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Office of the Director of Matériel, should accordingly be taken to refer to the Procurement Judge Advocate.

SUBPART B—DISTRIBUTION OF PROCUREMENT REGULATIONS

Paragraph (a) of § 801.106-1 is amended to read as follows:

§ 801.106-1 *Distribution to military establishments of complete sets of procurement regulations and of revisions to complete sets.* (a) Complete sets of procurement regulations and of revisions to complete sets are distributed to military establishments by:

Office, Procurement Judge Advocate, Headquarters, Army Service Forces, Room 3 E 479, The Pentagon Washington 25, D. C.

SUBPART C—AUTHORITY FOR AND APPLICABILITY OF REGULATIONS

1. The headnote of Subpart C is amended to read as set forth above.

2. The headnote of § 801.107 is amended to read as follows:

§ 801.107 *Authority with respect to procurement and related matters.*

3. In § 801.107-2 the introductory text of paragraph (b) is amended to read as follows:

§ 801.107-2 *Delegations from the Secretary of War to the Under Secretary of War.* \* \* \*

(b) Executive Order No. 9001, issued on December 27, 1941 pursuant to Title II of First War Powers Act (see § 802.-204-2), delegates the powers thus granted with respect to contracts to the War Department, the Navy Department, and the United States Maritime Commission, to be exercised by the Secretary of War, the Secretary of the Navy or the United States Maritime Commission and, in their discretion and by their direction, through any other officer or officers or civilian officials of the War or the Navy Departments or the United States Maritime Commission, with power to make further delegations. Accordingly the Secretary of War issued the following memorandum under date of December 30, 1941:

4. Paragraphs (c) and (d) are added to § 801.107-5, as follows:

§ 801.107-5 *Delegations from the Under Secretary of War.* \* \* \*

(c) *To Major General L. R. Groves.* Under date of April 17, 1944, the following memorandum was issued by the Under Secretary of War:

Memorandum for Major General L. R. Groves.

Subject: Delegation of Authority under Executive Order #9001.

1. The powers delegated to the War Department by Executive Order #9001, dated 27 December 1941, and redelegated to the Under Secretary of War by the Secretary of War by Memorandum dated 30 December 1941, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to deviate, where necessary, from War Department Standard Forms of contracts, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, are hereby further delegated to Major General L. R. Groves in connection with the work assigned to and coming within the jurisdiction of the Manhattan District, U. S. Engineer Office. He may, pursuant to Executive Order #9001 and the Memorandum for the Under Secretary of War, dated 30 December 1941, exercise such powers either personally or through the District Engineer of the Manhattan District, U. S. Engineer Office.

2. The authority herein delegated shall be effective as of 1 September 1942.

ROBERT P. PATTERSON,  
Under Secretary of War.

(d) *To the Special Representative of the Under Secretary of War for the Army Air Forces.* See § 801.107-7.

5. Section 801.107-6 is amended to read as follows:

§ 801.107-6 *Delegations from the Commanding General, Army Service Forces to the Director, Production and Purchases Division.* (a) Under date of September 1, 1945, the following memorandum was issued by the Commanding General, Army Service Forces:

Memorandum for the Director, Production and Purchases Division

Through: Director of Matériel  
Subject: Delegation of Authority

1. There is hereby delegated to the Director, Production and Purchases Division, Headquarters, Army Service Forces, all power and authority heretofore delegated by the Commanding General, Army Service Forces to the Director, Purchases Division, Headquarters, Army Service Forces, including in particular, but without limiting the generality of the foregoing, (a) the power and authority delegated to the Director, Purchases Division, by the Commanding General, Army Service Forces, in a memorandum dated 29 June 1942, as supplemented and confirmed by a memorandum dated 16 September 1942 (see Procurement Regulations 107.6), (b) the power and authority delegated to the Director, Purchases Division, by the Commanding General, Army Service Forces, in a memorandum dated 8 December 1944, Subject: Delegation of Authority under the Renegotiation Act, and (c) the power and authority delegated or which may hereafter be delegated to the Director, Purchases Division, or the Director, Production and Purchases Division, by Procurement Regulations, as the same may from time to time be amended.

2. The Director, Production and Purchases Division, shall have the power and authority from time to time in writing to redelegate to any officers or employees of the War Department any or all of the power and authority herein granted with such powers of delegation and successive delegation as he may deem appropriate.

3. All power and authority heretofore granted by the Commanding General, Army Service Forces, to the Director, Purchases Division, is hereby revoked, without prejudice to any action heretofore taken pursuant to such revoked power or authority. Any and all redelegations of such power and authority heretofore made by the Director, Purchases Division, and any and all redelegations thereunder, shall be and remain in full force and effect, to the same extent as if made pursuant to power and authority hereby granted until revoked pursuant to authority hereunder.

4. Any power hereby delegated may also be exercised by any person acting for the time being as Director, Production and Purchases Division.

BREHON SOMERVELL,  
General, Commanding.

(b) The memorandum dated September 16, 1942, of the Commanding General, Army Service Forces (then Services of Supply) to the Director, Purchases Division, referred to in the memorandum of September 1, 1945, set forth in paragraph (a) of this section, read as follows:

Memorandum for: Director, Purchases Division.

Subject: Delegation of Authority.

In confirmation of and supplementing the memorandum of the undersigned, dated June 29, 1942, to the Chief, Purchases Branch, Procurement and Distribution Division, Services of Supply (now the Director, Purchases Division, Services of Supply), the authority delegated to the Commanding General, Services of Supply, by memorandum of the Under Secretary of War, dated September 15, 1942 to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts and other contractual instruments, to make, authorize and approve sales or contracts for the sale of equipment, supplies and material and to approve War Department contract forms and deviations from approved forms, including all authority heretofore delegated to the undersigned pursuant to Public Law 354, 77th Congress, and Executive Order 9001 (including without limitation all authority pursuant to Public Law 354 and Executive Order 9001 delegated to the undersigned by the Under Secretary of War by the memorandum dated September 15, 1942), is hereby delegated to the Director, Purchases Division, Services of Supply. The Director, Purchases Division, is authorized to delegate further the above powers, authority, and discretions or any portion thereof to any officer or officers, or civilian official or officials of the War Department he may designate, with the power of redelegation. In any delegation of power or authority hereunder there may be included such terms and conditions, if any, as the person making such delegation may deem appropriate to ensure proper exercise of such power and authority in the interest of the United States and of the prosecution of the War.

BREHON SOMERVELL,  
Lieutenant General,  
Commanding.

(c) The memorandum dated June 29, 1942, of the Commanding General, Army

Service Forces (then Services of Supply), referred to in the memoranda of September 16, 1942, and September 1, 1945, set forth in paragraphs (a) and (b) above, read as follows:

Memorandum for: Chief Purchases Branch, Procurement and Distribution Division.

Subject: Delegation of Authority.

The authority delegated to the Commanding General, Services of Supply, by memorandum of the Under Secretary of War, dated June 29, 1942, to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts and other contractual instruments, to approve sales of equipment, supplies and material and to approve War Department contract forms and deviations from approved forms, including all authority heretofore delegated to the undersigned pursuant to Public Law 354, 77th Congress, and Executive Order 9001, is hereby delegated to the Chief, Purchases Branch, Procurement and Distribution Division, Services of Supply. The Chief, Purchases Branch, Procurement and Distribution Division, is authorized to delegate further the above powers or any portion thereof to whomsoever he may designate, with the power of redelegation.

BREHON SOMERVELL,  
Lieutenant General,  
Commanding.

6. Section 801.107-7 is amended to read as follows:

§ 801.107-7 *Delegations from the Under Secretary of War to the Special Representative of the Under Secretary of War for the Army Air Forces.* (a) Under date of September 1, 1945, the following memorandum was issued by the Under Secretary of War:

Memorandum for: Brigadier General G. H. Drewry.

Subject: Delegation of Authority.

1. The undersigned hereby delegates to you all the power and authority which was delegated by the Under Secretary of War to Colonel (later Brigadier General) Albert J. Browning, as Special Representative of the Under Secretary of War, by memorandum dated 15 September 1942 (and set out in Procurement Regulations 107.7), by memorandum dated 17 May 1944 (and set out in Procurement Regulations 1271.1), or by any other written memorandum, all of which power and authority was heretofore revoked and delegated to Mr. William C. Foster by memorandum dated 1 August 1945, subject as above, and hereby also delegates to you all power and authority, with respect to Army Air Forces matters, which has heretofore been, or may hereafter be, delegated to the Director, Purchases Division, or the Director, Production and Purchases Division, Headquarters, Army Service Forces, by Procurement Regulations as from time to time in force.

2. You shall have power and authority from time to time to redelegate, in writing, any and all power and authority hereby delegated to you to any officers or employees of the War Department with such powers of successive redelegation and upon such conditions as you may deem appropriate. Within 10 days after each such redelegation by you, or under your authority, the fact of such redelegation, and the name or names of the person or persons to whom such redelegation is made, will be reported to the undersigned.

3. When you shall exercise any power or authority hereby delegated to you, you shall act by direction, and as Special Representative of the Under Secretary of War.

4. Power and authority heretofore granted by the undersigned to Mr. William C. Foster, by Memorandum, dated 1 August 1945, subject as above, are hereby revoked, without prejudice to any action heretofore taken pursuant to such revoked power or authority. Any and all redelegations of such power and authority heretofore made by Mr. Foster or by Colonel or Brigadier General Albert J. Browning, as Special Representative of the Under Secretary of War, and any and all redelegations thereunder, shall be and remain in full force and effect to the same extent as if made pursuant to power and authority hereby granted, until revoked pursuant to authority hereunder.

ROBERT P. PATTERSON,  
Under Secretary of War.

(b) Among other things, the September 1, 1945, memorandum, set forth in paragraph (a) above, delegates to Brigadier General G. H. Drewry all power and authority theretofore delegated by the Under Secretary of War to Colonel (later Brigadier General) Albert J. Browning by memorandum dated September 15, 1942, or by any other written memorandum. By memoranda of June 1, 1942, and September 15, 1942, set forth below, the Under Secretary of War delegated power and authority to Colonel (later Brigadier General) Albert J. Browning as Special Representative of the Under Secretary of War. The power and authority granted by the Under Secretary of War to Colonel or Brigadier General Albert J. Browning as Special Representative of the Under Secretary of War was revoked by memorandum of August 1, 1945, from the Under Secretary of War for Mr. William C. Foster, without prejudice to any action theretofore taken and without affecting redelegations theretofore made by Colonel or Brigadier General Albert J. Browning. The power and authority granted by the Under Secretary of War to Mr. William C. Foster by the memorandum of August 1, 1945, have been revoked by the memorandum of September 1, 1945, set forth in paragraph (a) above.

Memorandum of September 15, 1942, from the Under Secretary of War for Colonel (later Brigadier General) Albert J. Browning read as follows:

Memorandum For Colonel Albert J. Browning, A. U. S., Special Representative of the Under Secretary of War.

Subject: Delegation of Authority.

1. In confirmation of and supplementing the memorandum of the undersigned to Colonel Albert J. Browning, A. U. S., dated June 1, 1942, on the above subject, authority is hereby delegated to Colonel Browning to act for the Secretary of War or the Under Secretary of War, in clearing, approving, and taking other action in respect to Army Air Force contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts, and other contractual instruments; to make, authorize and approve sales or contracts for the sale of Army Air Force equipment, supplies and material; and to approve new War Department Army Air Force contract forms and deviations from approved forms of contracts, including all authority with respect to Army Air Force contracts and agreements of all kinds heretofore delegated

to the undersigned by the Secretary of War pursuant to Public Law 354, 77th Congress and Executive Order No. 9001. This memorandum, however, shall not affect the existing authority of the Commanding General, Services of Supply, as to matters relating to the Air Forces, the extent of which is set forth in the letter dated April 9, 1942 from the Under Secretary of War to the Commanding General, Matériel Command, Army Air Forces, and to the Commanding General, Services of Supply. Colonel Browning, and any person or persons designated by him as such, acting under the authority herein contained will act as "Special Representative of the Under Secretary of War."

2. Without any limitation of the powers and authority hereinbefore granted, there is hereby vested in Colonel Browning, pursuant to and subject to the provisions of Title II of the First War Powers Act (Public Law 354, 77th Congress) and Executive Order No. 9001 the authority to take the following action:

a. He may enter into, amend or modify contracts, may make purchases, may place orders, and may make advance progress and other payments on such contracts, purchases and orders without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts.

b. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

c. Whenever, in the judgment of Colonel Browning, (or of an officer or civilian employee of the War Department to whom authority has been delegated to exercise such powers), the prosecution of the war is thereby facilitated, he may amend or modify contracts heretofore or hereafter made for the purpose of (a) obtaining continued operations by contractors engaged in war production, (b) encouraging greater diligence on the part of contractors, (c) protecting contractors from the consequences of unforeseen or unexpected events, (d) adjusting contracts to new conditions and circumstances, including those created by the rules, orders, instructions and determinations of Government departments, or (e) for any other purposes for facilitating the prosecution of the war.

Such amendments and modifications of contracts may be without consideration, other than the determination that the prosecution of the war will thereby be facilitated, and may be utilized to accomplish the same things as any original contract could accomplish, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof. The powers hereby delegated may be exercised by (a) supplemental agreements which modify or amend or settle claims by or against the United States arising under or with respect to any contracts heretofore or hereafter made; (b) agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under any surety or other bond; or (c) supplemental agreements and change orders suspending or modifying the

operation of existing contracts as yet uncompleted, and providing for the payment by the Government of the damages incurred by a contractor by reason of such suspension or modification; provided in each instance that full performance by the contractor under such contract, or under a series of contracts between the United States and the same contractor for substantially the same goods, shall not have been completed and final payment made thereunder. The supplemental contracts hereby authorized to be made include agreements of all kinds for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of the war, or for the invention, development or production of, or research concerning any such things.

d. He may waive bid, payment, performance, or other bonds, and dispense with advertising for bids and competitive bidding.

4. Colonel Browning, or any person acting by delegation from him in the exercise of the powers hereby granted, shall have power to ratify and approve any contractual documents entered into or action taken by others, which he himself might have entered into or taken by virtue of the powers hereby granted.

5. The powers, authority and discretion hereby conferred upon Colonel Browning, or any portion or portions thereof, may be redelegated by him to whomsoever he may designate, with the power of redelegating such powers, in whole or in part, to any officer or officers or civilian official or officials of the War Department. In any delegation of power or authority hereunder there may be included such terms and conditions, if any, as the person making such delegation may deem appropriate to ensure proper exercise of such power and authority in the interest of the United States and of the prosecution of the war.

ROBERT P. PATTERSON,  
Under Secretary of War.

Memorandum of June 1, 1942, from the Under Secretary of War to Colonel (later Brigadier General) Albert J. Browning read as follows:

Memorandum for Colonel Albert J. Browning, A. U. S.

