby prescribed, pursuant to § 907.3 (g) of the War Manpower Commission Regulation No. 7, as amended, "Governing Employment Stabilization Programs," effective Oct. 16, 1943 (8 F.R. 11338, 9 F.R. 5400, 9 F.R. 12917).

Sec.
1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative use of existing hiring channels and special authorization to designated Government agencies.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by the United States Employment Service.
9. Referral in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Exclusions.
12. Appeals.
13. Content of statements of availability.
14. Solicitation of workers.
15. Hiring.
16. Representation.
17. General referral policies.
18. Amendment of plan.
19. Effective date.

SECTION 1. *Purpose.* The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for, the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities.

(b) The reduction of unnecessary labor migration.

(c) The direction of the flow of scarce labor where most needed in the war program.

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization plan:

(a) "The Waco Area" is the area comprised of the counties of McLennan, Bosque, Falls, Hamilton, Coryell, Limestone, Freestone, Leon, Madison, Bell, Milam, Robertson, Navarro, Hill.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry; and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days duration, and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(f) "Essential activity" means any activity included in the War Manpower Commission list of essential activities. (9 F.R. 3439)

(g) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity. (Locally needed activity determinations are made by the Area Director in consultation with the Area Management-Labor Committee, subject to the approval of the State and Regional Directors.)

(h) "Locality of the new employment." Locality of the new employment as used in section 10, paragraph (c) of this plan means within a reasonable daily commuting distance.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment means his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Waco Area shall be conducted in accordance with this employment stabilization plan.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Waco Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Manpower Director.

SEC. 5. *Encouragement of local initiative use of existing hiring channels and special authorization to designated Government agencies.* To the maximum degree consistent with this employment stabilization plan and with its objectives, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and Government Agencies. Statements of availability may be issued in accordance with this program by the United States Civil Service Commission to a worker who is or most recently was employed in the Departmental or Field Service of the United States Government, by the Railroad Retirement Board to a worker who is or most recently was employed with an employer in the Railroad Industry, by the War Shipping Administration to a worker who is or most recently was employed with an employer in the off-shore, coastal or inter-coastal Merchant Marine Industry, as authorized by the Chairman of the War Manpower Commission.

SEC. 6. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustments, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. *Issuance of statements of availability by the United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 are found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice and opportunity to be heard, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

SEC. 9. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service, may upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 10. *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a Statement of Availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service:

(a) If the new employee is a male.

(b) If the new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation:

(c) If the new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(d) If the new employee's last regular employment was in the non-ferrous metal industry, or the lumber industry;

(e) If the new employee is to be engaged in an occupation in the manufacturing of ordnance and accessories, apparel and equipment for the armed forces, and at private aviation schools possessing government contracts, and production of finished lumber products.

(f) If the new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work; *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further*, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

The Area Manpower Director may fix for all or any establishments in the Waco Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishments' actual labor needs, the available labor supply and/or the relative urgency of the establishments' products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishments exceeding the employment ceiling or allowance currently applicable to it.

SEC. 11. *Exclusions.* No provisions of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment:

(b) The hiring of a new employee for work of less than seven days duration, or for work which is supplementary to the employee's principal work, but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days duration.

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county or municipal government, or their political sub-division, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political sub-division or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a schoolteacher for vacation, employment or the rehiring of a schoolteacher for teaching at the termination of the vacation period.

SEC. 12. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 13. *Content of statements of availability.* A statement of availability issued to an individual pursuant to the program shall contain only the individual name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, (a Statement as to whether or not the individual's last employment was in a critical occupation), and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

SEC. 14. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under the employment stabilization plan, except in a manner consistent with such restrictions.

SEC. 15. *Hiring.* The decision to hire or refer a worker shall be based on qualification essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

SEC. 16. Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

SEC. 17. *General referral policies.* No provision in this plan shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 18. *Amendment of plan.* This plan may be amended at any time, after consultation with the Area Management-Labor Committee of the Waco Area, upon approval by the Regional Director of the War Manpower Commission.

SEC. 19. *Effective date.* This plan shall become effective 12:01 a. m. October 16, 1943, and as amended 12:01 a. m., July 1, 1944.

Dated: January 20, 1945.

D. HARDING,
Area Director.

Approved: May 8, 1945.

J. H. BOND,
Regional Director.

[F. R. Doc. 45-10404; Filed, June 13, 1945; 3:00 p. m.]