Authority is hereby delegated to Colonel Albert J. Browning, A. U. S. to act for the Secretary of War and/or the Under Secretary of War in clearing, approving and taking other action in respect to Army Air Force contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts and other contractual instruments; to approve sales of Army Air Force equipment, supplies and materials; and to approve new War Department Army Air Force contract forms and deviations from approved forms of Army Air Force contracts.

The foregoing authority, or any portion thereof, is likewise delegated to such person or persons as may be designated in writing by Colonel Albert J. Browning, A. U. S.

The individual acting under the foregoing authority will so act as "Special Representative of the Under Secretary of War."

The foregoing authority shall remain in full force and effect until revoked by this office.

By direction of the Secretary of War:

ROBERT P. PATTERSON,  
Under Secretary of War.

7. Section 801.107-8 is amended to read as follows:

§ 801.107-8 *Delegations from Director, Production and Purchases Division and Special Representative of the Under Secretary of War.* (a) Under date of September 1, 1945, the following memo-

randum was issued by the Director, Production and Purchases Division, Headquarters, Army Service Forces, and Special Representative of the Under Secretary of War:

Memorandum for Colonel Phillips W. Smith, G. S. C.

Subject: Delegation of Authority.

1. The undersigned hereby delegates to Colonel Phillips W. Smith, G. S. C., the right to exercise any and all power and authority which has heretofore been or which may hereafter be delegated to the Director, Production and Purchases Division, Headquarters, Army Service Forces, with respect to purchase functions, or to me as Special Representative of the Under Secretary of War (with respect to Army Air Forces matters), including in particular, but without limiting the generality of the foregoing, (a) the power and authority delegated to the Director, Production and Purchases Division, by the Commanding General, Army Service Forces, in a memorandum dated 1 September 1945, subject as above, (b) the power and authority delegated by the Under Secretary of War to the undersigned in a memorandum dated 1 September 1945, subject as above, and (c) the power and authority delegated or which may hereafter be delegated to the Director, Purchases Division, or the Director, Production and Purchases Division, by the Procurement Regulations, as the same may from time to time be amended.

2. The delegate above named shall have power and authority from time to time in writing to redelegate to any officers or employees of the War Department any or all of the power and authority herein granted with such powers of delegation and successive delegation as he may deem appropriate. Within ten days after each such redelegation by the delegate above-named as Special Representative of the Under Secretary of War, or under his authority as such Special Representative, the fact of such redelegation, and the name or names of the person or persons to whom such redelegation is made, will be reported to the Under Secretary of War.

3. When the delegate above-named shall exercise any of the power or authority delegated to the undersigned as Special Representative of the Under Secretary of War, he shall act by direction of and as the Special Representative of the Under Secretary of War.

G. H. DREWRY,

Brigadier General, G. S. C., Special Representative of the Under Secretary of War, and Director, Production and Purchases Division, Hqs., Army Service Forces.

(b) Under date of September 13, 1945, the following memorandum was issued by the Director, Production and Purchases Division, Headquarters, Army Service Forces, and Special Representative of the Under Secretary of War.

Memorandum for the Procurement Judge Advocate.

Subject: Delegation of Authority to Approve Contract Forms and Deviations from Approved Forms.

1. The authority delegated to the Director, Production and Purchases Division, by the Commanding General, Army Service Forces, dated 1 September 1945, and the authority delegated to me by the Under Secretary of War, dated 1 September 1945 (in respect of matters relating to the Army Air Forces) to approve contract forms and articles, and deviations from approved contract forms and articles, is hereby further delegated to the Procurement Judge Advocate and to any person who for the time being may be acting in such capacity.

2. The Memorandum for the Legal Assistant to the Director of Matériel and the Chief,

Legal Branch, Director of Matériel, subject as above, dated 12 November 1943, from Brigadier General Albert J. Browning, Director, Purchases Division, is rescinded.

G. H. DREWRY,  
Brigadier General, G. S. C., Director,  
Division and Special Representative  
of the Under Secretary of  
War.

8. A headnote is added to § 801.107-10, as follows:

§ 801.107-10 *Publication of instructions by chiefs of technical services.*

9. Section 801.108-2 is amended to read as follows:

§ 801.108-2 *Applicability in general.* This chapter is applicable to all procurement activities carried on by Army agencies with appropriated funds. If a project involves both a procurement activity and acquisition or disposal of real estate governed and regulated by the Army Regulations referred to in § 801.108-1, this chapter is applicable so far as the procurement activity is concerned and are inapplicable so far as the acquisition or disposal of real estate is concerned except as to the disposition of industrial installations as provided in Parts 831 to 839, inclusive.

10. Section 801.108-3 is revoked as follows:

§ 801.108-3 *Technical\* services and supply services.* [Revoked]

[Procurement Reg. 2]

#### PART 802—GENERAL PURCHASE POLICIES

##### SUBPART C—CONTRACT PRICE POLICIES

1. In § 802.236b, the reference to § 803.379-5 is amended to read "§ 803.378-5".

2. Section 802.237 is revoked as follows:

§ 802.237 *Adjustments without contract provisions.* [Revoked]

##### SUBPART D—NEGOTIATION OF CONTRACTS

Section 802.248-2 is amended to read as follows:

§ 802.248-2 *Adjustment of prices and terms of subcontracts and purchase orders under cost-plus-a-fixed-fee contracts.* A large number of existing cost-plus-a-fixed-fee contracts contain the following contractual provision:

With the approval of the Contracting Officer, the Contractor may modify a subcontract or purchase order under this contract to increase the price or extend more favorable terms to the subcontractor.

This provision was inserted in cost-plus-a-fixed-fee contracts to permit prime contractors to make adjustments in the price or terms of an outstanding subcontract or purchase order without legal consideration, for the benefit of the supplier. Effective August 18, 1945, contracting officers will not approve the modification or adjustment of a subcontract or purchase order pursuant to this contractual provision, and such contractual provision will not subsequent to that time be inserted in cost-plus-a-fixed-fee contracts.

[Procurement Reg. 3]

#### PART 803—CONTRACTS

##### SUBPART A—GENERAL

In § 803.303a, paragraph (b) is revoked.

##### SUBPART B—AUTHORITY TO MAKE AWARDS, CONTRACTS AND MODIFICATIONS THEREOF; REQUIRED APPROVALS

1. Section 803.308a is amended to read as follows:

§ 803.308a *Supplemental agreements and change orders not involving receipt of consideration.* Approval by the Director, Production and Purchases Division, Headquarters, Army Service Forces, will be required for each supplemental agreement or change order which does not involve the receipt by the Government of adequate legal consideration, or which modifies or releases an accrued obligation owing directly or indirectly to the Government including accrued liquidated damages or liability under any surety or other bonds. Effective August 18, 1945, requests for such approval will be limited to cases of the type described in § 812.1252-1. Cases will be prepared in accordance with the instructions found in § 812.1252-2. The Director, Production and Purchases Division, will if he deems such action proper signify his approval by manual execution of the supplemental agreement or change order, where such instrument is submitted, or where such instrument is not submitted, by memorandum, indorsement, letter or telegram in response to the request for approval.

2. Sections 803.308b, 803.308d, 803.308e and 803.308f are revoked as follows:

§ 803.308b *Correction of mistakes.* [Revoked]

§ 803.308d *Ratification of prior action.* [Revoked]

§ 803.308e *Extension of time for performance.* [Revoked]

§ 803.308f *Amendment of contracts after final administrative determination of amount due.* [Revoked]

3. Section 803.308g is amended to read as follows:

§ 803.308g *Supplements and change orders dealing with or directly affecting matters pending before the General Accounting Office in respect of the amended contract.* Chiefs of technical services may not approve or authorize the execution of any supplemental agreement or change order which deals with or directly affects the claim under the contract amended thereby which has been transmitted to the General Accounting Office, or any dispute under the contract which has been referred to the General Accounting Office. In requesting any approval of the Director, Production and Purchases Division, Headquarters, Army Service Forces, required by these regulations, the chiefs of the several technical services will call attention to any matters pending before the General Accounting Office with respect to the contract in question, or any closely related contract which may be affected or dealt with by the supplementary agreement,

change order, or action, approval of which is requested, and will state fully the circumstances in any such pending matter.

4. Section 803.308h-3 is revoked as follows:

§ 803.308h-3 *Formalization of claims under existing procedures.* [Revoked]

5. Section 803.308h-4 is amended to read as follows:

§ 803.308h-4 *Action under section 17 by the technical service.*—*Action under section 17a.* (a) The chief of a technical service may take or approve any action authorized by section 17a of the Contract Settlement Act of 1944 in any case involving a payment to a contractor of an amount not in excess of \$50,000. *Provided, That:*

(1) The chief of the technical service determines that the facts involved bring the claim clearly within the purview of such statutory authority.

(2) Such person (i) has not been paid for such materials, services or facilities or for arranging to furnish the same, (ii) has not waived such claim in any renegotiation agreement or otherwise, (iii) has no pending contractual arrangement for such payment by the Government and (iv) is willing to accept in complete discharge of all liability of the Government for furnishing or arranging to furnish such materials, services or facilities an amount which the chief of the technical service considers to be fair compensation for what such person has in fact done or furnished;

(3) No claim relating to the furnishing of such materials, services or facilities has been referred to the General Accounting Office (see § 803.308g); and

(4) Each case involving the payment to the contractor of more than \$5,000 shall be subject to the prior written approval of the chief of the technical service or of one or more employees or officers designated by him within the headquarters of the office of the technical service, or, in case of the Army Air Forces, within the headquarters office of the Army Air Forces or one of its major component commands.

(b) Any such action taken by the chief of the technical service under paragraph (a) above will be embodied in a supplemental agreement or a contract in accordance with § 803.308h-6. Promptly thereafter the chief of the technical service will make a written report to the Director, Production and Purchases Division, Headquarters, Army Service Forces, of each action taken pursuant to the authority granted by such subparagraph which involves a payment to the contractor in excess of \$500.00. Such report will contain the following:

(1) A copy of the supplemental agreement or contract constituting the action;

(2) A brief statement of facts and evidence upon which such action is based;

(3) A statement of the reasons why such instructions were not formalized at the time they were given; and

(4) In all cases where the amount of the payment is in excess of \$5,000, a statement by the contractor of the extent to which, and the respective fiscal year

in which, (i) the amount of the claim was included in renegotiable income, and (ii) the costs on which the claim is based were allowed in renegotiation.

(c) *Action under section 17b.* The chief of a technical service may take or approve any action authorized by section 17b of the Contract Settlement Act of 1944. A report of the action taken will be submitted promptly to the Director, Production and Purchases Division, Headquarters, Army Service Forces.

(d) The chief of the technical service concerned will require full records to be preserved containing the facts relevant to any action taken pursuant to this section.

(e) The chief of each technical service will take adequate steps to make certain that the grant of authority contained in this section does not lead to any relaxation of the efforts of the procurement offices within such technical service to formalize promptly all instructions and agreements with contractors as required by applicable regulations.

6. In § 803.308h-5 (a), subparagraph (10) is added as follows:

§ 803.308h-5 *Action by Director, Production and Purchases Division.*

(a) \* \* \*

(10) A report by the contractor stating (i) the agency which renegotiated the contract for the fiscal year in which the facts occurred which gave rise to the claim, (ii) the extent to which and the fiscal year in which the amount of the claim was included in renegotiable income, (iii) the extent to which and fiscal year in which the costs on which the claim is based were allowed in renegotiation, and (iv) whether the contractor waived the claim in any renegotiation agreement or otherwise.

SUBPART H—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

1. Paragraph (a) of the clause in § 803.343 is amended to read as follows:

§ 803.343 *Davis-Bacon Act; contract clause.* \* \* \*

(a) The contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the specifications regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work. The contracting officer shall have the right to withhold from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents.

2. The second paragraph of the clause in § 803.343-1 is amended to read as follows:

§ 803.343-1 \* \* \*

Any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule by mutual agreement between the contractor and class of labor concerned, subject to the prior approval of the contracting officer. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination.

SUBPART I—TERMINATION OF FIXED-PRICE (LUMP SUM) CONTRACTS UPON DEFAULT OF CONTRACTOR

1. In § 803.379 paragraph (d) is revoked.

2. Section 803.380 is revoked as follows:

§ 803.380 *Steps to be taken in event of termination because of default.* [Revoked]

[Procurement Reg. 4]

PART 804—BONDS AND INSURANCE

SUBPART B—BONDS

Section 804.412 is added as follows:

§ 804.412 *Authority of Judge Advocate General as to substitute surety bonds.* The Judge Advocate General is authorized to act for the Secretary of War or the Under Secretary of War in accepting a new surety bond in substitution for a bond previously approved by the War Department and covering part or all of the same obligation, and in authorizing the notification of the principal and surety on the bond originally furnished that it will not be considered as security for any default occurring subsequently to the date of approval of the new bond. The Judge Advocate General is authorized to delegate such function to whomsoever he may designate within his office.

SUBPART C—SURETIES ON BONDS

Paragraph (a) of § 804.418 is amended to read as follows:

§ 804.418 *Procedure for accomplishing execution of consent or correction of bonds and consents.* \* \* \*

(a) *Expediter plan.* There has been established in Washington at the Office of the Association of Casualty and Surety Executives, Washington Building, an arrangement whereby Mr. Howard M. Starling, on his sole unwitnessed signature, will execute consents of surety and make corrections in bonds and consents in compliance with requests originating either in Washington or in the field offices. This representative of the surety industry has been so empowered by all of the surety companies on the Treasury Department List and authenticated evidence of his authority as above described has been filed with Office of The Judge Advocate General and with the Section of Surety Bonds, Treasury Department. Whenever a technical service desires to avail itself of the Expediter Plan, it should transmit an unexecuted

consent or the incorrect bond or consent in the manner described in paragraph (b) of § 804.409-2 to the Office of The Judge Advocate General. That office will get in touch with Mr. Starling, who will handle all the details for the surety companies concerned and will execute or correct the instrument. The Office of The Judge Advocate General will then handle the document in the manner set forth in § 803.314-4.

[Procurement Reg. 5]

**PART 805—FOREIGN PURCHASES**

1. In § 805.509-9, paragraph (c) is amended to read as follows:

§ 805.509-9 *Purchases in Canadian Northwest.* \* \* \*

(c) Accordingly, future contracts of the type described in paragraph (a) above will be entered into with the suppliers and not with North West Purchasing Limited. Normally, however, the agency of the Department of Munitions and Supply located at Edmonton, Alberta, will be given advance notice of required purchases and will allocate and negotiate the contracts. In unusual cases clearance through the agency of the Department of Munitions and Supply may be dispensed with, under such regulations as may be issued by the Commanding

General, Sixth Service Command. See also §§ 812.1205-4 and 812.1291-1.

2. In § 805.510 the text is designated paragraph (a), and former §§ 805.510-1 and 805.510-2 are redesignated paragraphs (b) and (c) of § 805.510.

[Procurement Reg. 6]

**PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES**

**SUBPART B—INTERBRANCH PROCUREMENT**

The table in § 806.605d is amended to read as follows:

§ 806.605d *Indefinite quantity contracts executed by the Office of The Quartermaster General.* \* \* \*

**INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL**

Supply bulletin No.	Date	Commodity	Contract period	Contract symbol No.	Contractor	Area serviced	Applicability
10-87	June 1945....	Books.....	Fiscal year 1946....	See Supply Bulletin No. 10-87		Continental United States and its possessions.	General utilization by the War Department except the Medical Corps.
10-246	3 Aug. 1945..	Compressed yeast..	Fiscal year 1945....	W 11-009-qm-48937...	Federal Yeast Corp., Colgate Creek-Highlandtown, P. O., Baltimore, Md.	3d Service Command.....	All branches of the War Department.
				W 11-009-qm-48935...	National Grain Yeast Corp., Belleville, N. J.	1st Service Command.....	
				W 11-009-qm-48939...	Standard Brands, Inc., 595 Madison Ave., N. Y., N. Y.	4th, 8th, and 9th Service Commands.	
				W 11-009-qm-48936...	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	2d and 7th Service Commands and Military District of Washington.	
				W 11-009-qm-48938...	Red Star Yeast & Products Co., 221 E. Buffalo St., Milwaukee, Wis.	5th and 6th Service Commands.	
10-96	May 1945....	Paper rolls, for cash registers.	Fiscal year 1946....	W 28-021-qm-35736....	The National Cash Register Co., Main and K Sts., Dayton, Ohio.	See Supply Bulletin No. 10-96.	All posts, camps and stations.
10-237	June 1945....	Oil, engine greases and gear lubricants. <sup>1</sup>	1 July 1945 to 31 Dec. 1945.	W 44-109-qm-610....	The Texas Co.	Continental United States, exclusive of Arizona, California, Illinois, Maryland, Massachusetts, New Jersey, North Dakota, Oregon, Pennsylvania, Vermont, and Washington.	All War Department activities within continental United States (not including Alaska) for domestic consumption, exclusive of maneuvers ordered by Army Ground Force Headquarters.
				W 44-109-qm-611....	Shell Oil Co. Inc. of California.	California, Oregon, and Washington.	
				W 44-109-qm-612....	Shell Oil Co. Inc. of New York.	Illinois.....	
				W 44-109-qm-613....	Atlantic Refining Co.....	Maryland, Massachusetts, New Jersey, and Pennsylvania.	
10-244	1 Aug. 1945....	Malt.....	1 July 1945 to 31 Dec. 1945.	W 11-009-qm-48954....	Malt-Diastase Company, Wyckoff Ave. and Deatur St., Brooklyn, N. Y.	1st, 2d, and 3d Service Commands; Military District of Washington.	All branches of the War Department.
				W 11-009-qm-48951....	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	4th Service Command.....	
				W 11-009-qm-48952....	Birk Bros. Brewing Co., Webster and Wayne Sts., Chicago, Ill.	6th Service Command.....	
				W 11-009-qm-48953....	Standard Brands, Inc., War Prod. & Supply Dept., 595 Madison Ave., New York, N. Y.	5th, 7th, 8th, and 9th Service Commands.	
10-193	20 Aug. 1945.	Ink, duplicating machine, black 1 lb. cans.	1 Sept. 1945 to 31 Dec. 1945.	W 28-021-qm-43663....	Howard Flint Ink Co., Clark Ave. and M. C. R. R., Detroit 9, Mich.	See Supply Bulletin No. 10-193.	All Branches of the War Department.

<sup>1</sup> The basic contracts for greases and gear lubricants are contracts of Treasury Department, Procurement Division.

## [Procurement Reg. 9]

## PART 809—LABOR

## SUBPART A—CONVICT LABOR LAW

Sections 809.908-8 and 809.909 are amended to read as follows:

§ 809.908-8 *Request for advisory opinions.* The Secretary of Labor will furnish an opinion regarding the coverage of any specific project or with respect to the application of any provisions of the regulations at the request of any Federal or State agency. Request for any such opinion shall be submitted through the chief of the technical service to the Procurement Judge Advocate, Headquarters, Army Service Forces, for submission through channels to the Secretary of Labor. (29 CFR 3.7)

§ 809.909 *Alternative procedures for railway carriers.* By letters of October 5, 1942, and January 22, 1943, from the Secretary of Labor to the Secretary of War, a partial exemption regarding the submission of weekly reports described in § 809.908-1 was granted to railway carriers and an alternative method for obtaining permission of the Secretary of Labor to make certain types of deductions was approved. Copies of these letters may be obtained from the Industrial Personnel Division, Headquarters, Army Service Forces.

## SUBPART D—DAVIS-BACON ACT

1. Section 809.911-7 is amended to read as follows:

§ 809.911-7 *Determination by chief of technical service.* The act contemplates an administrative determination of the application of the law to particular contracts and the War Department is authorized to make such determination. The chief of the technical service involved will determine within his own office whether the foregoing regulations require the inclusion of Davis-Bacon (and Copeland) Act provisions in any particular contract. In cases of doubt the question, accompanied by full statement of the facts, shall be referred to the Procurement Judge Advocate, Headquarters, Army Service Forces, for determination.

2. Section 809.913-2 is amended to read as follows:

§ 809.913-2 *Responsibility of contracting officers.* Prior to entering into negotiations for awarding a contract to which the Davis-Bacon Act is applicable, the contracting officer concerned will request the Corps of Engineers to furnish the appropriate predetermination of the wage rates to be contained in the contract. The contracting officer will forward such request direct to the Division Engineer of the Corps of Engineers within whose territorial jurisdiction the work called for by the proposed contract is to be performed unless the chief of the technical service concerned directs that the request be forwarded through his office. In the latter event the request will be forwarded through the chief of the technical service concerned to the Wage and Salary Branch, Office of the Chief of Engineers. Since predetermi-

nations are subject to change, contracting officers are cautioned, in any case where a predetermination previously furnished by the Corps of Engineers is apparently applicable to the proposed contract, to inquire whether such predetermination is current. (The territorial jurisdiction of the Division Engineers is coextensive with that of the service commands. For a list of the addresses of the Division Engineers with a statement of the service commands in which they are located, see § 809.989.)

## SUBPART E—WALSH-HEALEY PUBLIC CONTRACTS LAW

1. Section 809.917 is amended to read as follows:

§ 809.917 *Publications to be furnished contracting officers.* The Secretary of Labor has published a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations, No. 2, September 29, 1939" and a supplement thereto, published January 24, 1944, entitled "Supplement to Rulings and Interpretations No. 2." These publications contain a compilation of the text of the act, the regulations of the Secretary of Labor relating thereto, and pertinent rulings and interpretations. The chiefs of the technical services are responsible for furnishing these publications and a supply of the forms referred to therein to each of their contracting officers (it is no longer necessary to obtain Form PC-1 from the Department of Labor; see § 802.297-1a (s)). Information of interest not found in these publications is set forth in §§ 809.920, 809.921 and 809.922.

2. Section 809.919-3 is amended to read as follows:

§ 809.919-3 *Furnishing of posters.* Contracting officers are responsible for seeing that contractors who are awarded contracts subject to the Walsh-Healey Act are furnished Posters, Form PC-13 (Revised April 1945) simultaneously with the making of the award, or as soon thereafter as possible. All copies of previously issued posters which bear no revision date or a revision date other than April 1945, must be destroyed and be replaced by that revised issue. These forms may be obtained from the Record Keeping and Control Section, Room 1106, Department of Labor, Washington 25, D. C. In this connection, see § 809.917.

3. In § 809.921 (c), subparagraph (4) is amended to read as follows:

§ 809.921 *Exceptions not stated in the publications furnished contracting officers.* \* \* \*

(c) \* \* \*

(4) Contracts awarded through December 31, 1945, for dehydrated rutabagas and carrots and for the canned and dehydrated fruits and vegetables set forth on page 3 of "Supplement to Rulings and Interpretations, No. 2" (except milk, evaporated).

4. Section 809.922 is added as follows:

§ 809.922 *Other information not found in publications furnished contracting officers.* (a) The partial exception permitting the employment of female persons between the ages of 16 and 18, under cer-

tain conditions (see "Supplement to Rulings and Interpretations No. 2"), was revoked by the Secretary of Labor effective September 5, 1945, except that such female persons may be employed in the performance of contracts awarded prior to September 5, 1945, subject to the conditions prescribed in the original exception.

5. Section 809.923-1 is amended to read as follows:

§ 809.923-1 *General.* Section 6 of the act permits the Secretary of Labor to make exceptions to the requirement that the representations and stipulations of section 1 of the act be included in War Department proposals or contracts which are subject to the act. Sections 809.923-2 through 809.923-4 set forth the procedure to be followed when any such exception is sought.

6. In § 809.923-2 the introductory text preceding paragraph (a) is amended to read as follows:

§ 809.923-2 *Requests for exceptions and review thereof by contracting officers.* All requests of present or prospective War Department Contractors for exceptions under section 6 of the act will be addressed to the chief of the interested technical service. Such requests of the contractor will be in writing, will be transmitted through the appropriate contracting officer, and will set forth all pertinent information, including the nature of the requested exception, the need therefor, and any action already taken by the contractor to avoid the necessity for the exception. Upon receipt of such a request from a contractor, the contracting officer will review the request in the light of:

7. Section 809.923-3 is amended to read as follows:

§ 809.923-3 *Consultation with regional directors, Department of Labor, and forwarding requests to chiefs of technical services.* (a) If the contracting officer believes that the requested exception is appropriate under the circumstances and necessary in the war effort:

(1) He will inform the appropriate regional director of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, of the request for exception and the necessity therefor; and

(2) After joint consideration with such regional director, the contracting officer, if still of the opinion that the requested exception is appropriate, will transmit the request together with (i) his written recommendation relative thereto, (ii) a statement of all the information upon which the recommendation is based and (iii) a recital of the steps taken in compliance with the procedure set forth in § 809.923-2 and this section; to the chief of the interested technical service. (A list of such regional directors is given in § 809.991).

(b) The procedure set forth in paragraphs (a) (1) and (2) of this section with respect to such regional director will be complied with unless such compliance would result in undue delay. The contracting officer, in consulting

with the appropriate regional director, will furnish the Director any pertinent information in his possession which the Director may require for rendering a report in connection with the need for the exception to the Administrator of the Wage and Hour and Public Contracts Divisions.

8. In § 809.923-4 the introductory text preceding paragraph (a) is amended to read as follows:

§ 809.923-4 *Review and processing of requests by chief of the technical service.* If the chief of the interested technical service concurs in the recommendation of the contracting officer, after review of the request and consideration as to whether the need for an exception can be avoided by utilization of alternative facilities, he will forward the request to the Industrial Personnel Division, Headquarters, Army Service Forces, through the Production and Purchases Division, Headquarters, Army Service Forces, together with:

9. Section 809.923-5 is revoked as follows:

§ 809.923-5 *Special procedure with respect to exception relative to employment of female minors.* [Revoked]

#### SUBPART G—OVERTIME WAGE COMPENSATION

1. Section 809.940 is amended to read as follows:

§ 809.940 *Executive Order No. 9240 rescinded.* Executive Order No. 9240, as amended, which established certain principles and regulations applicable for the duration of the war to the payment of premium and overtime wage compensation on all work relating to the prosecution of the war, has been revoked by Executive Order No. 9601, effective August 21, 1945. Questions arising in connection with the application of Executive Order No. 9240, as amended, prior to its revocation, may be referred, through channels, to the Procurement Judge Advocate, Headquarters, Army Service Forces.

2. The remainder of Subpart G is revoked.

#### SUBPART H—WAGE AND SALARY STABILIZATION

1. Sections 809.950-1 and 809.950-2 are amended to read as follows:

§ 809.950-1 *Scope of part.* This part deals with the national wage and salary stabilization program. The Stabilization Act of 1942, as amended (sometimes hereinafter referred to as "the act"), authorizes and directs the President, among other things, and subject to certain limitations, (1) to issue a general order stabilizing wages and salaries affecting the cost of living on the basis, unless otherwise provided, of the levels which existed on September 15, 1942, and (2) generally to provide for the making of adjustments with respect to wages and salaries "to aid in the effective prosecution of the war or to correct gross inequities." By Executive Order No. 9250 and other directives, the President, with

respect to the stabilization program, has (1) established policies, (2) defined certain functions of the National War Labor Board, and (3) delegated certain powers and responsibilities to the Economic Stabilization Director (sometimes hereinafter referred to as "the Director"). (By Executive Order No. 9620, dated September 20, 1945, the office of Economic Stabilization Director was abolished and all functions of the Economic Stabilization Director were transferred to the Director of War Mobilization and Reconversion (also sometimes hereinafter referred to as "the Director"). All prior regulations, rulings, and other directives relating to the Office of Economic Stabilization remain in effect except insofar as they may be in conflict with Executive Order No. 9620 or hereafter may be amended by the Director.) Some of these powers and responsibilities of the Director have been re-delegated by him to the National War Labor Board, the Commissioner of Internal Revenue and the Secretary of Agriculture (sometimes hereinafter referred to respectively as "the Board", "the Commissioner", and "the Secretary"). The Board and the Commissioner, in turn, have authorized other agencies, in certain cases, to exercise their functions with respect to the stabilization program in the first instance, subject to their review. The succeeding paragraphs discuss the broader aspects of the program and indicate, to the extent deemed of interest to War Department personnel, the functions of various agencies having jurisdiction with respect thereto. Contracting officers should be reasonably familiar with the program. However, since contracting and disbursing officers are not authorized to determine whether particular payments of wages and salaries by War Department contractors violate wage and salary stabilization policy (see §§ 809.961 and 809.962), no attempt is made in this chapter to set forth in detail the various rules, regulations, orders and interpretations which have been promulgated pursuant to the act.

§ 809.950-2 *Applicable statutes, orders, regulations and rulings.* Statutes, orders, regulations and rulings respecting the stabilization program include the Stabilization Act of 1942 (entitled An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes), as amended by the Public Debt Act of 1943 and by the Stabilization Extension Act of 1944, the War Labor Disputes Act (relating to labor disputes which may lead to substantial interference with the war effort, to government operation of facilities under certain circumstances, and to other matters), Executive Order No. 9250 (wage stabilization order), Executive Order No. 9299 (regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act), Executive Order No. 9328 (supplemental stabilization order, the "hold-the-line" order), Executive Order No. 9370 (enforcement of orders of the Board), Executive Order No. 9599 (transition to a peacetime economy), the regulation of the Director, the Director's policy directives of May 12,

1943, March 8, 1945 and April 23, 1945, and the regulations, rulings, orders and interpretations of the various agencies having jurisdiction with respect to the stabilization program.

2. Section 809.951-1 is amended to read as follows:

§ 809.951-1 *General.* Generally (a) no increases or decreases in wages rates (regardless of whether required by the terms of any labor agreement), (b) no increases in salaries, and (c) no decreases in salaries (if below \$5,000 or if the effect of the decrease is to reduce the salary below \$5,000 per annum) shall be made without the approval of the appropriate agency having jurisdiction with respect thereto (§§ 809.952 to 809.958). Exceptions to this requirement of approval have been made, limitations have been set within which approvals may be granted, and certain increases and decreases which may be made without the specific approval of the appropriate agency in the particular case have been defined. The succeeding sections numbered 809.951 followed by a numeral contain a general summation of the limitations upon increases and decreases in wages and salaries under the stabilization program. For further details and for a statement of the exceptions and of the increases and decreases which may be made without specific approval, heretofore mentioned, reference is made to the regulations, rulings and orders of the agencies charged with the administration of the program.

3. A new § 809.951-2 is added and former § 809.951-2 is redesignated § 809.951-3 and amended to read as follows:

§ 809.951-2 *Increases requiring no approval of the stabilization agencies.* Employers may, through collective bargaining with the duly certified or recognized representatives of their employees, or if there is no such representative, by voluntary action, make wage and salary increases without obtaining prior approval. Such increases are subject only to the limitation that they will not be used as a basis for seeking price relief, resisting otherwise justifiable reductions in price ceilings, or increasing costs to the United States in the event a contract with a Federal procurement agency is involved.

§ 809.951-3 *Limitations on wage and salary increases requiring approval of stabilization agencies—(a) Policy.* Existing policy as to wage and salary increases which require approval by the stabilization agencies (insofar as those within the jurisdiction of the Board or the Commissioner as hereinafter set forth are concerned), as established by applicable statutes, orders, regulations and rulings, may be summarized as follows:

(1) No such increase in wages or salaries shall be authorized by the Board or the Commissioner, as the case may be, except in the following cases:

(i) Such increases as are clearly necessary to correct substandards of living;

(ii) Such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to

compensate, in accordance with the "Little Steel Formula" (see paragraph (b) of this section), for the rise in the cost of living between January 1, 1941, and May 1, 1942;

(iii) Salary and wage adjustments necessary to adjust salaries or wages up to the minimum of the tested and going rates paid for comparable work in the same or most nearly comparable plants or establishments in the same labor market, except in rare and unusual cases in which the critical needs of war production require the setting of a wage or salary at some point above the minimum of the going wage or salary bracket;

(iv) Reasonable adjustments in wages or salaries in case of promotions, reclassifications, merit increases, incentive wages or the like: *Provided*, That such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices (the Board may approve or direct certain such adjustments irrespective of such proviso in accordance with the Director's Policy Directive on "Fringe" Adjustments of March 8, 1945, and his Supplementary Directive of April 24, 1945).

(v) Such increases as may be necessary to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy.

(2) No increase in a salary rate approved by the Commissioner shall increase the level of production costs appreciably, or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices or furnish the basis of further wage or salary increases.

(3) In connection with the approval of wage or salary adjustments necessary to eliminate substandards of living or to give effect to the Little Steel Formula or in connection with the adoption of a longer work week, there may be approved wage or salary adjustments for workers in immediately interrelated job classifications to the extent required to keep minimum differentials between immediately interrelated job classifications necessary for the maintenance of productive efficiency. Such adjustments are to be tapered off rigorously in application to higher job classifications so as to apply only in those classifications and only to the extent necessary for productive efficiency in the interrelated job classifications.

(b) *Little Steel Formula*. This formula has been adopted by the Board for application generally in the case of wage increases for a group of employees. Under the formula, the Board will consider requests for general increases in straight-time wage rates up to 15 per cent above the level prevailing on January 1, 1941. Thus a terminal point for general wage increases is set. The formula is usually not applicable to individual workers or to employees in particular job classifications. It will normally be applied only to groups composed of all employees in a bargaining unit, in a plant, a company or an industry, depending upon the circumstances of each case.

4. Former §§ 809.951-3 to 809.951-5, inclusive, are redesignated §§ 809.951-4 to 809.951-6, respectively.

5. In § 809.952-1 the introductory text preceding subparagraph (1) is amended to read as follows:

§ 809.952-1 *Jurisdiction of the Board*. The jurisdiction of the Board covers (a) the final disposition of labor disputes "which may lead to substantial interference with the war effort" which includes disputes "which would interrupt work contributing to the production of military supplies or interfere with effective transition to a peacetime economy" and (b) the approval or disapproval of voluntary wage and salary adjustments. With respect to wages and salaries, the Board (except as indicated in §§ 809.956 and 809.957) is authorized to determine whether any:

6. Sections 809.958 and 809.959 are amended to read as follows:

§ 809.958 *When approval of Director required*. (a) All wage or salary adjustments which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings or which, in the case of products or services being furnished under contract with a federal procurement agency, will increase the costs to the United States, require the ultimate approval of the Director.

(b) In cases affecting the cost to the government of a product or service being furnished under contract with a federal procurement agency, the Director has granted advance approval to wage or salary adjustments predicated upon the criteria set forth in § 809.951-3 (a) (1) (i) through (iv). The appropriate procurement agency, however, may request the Director to review the directive order or ruling of the Board prior to its effective date. The order or ruling of the Board in the case of such requested review is effective only on the approval of the Director.

(c) In cost of production cases in which the order or ruling of the Board directs or approves wage or salary adjustments to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy (see § 809.951-3 (a) (1) (v)), the adjustments become effective only on the approval of the Director.

§ 809.959 *Territorial application*. The Board, the Commissioner and the Secretary have been authorized, under certain circumstances, to exempt from the operation of the stabilization program wages or salaries paid in any territory or possession of the United States. Pursuant to this authority, the Commissioner and the Board have provided that stabilization control shall not apply to salaries and wages under their jurisdiction, respectively, in any territory or possession of the United States, except Alaska and Hawaii.

7. Section 809.961 is amended to read as follows:

§ 809.961 *Effect of unlawful payments (determination of costs under Govern-*

*ment contracts and other aspects of violations)*. Upon determining that a wage or salary payment has been made by an employer in contravention of the act or the regulations, rulings or orders promulgated thereunder (see § 809.962 (e)), the Board, the Commissioner or the Secretary, as the case may be, pursuant to § 4001.15 of the regulations of the Director, may certify to the Departments and agencies of the government an amount to be disregarded as hereinafter set forth. In case of such certification to the War Department, the amount so certified will be disregarded by the appropriate agency of the War Department in determining costs or expenses of such employer for such of the following purposes as may be pertinent:

(a) For the purpose of any law or regulation, including the Emergency Price Control Act of 1942, or any maximum price regulation thereunder;

(b) For the purpose of calculating deductions under the revenue laws of the United States; and

(c) For the purpose of determining costs or expenses under any Government contract.

8. In § 809.963 (c) the reference to § 809.951-2 (a) (1) (iii) is amended to read "§ 809.951-3 (a) (1) (iii)".

#### SUBPART I—FORTY-EIGHT HOUR WORKWEEK

1. Section 809.968 is amended to read as follows:

§ 809.968 *Executive Order No. 9301 rescinded*. Executive Order No. 9301, which established a minimum wartime work week of forty-eight hours, has been revoked by Executive Order No. 9607, dated August 30, 1945.

2. The remainder of Subpart I is revoked.

#### SUBPART J—STATE LABOR LEGISLATION

Sections 809.978 and 809.978-1 are amended to read as follows:

§ 809.978 *Requests for relaxation of State labor legislation*. In all cases in which manufacturers engaged in the production of military supplies deem necessary to the achievement of full production of such supplies the relaxation of State labor statutes or administrative orders which are restricting or are allegedly restricting such production, the following procedure will be observed:

§ 809.978-1 (a) The interested contractor will submit the initial request for such relaxation to the State Labor Commissioner or other State officials charged with the enforcement of labor legislation in the State or region where the plant of the manufacturer involved is located.

(b) In the event the contractor's request for relaxation is denied, the technical service concerned, if it deems the contractor's request valid, may refer the matter, with its recommendation in respect thereto, through channels to the Industrial Personnel Division, Headquarters, Army Service Forces, through the Production and Purchases Division, Headquarters, Army Service Forces, for

such actions as those Divisions may deem appropriate. Such referrals should contain the following information:

- (1) Provision or provisions of law the relaxation of which is required.
- (2) Extent of relaxation required.
- (3) Criticalness or relative scarcity of the material.
- (4) Circumstances necessitating the relaxation (such as, for example, a shortage in the local supply of skilled labor).
- (5) Remedial action being taken by the manufacturer (such as, for example, training and upgrading).
- (6) Efforts previously made to obtain the relaxation.

#### SUBPART M—MISCELLANEOUS

In § 809.993-2 the introductory text preceding paragraph (a) is amended to read as follows:

§ 809.993-2 *General Order No. 37 of the National War Labor Board.* The National War Labor Board hereby supplements General Order No. 36 by delegating to the Secretary of War, or to such agency as he may designate, subject to final review by the National War Labor Board, the authority to establish wage or salary schedules for civilian employees of the War Department in the various government-owned, government-operated installations located in the Territory of Hawaii, in accordance with the provisions of the act of Congress of October 2, 1942, Executive Order 9250 dated October 3, 1942, Executive Order 9328 dated April 8, 1943, the Supplementary Directive of May 12, 1943, Executive Order 9599 of August 18, 1945 and all other Executive orders and regulations issued thereunder, subject to the following limitations:

[Procurement Reg. 10]

#### PART 810—PLANT FACILITIES EXPANSIONS

##### SUBPART C—PROCEDURE FOR OBTAINING CLEARANCE AND APPROVAL OF INDUSTRIAL FACILITY EXPANSIONS

Section 810.1015a is amended to read as follows:

§ 810.1015a *Termination or cancellation of Emergency Plant Facilities Contracts.* Whenever it is desired to effect termination or cancellation of an Emergency Plant Facilities Contract and permit the contractor to acquire all or any part of the interest of the Government in the facilities, the matter will be submitted in detail for the approval of the Director, Readjustment Division, Headquarters, Army Service Forces. Such a submission is not required, however, in the case of a sale to the contractor pursuant to an option or other contractual right to retain the facilities at a price computed in accordance with a formula set out in the contract, if the facilities to be sold do not include and are not located on land either owned by the Government or to which the Government will acquire title or a leasehold interest upon completion of the payments provided in the Emergency Plant Facilities contract.

[Procurement Reg. 11]

#### PART 811—MISCELLANEOUS PURCHASE INSTRUCTIONS

##### SUBPART B—PATENTS

1. In § 811.1112-1, paragraph (d) is amended to read as follows:

§ 811.1112-1 *Definitions.* \* \* \* (d) "Director" means the Director, Production and Purchases Division, or the Deputy Director, Production and Purchases Division, Headquarters, Army Service Forces. In respect of any action taken by the Army Air Forces, the term "Director" means the Special Representative of the Under Secretary of War (see paragraph (b) of § 801.108-4).

2. Sections 811.1112-8 to 811.1112-10 are amended to read as follows:

§ 811.1112-8 *Authority of Secretary of War and Under Secretary of War to delegate powers and issue regulations under act.* The Secretary of War is authorized in his discretion and under such rules and regulations as he may prescribe, to delegate any powers, duties and authorities conferred by the act to such qualified and responsible officers, boards, agents or persons as he may designate or appoint. He is also authorized to prescribe such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the act. The Secretary of War has delegated and assigned his powers, duties and authorities under the act to the Under Secretary of War including the authority to prescribe such rules and regulations as the Under Secretary of War may from time to time deem proper under the act and the authority to redelegate in whole or in part, such powers, duties and authorities to such qualified and responsible officers, boards, or employees as he may designate in the War Department, and to authorize such officers, boards or employees to make or authorize successive redelegations of such powers, duties and authorities. The Under Secretary of War has prescribed rules and regulations, the terms of which are set forth in §§ 811.1112-9 to 81.1115-22, inclusive.

§ 811.1112-9 *Powers, duties and authorities under the act which have been delegated by the Under Secretary of War with limited authority of redelegation.* The Under Secretary of War has delegated to the Commanding General, Army Service Forces (with right of redelegation to the Director of Matériel, Headquarters, A. S. F., and the Director) and to the Commanding General, Army Air Forces (with right of redelegation to the Chief of Air Staff, the Assistant Chief of Air Staff, Matériel and Services, and the Chief, Procurement Division, Office of Assistant Chief of Air Staff, Matériel and Services) the power and authority to designate, and appoint, and to revoke any designation and appointment of, any commissioned officer of the Army within his command, or any civilian employee of the War Department within his jurisdiction, whom he deems to be responsible and qualified by reason of having had substantial business or legal

experience in procurement or patent matters, for the exercise by such officer or employee, either individually or as a member of a Royalty Adjustment Board, of such of the powers, duties and authorities conferred by the act upon the Secretary of War as are set forth in the following paragraphs (a), (b), (c) and (d), the exercise thereof to be pursuant to such rules and regulations under the act as may from time to time be prescribed by the Under Secretary of War.

(a) To determine that notice should be given and to give notice of the fact that the rates or amounts of royalties are believed to be unreasonable or excessive; and to withdraw any such notice previously given by the delegate or by a delegate of lower rank in his service, provided that no such notice shall be withdrawn unless the licensor(s) shall have first agreed substantially as follows:

The undersigned hereby consents to the withdrawal of the notice issued \* \* \* [date of notice] \* \* \* under the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U.S.C. 89-96) and in consideration of such withdrawal hereby releases any and all claims or demands now held by the undersigned against the United States, or any officer or agent thereof, arising out of the issuance of said notice.

but in particular cases for good cause shown the Director may authorize substantial deviation from or omission of the foregoing consent and release.

(b) After notice, to receive and hear such facts and circumstances as may be presented by the licensee or licensor, and such other facts and circumstances as are relevant to an evaluation of the factors specified in § 811.1112-11, and to recommend appropriate action;

(c) To fix and specify, by order, fair and just rates or amounts of royalties, and to authorize the payment thereof, if any royalty be allowed, by the licensee to the licensor, subject, however, to the approval of such order by the Director;

(d) To execute contracts on behalf of the United States, before suit against the United States has been instituted, with the owner or licensor of an invention, or of the Letters Patent therefor, effecting a voluntary adjustment of royalties charged or chargeable to the United States, or in settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of the act or any other law by reason of the manufacture, use, sale or other disposition of an invention or for compensation to be paid such owner or licensor based upon future manufacture, use, sale or other disposition of such invention, subject, however, to the approval of the Director in each case where that approval is required by paragraphs (d) or (e) of § 811.1113-3, paragraph (a) of §§ 811.1113-7, 811.1114-1 or 811.1115-14 hereof.

The foregoing power and authority of designation and appointment has been redelegated respectively to the Director of Matériel, Headquarters, A.S.F. and the Director (for the Army Service Forces) and to the Chief of Air Staff, the Assistant Chief of Air Staff, Matériel and Services and the Chief, Procurement Division

Office of Assistant Chief of Air Staff, Matériel and Services (for the Army Air Forces).

§ 811.1112-10 Existing delegations under paragraphs (a), (b), (c) and (d) of § 811.1112-9. (a) The powers, duties and authorities described in paragraphs (a), (b), (c) and (d) of § 811.1112-9 have been delegated by the Under Secretary of War or by the officers designated in § 811.1112-9 to each of the following offices, boards, agents or persons as indicated in the following tabulation:

Delegate	Powers, duties and authorities described in paragraphs—			
	(a)	(b)	(c)	(d)
Commanding General, Army Service Forces.....	X	X	X	X
Commanding General, Army Air Forces.....	X	X	X	X
Assistant Chief of Air Staff, M & S.....	X	X	X	X
Chief, Procurement Division, Office of Assistant Chief of Air Staff, M & S.....	X	X	X	X
Director, AAF, Air Technical Service Command.....	X	X	X	X
Director of Matériel, Headquarters, ASF.....	X	X	X	X
Director, Production and Purchases Division, Headquarters, ASF, and Deputy Director thereof.....	X	X	X	X
Royalty Adjustment Board, AAF, Air Technical Service Command.....	X	X	X	X
Assistant Air Judge Advocate, Headquarters, Army Air Forces.....	X	X		X
Chief, Patents Division, Office of the Air Judge Advocate, Headquarters, Army Air Forces.....				X
Chiefs of the Technical Services, ASF.....	X	X	X	X
Royalty Board, Office of the Chief of Ordnance.....	X	X	X	
All District Chiefs of Ordnance Procurement Districts.....				X
All Deputy District Chiefs of Ordnance Procurement Districts.....				X
Commanding Officer, Frankford Ordnance Arsenal.....				X
Commanding Officer, Picatinny Ordnance Arsenal.....				X
Commanding Officer, Rock Island Ordnance Arsenal.....				X
Commanding Officer, Springfield Ordnance Armory.....				X
Commanding Officer, Watertown Ordnance Arsenal.....				X
Assistant Chief, Engineering and Technical Service, Office of the Chief Signal Officer.....	X	X		
Patents and Inventions Counsel, Legal Division, Office of the Chief Signal Officer.....	X		X	
Royalty Adjustment Board, Office of the Quartermaster General.....	X	X	X	X
Royalty Adjustment Board, Office of the Chief of Engineers.....	X	X		X
Chief, Patent Section, Legal Branch, Office of the Chief of Chemical Warfare Service.....	X			
Royalty Adjustment Board, Office of the Surgeon General.....	X	X		X
Chief, Legal Division, Office of the Chief of Transportation.....	X	X		

(b) If the Chief of a technical service or a Commanding Officer of a command in the Army Air Forces desires that any of the powers, duties and authorities set forth in § 811.1112-9 be further delegated to any officer or employee within his command or jurisdiction, or that a board to receive such delegation be created within his service or command, a request to that effect may be transmitted to the appropriate office specified in § 811.1112-9. Such request shall include the name, rank or grade and a brief statement of qualifications with respect to each officer or employee to whom the delegation is desired.

(c) Where any of the powers, duties and authorities set forth in § 811.1112-9 have been or are hereafter delegated to a board, the said board shall, unless otherwise provided in the instrument of delegation, consist of three officers or employees of the service or command concerned, who shall be designated and

appointed as provided in § 811.1112-9. Unless otherwise provided in the instrument of delegation, (1) a majority of said board shall determine its action; (2) any instrument or contract whatsoever evidencing action taken by the board may be signed in its name by any member of the board, and (3) any two members of such board shall constitute a quorum.

3. Section 811.1113-5 is amended to read as follows:

§ 811.1113-5 Contract articles providing for release of infringement claims. In preparing royalty adjustment contracts which contain a definition of the term "said inventions" (see clauses (a) and (b) of § 813.1329, Art. 1), the following contract articles are appropriate for release of infringement claims in the cases specified below:

(a) If royalties being paid under a nonexclusive license are being adjusted the following contract article is appropriate whether or not licensee is a party to the contract:

ARTICLE—Release of Infringement

Licensor hereby releases each and every claim and demand which Licensor now has or may hereafter have against the Government, its officers, agents, servants and employees, for infringement by or for the Government of any patent covering said inventions by reason of the manufacture, use, sale or other disposition of any article or material or the use of any process prior to the date of and during the period of this contract or the use, sale or other disposition thereafter of any article or material manufactured or contracted for prior to the date of and during the period of this contract.

(b) If royalties being paid under an exclusive license are being adjusted, the following contract article is appropriate provided both Licensor and Licensee are parties to the contract:

ARTICLE—Release of Infringement

Licensor and Licensee hereby jointly and severally release each and every claim and demand which they or either of them now have or may hereafter have against the Government, its officers, agents, servants and employees, for infringement by or for the Government of any patent covering the said inventions by reason of the manufacture, use, sale or other disposition of any article or material or the use of any process prior to the date of and during the period of this contract or the use, sale or other disposition thereafter of any article or material manufactured or contracted for prior to the date of and during the period of this contract.

4. Paragraph (b) of § 811.1113-6 is amended to read as follows:

§ 811.1113-6 Mandatory contract articles in royalty adjustment agreements executed by the Government. \* \* \*

(b) The "Anti-discrimination" article (§ 803.325) is required in contracts executed by the Government except where the performance of the contract does not involve the employment of persons (see § 809.985 (h)).

5. Sections 811.1115-2 and 811.1115-3 are amended to read as follows:

§ 811.1115-2 Definitions. Where used in §§ 811.1115-3 to 811.1115-22 hereof, inclusive, the following terms have the meaning here assigned to them:

(a) "Director" means the Director, Production and Purchases Division, or the Deputy Director, Production and Purchases Division, Headquarters, Army Service Forces. In respect of any action taken by the Army Air Forces, the term "Director" means the Special Representative of the Under Secretary of War (see paragraph (b) of § 801.108-4).

(b) "Chief, Patents Division" means the Chief, Patents Division, Office of The Judge Advocate General.

(c) "Delegate" means any office, board, agent or person to whom the powers, duties and authorities set forth in paragraph (d) of § 811.1112-9 have been delegated.

(d) "Such claim" and "such a claim" means a claim which has in fact been asserted or a claim which it may reasonably be anticipated will be asserted under the statutes or any of them referred to in paragraph (a) and (c) of § 811.1115-1 and under the statute referred to in paragraph (d) of § 811.1115-1 insofar as said claim is based upon a design which is believed to be inventive in character.

§ 811.1115-3 Delegation of authority to and duties of Delegates. The Under Secretary of War or the officers designated in § 811.1112-9 have delegated (§ 811.1112-10) to certain officers, boards and persons (herein called "delegate") the duty and authority, before suit against the United States has been instituted, to negotiate and to enter into contracts of settlement and compromise of such a claim against the United States. Each delegate, in matters properly before him, is charged with the duty of taking appropriate action with respect to every case (a) where such a claim has been made or (b) where such a claim may be reasonably anticipated under such statutes, promptly after knowledge thereof is brought to his attention. Such action includes the following:

(1) Writing the claimant or his representative acknowledging receipt of the communication in which such claim is asserted. An authorized form of acknowledgment is set forth in § 811.1115-10;

(2) Transmitting directly to the Chief, Patents Division, a copy of the communication in which any such claim is asserted or reported (delegates in the Army Air Forces shall, in addition, transmit a copy to the Air Judge Advocate);

(3) Requesting clearance from the Chief, Patents Division, to investigate and settle each such claim pursuant to § 811.1115-6;

(4) Investigating each such claim upon clearance from the Chief, Patents Division, and if deemed appropriate by the delegate, settling the same pursuant to §§ 811.1115-4, 811.1115-7, and 811.1115-10 to 811.1115-22;

(5) Preparing and transmitting to the Chief, Patents Division, pursuant to § 811.1115-8, a report containing the full statements required by the act requiring reports to the Attorney General (paragraph (e) of § 811.1115-1) with respect to each such claim in which no settlement is effected; and

(6) Making the required distribution of each contract of settlement or partial

settlement of such claim pursuant to § 811.1115-15.

The acts set forth in subparagraphs (1) to (6) inclusive, above, and wherever referred to in §§ 811.1115-4 to 811.1115-22 hereof, may be performed by an authorized representative of the delegate, except for execution of contracts entered into pursuant to subparagraph (4) and execution of reports prepared pursuant to subparagraph (5).

6. Sections 811.1115-5 to 811.1115-7 are amended to read as follows:

§ 811.1115-5 *Duties of the chiefs of the technical services.* The chief of each technical service shall issue necessary instructions to all officers and employees of his service to provide for prompt transmittal to the chief legal or patent officer in the headquarters of his service, or in the case of the Army Air Forces to the chief legal or patent officer in the headquarters of the Army Air Forces or in the headquarters of any of the major commands of the Army Air Forces charged with duties of procurement, of all reports of claims and of potential claims relating to the manufacture or use of inventions or designs by or for the Government. Such reports may be received by contracting officers from contractors under clause (b) of the articles in § 803.335-5 and 803.335-6.

§ 811.1115-6 *Procedure for obtaining clearance.* Promptly after receipt of a notice or report of Such Claim the Delegate shall request from the Chief, Patents Division, clearance to investigate and to settle the same. Delegates in the Army Air Forces shall also forward a copy of such request to the Office of the Air Judge Advocate. The Chief, Patents Division, shall determine from his files, from the Government Register of Patent Rights (Executive Order No. 9424, Feb. 18, 1944) and from the Department of Justice whether any technical service or any other department or agency of the Government has investigated or settled, or received a report or notice of, a claim pertaining to the same subject-matter and shall then grant such clearance as appears proper. The Chief, Patents Division, shall send a copy of such clearance to the chief patent officer of each of the technical services, and each such officer shall promptly investigate the procurement in his service and notify the Delegate to whom clearance has been issued of the interest, if any, of his service in the matter and of any pertinent information contained in his files. Each request for clearance shall include, (a) the name and address of each claimant or prospective claimant, (b) the name and address of each contractor and subcontractor who is believed to have performed the alleged infringing acts (to the extent disclosed by a cursory search in the headquarters of the Delegate), (c) the number of each patent and patent application concerned, (d) a description of the alleged infringing subject-matter (in sufficient detail to permit other technical services to determine therefrom whether they have an interest in the matter), and (e) a copy of the communication from the claimant, if any.

§ 811.1115-7 *Foreign claimants.* In cases where the claimant is a national of a Government which is party to a Mutual Aid Agreement with the United States Government, the delegate, after clearance has been obtained from the Chief, Patents Division, shall promptly proceed as set forth in § 811.1111-2.

7. In § 811.1115-8 the introductory text preceding paragraph (a) is amended to read as follows:

§ 811.1115-8 *Report where no settlement is made.* A final written report of investigation, including recommendations and conclusions of the delegate, will be made by him to the Chief, Patents Division, with respect to each such claim in which settlement is believed to be inadvisable or which the delegate has been unable to settle upon terms deemed reasonable by him. Each such report shall be clearly marked "Confidential—Legal memorandum for the guidance of administrative officials". Delegates in the Army Air Forces shall forward such report to the Chief, Patents Division, through the Office of the Air Judge Advocate. A copy of such report shall be forwarded by the delegate to the chiefs of all interested technical services concurrently with transmittal of the original to the Chief, Patents Division. This final report, which is to serve as a basis for compliance with the act requiring reports to the Attorney General (§ 811.1115-1 (e)), will include so far as practicable and relevant all of the following information:

8. In § 811.1115-9, the last sentence of paragraph (b), and paragraph (c) are amended to read as follows:

§ 811.1115-9 *Action of the Chief, Patents Division, upon receipt of the delegate's final report.* \* \* \*

(b) \* \* \* One copy of such supplemental report shall be sent to the delegate and, in cases arising in the Army Air Forces, one to the Air Judge Advocate.

(c) If, upon reading the delegate's final report, the Chief, Patents Division, disagrees with the conclusions regarding infringement or validity, he shall make a supplemental report stating his supplemental conclusions. Copies of such report shall be transmitted as provided in paragraph (b) above.

9. Paragraph (c) of § 811.1115-13 is amended to read as follows:

§ 811.1115-13 *Fiscal procedures.* \* \* \*

(c) Funds are available for the fiscal year 1946 for the payment for releases, licenses and assignments entered into in accordance with the procedures authorized in §§ 811.1115-4, 811.1115-7 and 811.1115-10 to 811.1115-22, inclusive; *Provided, however,* That no payment shall be made for the release of such claim or any portion of such claim the liability for which is barred by the statute of limitations or by other statute. [Section 16, Public Law 126, 79th Congress (Military Appropriations Act, 1946)]

10. In § 811.1115-15 paragraph (d) is amended to read as follows:

§ 811.1115-15 *Numbering and distribution.* \* \* \*

(d) A copy of each license which provides for the payment of running royalties shall also be transmitted by the delegate to each of the chiefs of the technical services for the attention of the chief legal or patent officer thereof. Receipt of such copy shall place the recipient chief of a technical service on notice that future procurement of the licensed subject-matter requires the payment of royalties to the licensor (see §§ 813.1331-5 and 811.1115-18 (f)). Chiefs of the technical services shall notify or cause to be notified procurement and price analysis offices affected.

11. Paragraph (e) is added to § 811.1115-16 as follows:

§ 811.1115-16 *Mandatory contract articles in licenses, assignments and releases.* \* \* \*

(e) The "Disputes" article (§ 803.326) is required in every license, assignment and release which is executed by the Government if the contract falls within the conditions specified by § 803.326.

[Procurement Reg. 12]

PART 812—RENEGOTIATION AND PRICE ADJUSTMENT

SUBPART B—COMPANY PRICING

Section 812.1220a is added as follows:

§ 812.1220a *Restrictions on company pricing.* (a) Sections 812.1220-1 through 812.1225 state the policies and procedures relating to company pricing which were in effect prior to V-J day. With the ensuing reduction in the volume of War Department procurement the need for company pricing has diminished. Accordingly notwithstanding those sections the chiefs of technical services will not engage in company pricing activities except as provided in this section.

(b) If in a particular case and because of unusual circumstances the chief of a technical service deems it appropriate, he may enter into a new company pricing agreement or may extend an existing company pricing agreement in the manner contemplated by this subpart, which shall apply thereto in all respects.

(c) Existing company pricing agreements which under § 812.1222-1 (c) are to be treated as legally binding will be enforced in accordance with their terms and, where necessary, steps will be taken under the applicable regulations to collect any sums owing to the Government. Performance under existing agreements which are not legally binding will continue to be accepted. Upon the expiration of any current period provided therein no company pricing agreement will be extended for a further period, except as provided in paragraph (b) above.

SUBPART E—PRICE ADJUSTMENTS WITHOUT CONTRACT PROVISIONS

1. Sections 812.1252-1 and 812.1252-2 are amended to read as follows:

§ 812.1252-1 *General policy.* Under the First War Powers Act, 1941, and Executive Order No. 9001, the War Department has power to amend and modify

contracts without consideration. (See §§ 802.204 and 802.205 and opinion of the Attorney General dated August 29, 1942). Any amendment without consideration under this authority must be based on a finding that such action will facilitate the prosecution of the war. Effective August 18, 1945, submissions requesting authority to amend contracts without consideration under the First War Powers Act and Executive Order No. 9001 will be forwarded to the Director, Production and Purchases Division, Headquarters, ASF, only where an actual or threatened loss on a war contract, however caused, will adversely affect the interests of the Government by impairing the productive capacity or efficiency of a prime contractor or subcontractor whose continued operation as an efficient source of supply is, in the judgment of the War Department, important to the war effort (See § 803.308a).

§ 812.1252-2 *Preparation of cases under the First War Powers Act.* In view of the special nature of the power to be exercised, the technical service will develop the facts in each case adequately and will prepare a report to be submitted with any request for approval of higher authority, and preserved in the records of the technical service. The following information should be included in each such report:

(a) Brief description of the contract, date executed, delivery schedule, prices and special clauses for price adjustments.

(b) Extent of completion and payments made under the contract, indicating whether final payment, or a final administrative determination of the amount due, has been made.

(c) An analysis of the financial condition of the contractor with comparative balance sheets and profit and loss statements, signed by the principal accounting officer of the contractor or by a certified public accountant.

(d) The effect on the financial position of the contractor of failure to grant the requested relief.

(e) The importance of the contract or contractor to the continued prosecution of the war, indicating the present or future need for the item.

(f) The quality of performance by the contractor (rate of production, delays, rejections).

(g) Probable future orders to the contractor on other war work.

(h) Other available sources of supply in comparison with the contractor.

(i) Explanation of factors which caused financial distress.

(j) Salaries of partners or officers, dividends, bonuses, and other withdrawals during the 12 months period preceding the application for relief.

(k) A statement as to whether any other claim for any part or all of the relief requested has been submitted to the General Accounting Office, and if so the action taken thereon (see § 803.308g).

(l) A statement by the chief of the technical service, or by an officer specially designated by him to review requests for relief of this type and to make recommendations thereon in his behalf, stating the exact relief recommended and

that in his opinion the granting of the relief recommended will facilitate the prosecution of the war.

2. Sections 812-1252-3 to 812.1252-7, inclusive, are revoked as follows:

§ 812.1252-3 *Basic principle.* [Revoked]

§ 812.1252-4 *Types of cases.* [Revoked]

§ 812.1252-5 *Time of amendments.* [Revoked]

§ 812.1252-6 *Preparation of cases.* [Revoked]

§ 812.1252-7 *Approvals by Purchases Division, Headquarters.* [Revoked]

[Procurement Reg. 13]

#### PART 813—FORMS OF CONTRACTS

1. In § 813.1302, article 11 is amended to read as follows:

§ 813.1302 *W. D. Contract Form No. 2.*

ART. 11. *Labor.* (a) (Insert § 803.346).  
(b) (Insert § 803.345).

2. In § 813.1314, section 22 of the form is amended to read as follows:

§ 813.1314 *W. D. Contract Form No. 14.*

Sec. 22. (Insert Article 23 of § 813.1301.)

3. In § 813.1315a, subparagraphs (1), (4) and (5) of paragraph (a) are amended to read as follows:

§ 813.1315a *W. D. Contract Form No. 15—(a) Explanatory notes.* (1) The form set out in §§ 813.1315a-1 through 813.1315a-5 is available for use by Procuring Agencies for the procurement of electric, gas, water, sewage or steam service when a connection charge to cover additional facilities necessary to furnish such services is included. Particular attention is directed to the footnotes accompanying the form.

(4) (i) In the case of electric and gas service, Special Provisions A and B (§ 813.1315b (b)), to be attached to and made a part of the contract in accordance with provision 1 (a) of Article II of the form, will be modified as follows:

(a) *Electric service.* Revise provision No. 7 of Special Provision A of § 813.1315b (b) to read:

7. *Renegotiation.* (a) Unless the provisions of subparagraph (b) or (c) of this paragraph 7 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended; and (2) in compliance with said subsection (b) of the Renegotiation Act the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this article or the provisions required by said subsection (b).

(b) This contract, as to all amounts received under it, shall be exempt from statutory renegotiation if the Contractor hereunder is a department, bureau, agency, or governmental corporation of the United States, or any Territory, possession or State, or any agency thereof, or any foreign Government or agency thereof.

(c) This contract, but only as to amounts received under it for the delivery of electric power, shall be exempt from statutory renegotiation if it is made with a public utility for the delivery of electric power of less than 1,000 kilowatts of contractual demand except that if the actual demand was 1,000 kilowatts or more at any time during any particular fiscal year, amounts received or accrued under this contract for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subsection (c).

(b) *Gas service.* Revise provision No. 8 of Special Provision B of § 813.1315b (b) to read:

8. *Renegotiation.* (a) Unless the provisions of subparagraphs (b), (c) or (d) of this paragraph 8 are applicable to this contract, (1) this contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended; and (2) in compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this article or the provisions required by said subsection (b).

(b) This contract, as to all amounts received under it, shall be exempt from statutory renegotiation if the Contractor hereunder is a department, bureau, agency or Governmental corporation of the United States or any Territory, possession or State, or any agency thereof, or any foreign Government or agency thereof.

(c) This contract, but only as to amounts received under it for the delivery of gas, shall be exempt from statutory renegotiation if the gas to be supplied hereunder is the product of a gas well which has not been processed, refined or treated beyond the first form or state suitable for industrial use.

(d) This contract, but only as to amounts received under it for the delivery of gas, shall be exempt from statutory renegotiation if it is made with a public utility, except that if the amounts received or accrued hereunder for the delivery of gas during any particular fiscal year were \$50,000 or more, amounts received or accrued hereunder for such fiscal year shall not be exempt from renegotiation by reason of anything contained in this subparagraph (d). If such fiscal year is a fractional part of twelve months the \$50,000 amount shall be reduced to the same fractional part thereof for the purpose hereof.

(ii) The renegotiation provision set forth in subdivision (i) above may be deleted provided the following conditions exist:

(a) The service feature of the particular contract involved is exempted from statutory renegotiation by the express terms of the Renegotiation provision, and

(b) The connection charge (before deduction of the salvage value) is not in excess of \$100,000.

If the condition in (a) exists but the connection charge (before deduction of the salvage value) is in excess of \$100,000, the provisions set forth in subdivision (i) above may be deleted and the following provision inserted in lieu thereof:

*Renegotiation.* (a) This contract, to the extent of Article I only, shall be deemed to contain all the provisions required by Subsection (b) of the Renegotiation Act, as amended.

(b) In compliance with said Subsection (b) of the Renegotiation Act the Contractor shall insert in the subcontracts specified in said Subsection (b) and made by the

Contractor after the date of this instrument either the provisions of this Article or the provisions required by said Subsection (b).

If the service feature of the particular contract involved is not exempted from statutory renegotiation by the express terms of the Renegotiation provision set forth in subparagraph (A) above, deletion of such Renegotiation provision is not authorized under any circumstances.

(5) In the case of electric, gas, water, sewage and steam service, provisions 5, 7, 6, 4 and 7, respectively, of Special Provisions A, B, C, D and E (§ 813.1315b) to be attached to and made a part of the contract in accordance with Provision 1 (a) of Article II of the Form, will be modified to read:

Notice of intention to terminate service under this contract shall be at the option of the Government and shall be given in writing by the Contracting Officer to the Contractor not less than thirty (30) days in advance of the effective date of termination.

4. In § 813.1315b, subparagraph (3) is added to paragraph (a), and in the form in paragraph (b) footnotes are added to paragraph 7 of Special Provisions A, paragraph 8 of Special Provisions B, paragraph 7 of Special Provisions C, paragraph 5 of Special Provisions D, and paragraph 7 of Special Provisions E, as follows:

§ 813.1315b *W. D. Contract Form No. 27*—(a) *Explanatory notes.* \* \* \*

(3) The renegotiation provision in Special Provisions A through E, listed in (2) above, may be deleted provided the particular contract involved is exempted from statutory renegotiation by the express terms of said provision. Deletion of the renegotiation provision is not authorized under any circumstances where the contract is not exempted from statutory renegotiation by the express terms of the provision.

(b) *Contract forms.*

SPECIAL PROVISIONS A—ELECTRIC SERVICE

7. *Renegotiation.*<sup>1</sup>

SPECIAL PROVISIONS B—GAS SERVICE

8. *Renegotiation.*<sup>1</sup>

SPECIAL PROVISIONS C—WATER SERVICE

7. *Renegotiation.*<sup>1</sup>

SPECIAL PROVISIONS D—SEWAGE

5. *Renegotiation.*<sup>1</sup>

SPECIAL PROVISIONS E—STEAM SERVICE

7. *Renegotiation.*<sup>1</sup>

5. In § 813.1329 the designation of the signing officer at the end of article 8 was changed to "Director, Production and Purchases Division, Headquarters, Army Service Forces."

6. In § 813.1330, article 6, paragraph (e) is added as follows:

§ 813.1330 *W. D. Contract Form No. 30 (Paid-Up Release and License).* \* \* \*

ART. 6. *General Provisions.* \* \* \* (e) *Disputes.* (See § 811.1115-16 (e).)

7. In § 813.1331, article 6, paragraph (e) is added as follows:

§ 813.1331 *W. D. Contract Form No. 31 (Release and License, running royalty bases).* \* \* \*

ART. 6. *General Provisions.* \* \* \* (e) *Disputes.* (See § 811.1115-16 (e).)

8. In § 813.1332, article 6, paragraph (e) is added as follows:

§ 813.1332 *W. D. Contract Form No. 32 (Release and assignment involving a money payment).* \* \* \*

ART. 6. *General Provisions.* \* \* \* (e) *Disputes.* (See § 811.1115-16 (e).)

9. In § 813.1333, article 5, paragraph (d) is added as follows:

§ 813.1333 *W. D. Contract Form No. 33 (Release involving a money payment).* \* \* \*

ART. 5. *General Provisions.* \* \* \* (d) *Disputes.* (See § 811.1115-16 (e).)

#### Subchapter B—Disposition of Property

[Procurement Reg. 7]

#### PART 826—DISPOSITION OF SERVICEABLE NON-MILITARY PERSONAL PROPERTY

1. Sections 826.600 and 826.601 are amended to read as follows:

§ 826.600 *Scope of part.* This part provides authority and procedures for the disposition of excess serviceable non-military property and for the release of War Department sponsorship of plants and equipment owned by Reconstruction Finance Corporation, Office of Defense Plants (formerly Defense Plant Corporation), referred to in this part as RFC. This part does not relate to:

(a) The disposition of contractor inventory, which is covered in Subchapter C.

(b) The disposal of surplus property, which is covered by Part 827 of this chapter.

(c) Complete War Department-owned industrial installations that have been placed in standby or reported excess under the provisions of Parts 831 to 839.

§ 826.601 *War Department policy.* Basic War Department policy as stated in § 821.103 for all types of property applies equally to non-military property.

2. Paragraphs (a) and (b) of § 826.602-1 are amended to read as follows:

§ 826.602-1 *Review of stocks.* (a) Chiefs of technical services will require a review of stocks by each installation under their jurisdiction having accountability for non-military property not less frequently than once a month for determination of excesses.

(b) Production and Utility Equipment and Construction Equipment will be determined excess when it becomes idle (that is, when it is no longer required by the War Department industrial installation or construction activity in connection with which it was being used), unless there is a definite, foreseeable need for the item, or unless the item has been selected for modernization of the permanent military establishment or for War Department industrial reserve.

3. Section 826.603 is amended to read as follows:

§ 826.603 *Disposition of excess.* (a) When a determination of excess of non-military property has been made, vigorous action will be instituted for the redistribution of the property for use within the technical service of origin or other technical service or transfer for other purposes directly related to the prosecution of the war as set forth in Part 823, and will be continued until such disposition is made or the property is determined surplus, but in no event longer than 30 days after determination of excess.

(b) Generally, such disposition can most effectively be made through efforts of the local installation having custody of the property. Accordingly, procedures established by the chiefs of technical services should not restrict the efforts of local installations, except as otherwise provided in this Part 826 and except as in the case of those commodities that are so critical to the technical service concerned as to require centralized control.

(c) Informal direct contact is the most effective means of disposition. Accordingly, each technical service should ascertain what types of property, likely to become excess to its needs, would be of interest to other technical services, and to what offices of the other technical services such types of excess property should be referred. For convenient reference, a list of the principal field procurement offices of the technical services is set forth in § 826.692.

(d) Efforts to redistribute excess property within the technical service of origin to other technical services; and to agencies outside of the War Department, for purposes directly related to the prosecution of the war will be made concurrently to the greatest extent practicable.

(e) Circularization of lists of non-military property is not required. Lists should be circularized only in those cases where they are considered by the chief of technical service concerned to be an indispensable aid to disposition. Small lots, and items the condition of which is "X" under the classification prescribed by the Surplus Property Board will not be circularized under any circumstances.

(f) In establishing procedures for the redistribution of excess non-military property, chiefs of service will provide for the consideration of significant items for troop supply purposes.

4. Section 826.604 is amended and §§ 826.604-1 to 826.605-2, inclusive, are added, as follows:

§ 826.604 *Determination of surplus.*

§ 826.604-1 *Small lots and items in "X" condition.* Unless specific requirements therefor are known to exist, the following types of items will be deemed surplus upon determination as excess and promptly disposed of in accordance with Part 827:

(a) Small lots.

(b) Items the condition of which is "X" under the classification prescribed by the Surplus Property Board (unless such items are classified as non-repairable, in which case they are not regarded as surplus property but as salvage).

<sup>1</sup> See explanatory note 3, § 813.1315b.

§ 826.604-2 *Stockpile materials*—(a) *Report of stockpile materials.* Items of materials listed in § 826.693-1 (herein referred to as "stockpile materials"), in amounts larger than the minimum quantities therein indicated, of which the technical service of origin has been unable to effect disposition within a period of 30 days after determination of excess, or such shorter period as the chief of technical service concerned may establish, will be immediately reported to the chief of service and will be held for disposition instructions. Such request for instructions will be made in triplicate by the local establishment having jurisdiction over the property on WD AGO Form 257. A sample of this form, together with instructions for its preparation, is set forth in § 826.693-2. Copies of the form may be requisitioned from Adjutant General depots. **NOTE:** On WD AGO Form 257, as now printed, the reference in the 3rd line at the top of the page to §§ 822.210, 826.603 and 829.909 should read as § 826.604-2 and, in the space provided for Second Indorsement, the reference to §§ 822.210-2 (b) and 822.210-2 should be changed to §§ 826.604-2 (b) (2) and 826.604-2 (b) (3), respectively.

(b) *Action by chief of service.* Upon receipt of WD AGO Form 257 covering any lot of stockpile materials, the chief of technical service concerned will take the following action:

(1) Execute First Indorsement thereto and forward two copies to the Director, Production Division, Headquarters, Army Service Forces, who has been designated by the Under Secretary of War as the administrator of War Department stockpile materials, for disposition instructions.

(2) If the Director, Production Division, issues instructions to hold the material for stockpile, the chief of technical service concerned will:

(i) Arrange for permanent storage of this material;

(ii) Issue appropriate instructions to the field installation concerned to accomplish permanent storage;

(iii) Advise the Director, Production Division, of the location and manner of storage;

(iv) Dispose of the material only upon specific authorization of the Director, Production Division.

(3) If the Director, Production Division, issues instructions not to hold the material for stockpile, it will be deemed surplus, without further action, and the chief of technical service concerned will issue instructions to the local establishment of origin to dispose of the material in accordance with Part 827.

§ 826.604-3 *Other property.* Excess non-military property (other than property covered by §§ 826.604-1 and 826.604-2) of which disposition has not been effected within 30 days after determination of excess, or such shorter period as the chief of the technical service concerned may establish, will be deemed surplus without further action, and the installation having accountability will promptly dispose of it in accordance with Part 827.

§ 826.605 *Property owned by RFC under War Department sponsorship.*

§ 826.605-1 *Complete RFC owned plants.* (a) When a complete RFC owned plant becomes idle, it will be reported by the sponsoring service to the Office of the Under Secretary of War, indicating whether the plant is excess to such service or is required to be retained in standby or for War Department industrial reserve. If any equipment in such plant is required by the sponsoring service, it may be specifically excepted from the report of excess. The Under Secretary of War, after coordination with the Director, Production Division, ASF, will determine whether the plant or the excepted equipment is to be retained by RFC for the War Department or is to be released to RFC, and will advise RFC and the sponsoring service accordingly.

(b) Any idle equipment installed in a complete RFC owned plant which has not been released to RFC in accordance with paragraph (a) may be released directly to RFC by the sponsoring service.

§ 826.605-2 *Other equipment owned by RFC under War Department sponsorship.* (a) The War Department has furnished a blanket sponsor's release to RFC for other equipment owned by RFC in accordance with the following letter:

20 August 1945

Reconstruction Finance Corporation,  
Office of Defense Plants,  
Lafayette Building,  
811 Vermont Avenue, N. W.  
Washington, D. C.

Gentlemen:

In view of the recent announcement by the President that Japan has indicated its willingness to surrender, it is believed desirable to expedite in every way possible the release of idle machinery, equipment, building installations, etc., owned by Reconstruction Finance Corporation (hereinafter called "RFC") in order to facilitate plant clearances and property disposition and thereby speed the process of reconversion.

Accordingly, the War Department, anything to the contrary notwithstanding contained in the so-called take-out letter agreements between this Department and RFC, hereby grants its approval to the disposition by RFC through removal, sale, lease, surplus declaration or otherwise, and upon such terms and conditions as may be determined by RFC in accordance with the public interest and applicable laws and regulations, of all RFC owned property included in or as part of a facilities project, sponsored by the War Department, as soon as any such property ceases to be used by the lessee for production for the War Department or prior to such time if a sale is made to the contractor in possession. This advance approval is intended to cover all RFC owned machinery and equipment, sponsored by the War Department under either a Plancor lease or a Rentra lease but it is not intended to cover machinery and equipment installed in a complete RFC owned plant. It also is intended to cover all improvements and alterations which constitute modifications or adaptations to or service installations or extensions to buildings, structures or improvements owned by the lessee or other third party. In view of the above, my letter to you dated 26 January 1945, specifically listing certain types of facilities, is now superseded.

It is understood that the memorandum agreement dated 24 April 1945 between the War and Navy Departments and Defense

Plant Corporation, which established the Industrial Equipment Redistribution Board, is not to be renewed and will, therefore, expire 1 September 1945. In view of this fact, the War Department sponsors of RFC lease agreements are being advised to immediately discontinue making the reports to the Board provided for in said memorandum agreement.

It is recognized that this grant of advance approval will in no way affect the necessity of RFC securing such releases from its lessees as may be required by the terms of any applicable lease agreements.

War Department approvals for the disposition of RFC owned land and buildings and the machinery and equipment installed therein, commonly referred to as a complete RFC owned plant, will be considered by this Department for each project individually in accordance with present procedures.

Despite the above advance approval, it is understood that if RFC receives a written statement from the War Department sponsor requesting that specified facilities be placed in Standby or placed in War Reserve until transfer of the same to the War Department can be effected, RFC will take all action necessary to comply with such request consistent with the contractual rights of its lessees or sublessees.

If the arrangement set forth herein is satisfactory to RFC, its acceptance thereof should be noted on the copy of this letter enclosed herewith and such copy returned to this Department.

Very truly yours,

ROBERT P. PATTERSON,  
Under Secretary of War.

Accepted: August 21, 1945  
Reconstruction Finance Corporation  
By: A. T. Hobson, Secretary

(b) If a sponsoring service wishes to except equipment released by virtue of the above quoted letter for purposes of authorized standby or War Department industrial reserve, it may be so by prompt notice addressed directly to RFC.

SUBPART A—PRODUCTION AND UTILITY EQUIPMENT

The text of Subpart A is revoked.

SUBPART B—CONSTRUCTION EQUIPMENT

The text of Subpart B is revoked.

SUBPART C—OTHER NON-MILITARY PERSONAL PROPERTY

1. Sections 826.630 to 826.633, inclusive, are revoked, as follows:

§ 826.630 *Scope of Subpart C.* [Revoked]

§ 826.631 *Disposition of excess.* [Revoked]

§ 826.631-1 *Small lots and items in "X" condition.* [Revoked]

§ 826.631-2 *Circularization lists.* [Revoked]

§ 826.632 *Stockpile materials.* [Revoked]

§ 826.632-1 *Report of stockpile materials.* [Revoked]

§ 826.632-2 *Action by chief of service.* [Revoked]

§ 826.633 *Determination of surplus.* [Revoked]

2. In § 826.692, the address of the commanding officer at Dallas, Tex., under the heading "Office of the Chief of Chemical Warfare Service" is amended to read as follows:

§ 826.692 *Principal field procurement offices of the technical services.*

OFFICE OF THE CHIEF OF CHEMICAL WARFARE SERVICES

Commanding Officer, Dallas CW Procurement District, 10th Floor, Hq., 8th Service Command Bldg., Dallas 2, Texas.

PART 827—DISPOSAL OF SURPLUS PERSONAL PROPERTY

SUBPART A—DIRECT DISPOSAL BY WAR DEPARTMENT

Section 827.711-4 is amended to read as follows:

§ 827.711-4 *Classification by Disposal Agencies.* Under Surplus Property Board Regulation No. 9 (Title 32, Chapter XXIII, Part 8309), Disposal Agencies are authorized to certify in writing to the War Department that any given property or any class of property is in its judgment scrap, regardless of its condition. That Regulation provides that if the certification is prior to the time that the property is declared surplus, the Disposal Agency shall forward to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap and it is requested that sale be effected in accordance with the provisions of SPB Regulation No. 9 without further review of such determination.

If the certification is subsequent to the time that the property is declared surplus, the Disposal Agency shall forward to the owning agency Form SPB-1.1 listing the items in question and otherwise appropriately executed, with the language quoted above plainly inserted below the column headings across the top of the columns provided for the description of the property, its standard commodity classification, condition, etc. Receipt of such memorandum, or Form SPB 1.1, in conformity with the above requirements, will be accepted as authority to dispose of the described property as salvage in accordance with AR 700-25 and TM 38-505.

SUBPART B—DECLARATION TO DISPOSAL AGENCIES

1. Section 827.721-3 is amended to read as follows:

§ 827.721-3 *Agricultural commodities and food.* Surplus food and related property assigned to the Department of Agriculture as set forth in § 827.791 will be declared to Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

2. Paragraph (d) of § 827.725-1 is amended to read as follows:

§ 827.725-1 *General.* \* \* \*

(d) The responsibilities of the War Department for storage, processing and shipment of declared surpluses are set forth in detail below. (Sections 827.725-2 and 827.725-3 do not apply to contractor inventory declared to Reconstruction Finance Corporation, as to which see § 827.724.)

3. Section 827.725-2 is amended to read as follows:

§ 827.725-2 *Storage of declared surpluses—General.* Disposal of declared surplus may be effected by the Disposal Agency directly from War Department storage or after removal to storage facilities of the Disposal Agency. In accordance with Surplus Property Board Revised Special Order 3, August 31, 1945, which indefinitely postpones the Disposal Agencies' responsibility for care and handling of surplus property (other than surplus contractor inventory requiring movement to permit reconversion) the field installation concerned will provide storage pending receipt of disposition instructions from the Disposal Agency.

4. Sections 827.725-4 and 827.725-5 are revoked, as follows:

§ 827.725-4 *Storage of declared surplus; Department of Commerce storage system.* [Revoked]

§ 827.725-5 *Storage of declared surplus; Reconstruction Finance Corporation storage system.* [Revoked]

5. Paragraph (d) is added to § 827.725-8, as follows:

§ 827.725-8 *Shipment upon receipt of disposition instructions.* \* \* \*

(d) Whenever a shipment is made at other than War Department expense the Transportation Officer must be advised of the name of the person who will pay the cost of transportation.

6. A paragraph is added at the end of § 827.792, as follows:

§ 827.792 *Regional offices of Reconstruction Finance Corporation to which declarations of surplus property will be submitted.* \* \* \*

In addition to the above list of offices, Reconstruction Finance Corporation has established disposal offices which are authorized to issue shipping instructions but are not authorized to accept declarations of surplus property. These offices are located in:

Helena, Montana.  
Spokane, Washington.  
Nashville, Tennessee.  
Louisville, Kentucky.  
Birmingham, Alabama.  
Jacksonville, Florida.  
Little Rock, Arkansas.  
Oklahoma City, Oklahoma.

[Procurement Reg. 7-A]

PART 839—DISPOSAL OF SPECIAL TOOLING IN GOVERNMENT-OWNED AIRCRAFT PLANTS

Part 839 is added as follows:

Sec.  
839.900 Scope of part.  
839.901 Definitions.  
839.902 Authorization for disposition.  
839.903 Sales procedure.

§ 839.900. *Scope of part.* This part is promulgated under the authority of section 14 (a) of the Surplus Property Act and Surplus Property Board Special Order No. 17 dated August 17, 1945. This part states the policies and procedures to be followed in effecting the disposition of Government-owned special tooling located in Government-owned air-

craft plants which are being operated by private contractors pursuant to facilities contracts.

§ 839.901 *Definitions.* As used in this part the following terms shall have the following meanings: (a) "Aircraft plant" means an installation owned by the Government (including an installation owned by the Reconstruction Finance Corporation, Office of Defense Plants (formerly Defense Plants Corporation)) and used in the production of aircraft or portions of aircraft.

(b) "Contract" includes subcontracts and subleases and "Contractor" includes subcontractors and sublessees.

(c) "Facilities contract" means a lease, rental agreement or other contract or contract provision, specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, special tooling, equipment, building installations, or other Government-owned property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products.

(d) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(e) "Special tooling" means equipment of such special design that it has apparent value only as scrap except in the manufacture of the particular product which such equipment was specifically designed to produce; it includes only jigs, dies, fixtures, gauges, moulds, and similar equipment.

§ 839.902 *Authorization for disposition.* The chief of the using service is hereby empowered to authorize any contractor under a facilities contract with such service or any subcontractor thereunder who is in possession of any special tooling located in an aircraft plant or the prime contractor under a war contract in performance of which such special tooling is or has been used to retain or sell such special tooling in accordance with § 839.903. Such retention or such sales may be made at any time before the using service takes possession of the special tooling or declares it to a disposal agency as surplus in accordance with § 832.201-3 or otherwise.

§ 839.903 *Sales procedures.* All disposals made under this part shall be made on the basis of competitive bidding through sealed bids or at auction at the discretion of the chief of the using service and subject to rules and regulations prescribed by the chief of the using service. Such rules and regulations shall contain among other provisions, the following requirements:

(a) The determination of lots shall be subject to approval by the chief of the service or his representative.

(b) The chief of the service or his representative shall set an upset price on each lot at which figure the bidding on such lot shall be started.

(c) The right shall be reserved to the chief of the service or his representative to reject any or all bids.

(d) Notice shall be given by publication to all interested possible purchasers indicating the special tooling that will be available for sale, naming a date not less

than 14 days from the time of first publication when the bidding will be closed or when the auction will be held, and giving the upset price on each lot.

(e) If no acceptable bid is received by the chief of the service or his representative, the contractor in possession may be permitted to acquire and retain the property under a negotiated sale or under a lease for a period of not more than one year. Sales prices and rentals shall be determined on a basis that is fair and reasonable taking into consideration the limited sale value of the property, its special value to the purchaser or lessee, upset prices and any bids received.

The chief of the service may request the advice and assistance of the Reconstruction Finance Corporation in setting upset prices and in determining acceptable sales prices and rentals. Such requests shall be addressed to the regional office of the Reconstruction Finance Corporation for the region in which the major portion of the special tooling to be sold is located. At the discretion of the chief of the service auctions, sales or leases authorized under this section may be combined with auctions, sales or leases authorized under § 848.864-2 (h).

[F. R. Doc. 45-19375; Filed, Oct. 19, 1945; 10:39 a. m.]

Subchapter C—Termination of Contracts  
[Joint Termination Regulation (PR 15)]  
MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 841, 842, 844, 846 to 849, inclusive, are hereby prescribed. These regulations are also contained in Change 47, April 20, 1945 (10 F.R. 5171<sup>1</sup>) as amended by Change 52, October 11, 1945.

**AUTHORITY:** Parts 841 to 849, issued under sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225, 10 U.S.C. 1193-1195; the First War Powers Act, 1941, 55 Stat. 838; 50 U.S.C. Supp., 601-622; and the Contract Settlement Act of 1944, 58 Stat. 649.

**NOTE:** In order to conform the Joint Termination Regulation to the numbering system used in the Code of Federal Regulations, the following changes have been made: Sections in the original regulations have been treated as code parts, parts as code subparts, and paragraphs as code sections. Thus Section I becomes Part 841, Section II becomes Part 842, part 1 of any section becomes Subpart A, part 2 becomes Subpart B, etc. Paragraphs in the original regulations become sections, with the number to the right of the decimal point corresponding to the original paragraph number, except that where paragraph numbers also contain a decimal point the point is changed to a dash. The original paragraph numbers appear in brackets following text affected.

For an explanation of the numbering and arrangement of the original regulations see §§ 841.113 to 841.113-5.

PART 841—GENERAL PROVISIONS

SUBPART A—INTRODUCTORY MATERIAL

1. Section 841.111-3 is amended to read as follows:

§ 841.111-3 *Application outside the United States.* (a) All war contracts of the War or Navy Departments made or to be performed outside the continental limits of the United States or in Alaska are exempted from the provisions of the

Contract Settlement Act of 1944, except to the extent that some or all of the provisions of the act are made applicable to any such contract or class of contracts (1) by any commanding officer pursuant to Section III, Circular No. 330, War Department, 1944, (2) by the chief of any bureau of the Navy Department, or (3) by this subchapter.

(b) In terminating and settling war contracts made or to be performed outside the continental limits of the United States or in Alaska, no commanding officer or chief of any service or bureau is required to conform to the provisions of this regulation (unless this regulation has been made expressly applicable under paragraph (a) above), but he may do so to such extent as he deems appropriate.

2. Paragraph (d) is added to § 841.111-4, as follows:

§ 841.111-4 *Terminations covered.*

\* \* \*

(d) This subchapter does not apply to the termination for cancellation of a master contract for the repair or alteration of vessels on a time and material basis or to the termination or cancellation of prime job orders thereunder, except to the extent that the chief of the service or bureau, in his discretion, may require that the provisions of this subchapter shall apply. When any such master contract or prime job order is terminated or cancelled, subcontracts thereunder terminated other than for default of the subcontractor are within the provisions of the act and of this subchapter for the benefit of subcontractors. [JTR 111.4]

PART 842—PROCEDURES FOR TERMINATING PRIME CONTRACTS

SUBPART C—DISTRIBUTION OF CUTBACKS

1. Section 842.230 is amended to read as follows:

§ 842.230 *Scope.* This subpart deals with policies and procedures governing the translation of cutbacks in procurement schedules into terminations or revisions of specific contracts. Such policies and procedures are based on, and follow the requirements of, a directive dated January 20, 1945, issued by the Director, Office of War Mobilization and Reconversion, entitled "Policies of Contract Curtailment, Non-renewal and Termination". (See Appendix C.) This subpart includes the steps to be taken in planning contract terminations. The preparation of the notice of termination and its delivery to the prime contractor are covered in Part 844.

2. Section 842.231-2 is deleted and §§ 842.231-3 and 842-231.4 are redesignated §§ 842.231-2 and 842.231-3, respectively. Section 842.231-2, as redesignated, is amended to read as follows:

§ 842.231-2 *Records to be maintained.* The chief of each service or bureau will maintain adequate records of all cutbacks, evidencing the application to each case of the policies specified in §§ 842.232 and 842.241.

3. Sections 842.233 to 842.237, inclusive, are revoked as follows:

§ 842.233 *Approval of large cutbacks by the War Production Board; notification of smaller cutbacks.* [Revoked]

§ 842.233-1 *General.* [Revoked]

§ 842.233-2 *Definition of cutbacks.* [Revoked]

§ 842.233-3 *PEC Form A, preliminary advice of current cutbacks.* [Revoked]

§ 842.233-4 *PEC Form B, detailed advice of current cutbacks.* [Revoked]

§ 842.233-5 *PEC Form C, notification of termination or revision of contract delivery schedules.* [Revoked]

§ 842.233-6 *PEC Form D, rulings as to cutbacks by War Production Board.* [Revoked]

§ 842.233-7 *Clearance of cutbacks of ammunition components.* [Revoked]

§ 842.234 *Procedures for filing PEC Forms.* [Revoked]

§ 842.234-1 *Army Service Forces.* [Revoked.]

§ 842.234-2 *Army Air Forces.* [Revoked]

§ 842.234-3 *Navy.* [Revoked]

§ 842.234-4 *Joint procurement.* [Revoked]

§ 842.235 *Cutback procedures; explanations to war contractors and workers; the War Production Board "seven-day" rule.* [Revoked]

§ 842.236 *Official press statements.* [Revoked]

§ 842.236-1 *PEC statements.* [Revoked]

§ 842.236-2 *War Department field release of PEC statement.* [Revoked]

§ 842.236-3 *Navy Department field release of PEC statement.* [Revoked]

§ 842.236-4 *War Department local press statement.* [Revoked]

§ 842.236-5 *Navy Department statements in absence of PEC statements.* [Revoked]

§ 842.237 *Post V-J Day procedures.* [Revoked]

PART 844—CONTRACTOR INVENTORY

SUBPART A—GENERAL POLICIES

1. Section 844.411-15 is amended to read as follows:

§ 844.411-15 *Small lot.* The term "small lot" means any item or group of items where the cost of all substantially similar items available for sale at any one location, listed on any one inventory schedule, does not exceed \$300, except that in the case of sales by owning agencies of property peculiar to aircraft the term "small lot" means any item or group of identical items available at any one location at any one time, the cost of which does not exceed \$100. [JTR 411.15]

2. Paragraph (d) of § 844.416-2 is amended to read as follows:

§ 844.416-2 *Within the Navy Department.* \* \* \*

(d) The Navy contracting officer may also require transfer to the Government of items which the bureau wishes to acquire for construction, production or supply purposes. A Navy contracting officer is not authorized to make or approve dispositions of contractor inventory except as set forth in paragraph (c).

<sup>1</sup> See also 10 F.R. 10449.

SUBPART C—GENERAL PROVISIONS RELATING TO AUTHORITY TO MAKE AND APPROVE DISPOSITIONS

In the table in § 844.439-2 the figure "75%" appearing in the last column is amended to read "50%".

SUBPART D—PRICE POLICIES AND CONDITIONS APPLICABLE TO SPECIFIC DISPOSITIONS

1. Section 844.445-3 (a) (1) is amended to read as follows:

§ 844.445-3 *Retentions for use.* \* \* \*

(1) The contracting officer (in the case of the Navy, the NMR & DA); or

2. Section 844.446-2 (b) is added as follows:

§ 844.446-2 *Small lots.* \* \* \*  
(b) Contracting officers (in the case of the Navy, the NMR & DA) may sell property peculiar to aircraft where the cost of any item or group of identical items available at any one location at any one time does not exceed \$100. [JTR 446.2]

3. Section 844.447-5 (b) (1) is amended to read as follows:

§ 844.447-5 *Production equipment.* \* \* \*

(1) All retentions and sales of used standard general-purpose machine tools as defined in Surplus War Property Administration Regulation No. 3 (see Part 8303 of Title 32) and all used standard machines listed in the article relating to Pricing policy" of Surplus Property Board Regulation No. 6 (see Part 8306 of Title 32) shall be made at prices in accordance with Regulation No. 3, Order No. 2 of the Surplus Property Board (see Part 8306 of Title 32).

PART 846—SETTLEMENTS OF SUBCONTRACT CLAIMS

SUBPART D—REVIEW OF SUBCONTRACT SETTLEMENTS BY GOVERNMENT PERSONNEL

1. Section 846.644-4 is amended to read as follows:

§ 846.644-4 *Selection and approval of subcontract settlements by Navy material inspector.* (a) The Navy material inspector cognizant of the prime contractor is authorized, as the representative of the contracting officer (unless the contracting officer specifically limits or withdraws such authority in a particular case as provided in § 842.253-3) to approve or ratify;

(1) All subcontract settlements which do not exceed \$25,000 (computed in accordance with § 841.122), and

(2) All subcontract settlements in excess of \$25,000 but which do not exceed \$500,000 (computed in accordance with § 841.122), subject to the prior approval of a settlement review board established pursuant to § 845.581 in the office of the inspector by the chief of a bureau or by the Chief, Inspection Administration Branch, Material Division, Office of the Assistant Secretary of the Navy.

(b) All subcontract settlements not approved by the inspector pursuant to paragraph (a) above will be forwarded by the inspector to the contracting officer

for his approval, and for submission to a review board in accordance with § 845.582 and following.

(c) The Navy material inspector cognizant of the prime contractor is responsible for selecting settlements for review and approval in accordance with § 846.644-2. The contracting officer will not himself make such selection unless extraordinary circumstances make this advisable. [JTR 644.4]

PART 847—SETTLEMENT OF PRIME CONTRACT CLAIMS

SUBPART D—SETTLEMENT AGREEMENTS

1. Section 847.745 is added as follows:

§ 847.745 *Research and development contracts.* (a) Prior to the execution of a final settlement agreement for use after complete termination of a contract containing a patent provision requiring the contractor to make a disclosure of, or to deliver to the Government instruments of license or assignment respecting, inventions, discoveries or patent applications made or first reduced to practice by the contractor in performing the contract, the contracting officer must obtain from the contractor a written statement that the contractor has complied with the provisions of the terminated contract to the extent that they require the contractor to furnish to the Government prior to final settlement disclosures of inventions, discoveries, patent applications and instruments of license and assignment.

(b) In all agreements settling terminated contracts covered by paragraph (a) above, the form of final settlement agreement must be amended by rewriting subparagraph (2) of subparagraph (c) of Article 4 of § 849.981-1, subparagraph (2) of Article 2 of § 849.981-3 or subparagraph (5) of subparagraph (c) of Article 4 of § 849.983-1, respectively, to read as follows:

All rights and liabilities of the parties arising under the contract articles, if any, or otherwise which relate to reproduction rights, patent infringements, covenants of indemnity against patent risks, bonds for patent indemnity obligations (together with all rights and liabilities under such bonds) and rights to assignments of and licenses under inventions.

[JTR 745]

2. The headnote to § 847.748-1 is amended to read as follows:

§ 847.748-1 *Statutory provisions.*

3. Section 847.748-2 is added as follows:

§ 847.748-2 *Statement of policy.* It is clear that final settlements should be reopened whenever (a) the amendment is expressly provided for in the agreement, or (b) there has been a mistake or error in the written agreement consisting solely of a failure to express the true agreement between the parties in accordance with negotiations between them, or of a mutual mistake as to a material fact, or (c) where it clearly appears that a contractor has been misled to his substantial detriment by action of Government personnel on which he was entitled to rely. In addition, officials of the

Government cannot properly refuse to accept any amendment which will result in benefit to the Government. Except in these cases, however, it is the policy of the War and Navy Departments to reopen final settlement agreements by consent only in the most unusual cases. Adoption of any other policy would cause administrative confusion, would greatly impair the utility of the negotiated settlement, and would violate the statutory objective of finality of settlements. [JTR 748.2]

4. Section 847.748-1 (b), (c) and (d) are redesignated § 847.748-3 and amended to read as follows:

§ 847.748-3 *Authority for amendments.* (a) Subject to § 847.748-4, the contracting officer may, before or after final payment, amend any final settlement agreement made by a service or bureau on or after July 21, 1944, whenever:

(1) The amendment will result in benefit to the Government; or

(2) The amendment is expressly provided for in the agreement; or

(3) There has been a mistake or error in the written agreement consisting solely of a failure to express the true agreement between the parties in accordance with negotiations between them, or of a mutual mistake as to a material fact. The failure of a contractor to present or to present accurately, and of the Government to allow, a claim based on a cost incurred by the contractor or on a liability to which the contractor was subject, whether by reason of ignorance of such cost or liability or of its extent or for other reasons, shall not be regarded as a mutual mistake within the meaning of this section; or

(4) The chief of the service or bureau determines that such amendment will promote the purposes of the act, and the approval of the Readjustment Division, ASF, or the Industrial Readjustment Branch, OP&M, is first obtained. In such cases, the request for approval should contain a full presentation of the relevant circumstances.

(b) Each amendment entered into pursuant to paragraph (a) above shall recite that it is made pursuant to the act.

(c) The contracting officer may, before or after final payment, amend any final settlement agreement made by a service or bureau prior to July 21, 1944 only:

(1) Where the amendment will result in benefit to the Government; or

(2) Where the amendment is authorized by, and approved in accordance with §§ 803.308a and 803.308b or 812.1252 of this chapter, or by Navy Procurement Directives, paragraphs 11,401 and following, 11,441 and following, and 11,461 and following; or

(3) Where the amendment is otherwise authorized by law or applicable regulations.

(d) No amendment entered into pursuant to paragraph (c) above shall recite that it is made pursuant to the act. [JTR 748.4]

5. Section 847.748-2 is redesignated § 847.748-4 and the reference to § 847.748-1 (b) is amended to read "§ 847.748-3 (a)".

PART 848—SPECIAL PROCEDURES AND REPORTS

SUBPART B—CONSOLIDATED TERMINATION PROGRAM FOR SELECTED CONTRACTORS

1. Section 848.825-1 (c) is amended to read as follows:

§ 848.825-1 *Responsibility and authority for disposal.*

(c) Property disposal personnel of the designated office shall promptly begin disposal action with respect to termination inventory to the extent possible before receipt of a copy of the inventory schedules, except, in the case of the Navy, as to items included in production or supply lists; and for the purpose of such disposal action, reliance will be placed on the contractor's representations as to allocability.

2. In § 848.825-6 paragraphs (a) and (c) are amended to read as follows:

§ 848.825-6 *Disposal of inventory.*

(a) *Production and supply items.* The term "production and supply items" applies only to materials which the Navy Department requires for its own use. A list of such items is included in the Navy Material Inspection Service Manual on Contract Termination. (This Manual may be obtained by designated offices from the Readjustment Distribution Center, 90 Church Street, New York 7, New York.) The designated office shall not dispose, or approve the disposition, of items included in production and supply lists, but shall forward copies of the inventory schedules listing such items to the Navy material inspector cognizant of the contractor, to be handled in accordance with the procedures applicable to the disposition of such items. If no shipping instructions are received within the time specified in the Manual, the designated office shall proceed with automatic shipment in accordance with instructions contained in Chapter 10 of the Manual.

(c) *Other materials requested by the contracting officer.* Any other materials requested by the contracting officer under the applicable prime contract shall be disposed of in accordance with such request to the extent that such materials have not otherwise been disposed of before the receipt of such request. Disposition of termination inventory shall not be delayed pending receipt of such a request.

3. Paragraph (d) of § 848.829 is amended to read as follows:

§ 848.829 *Maritime Commission claims.*

(d) The designated office may take action in accordance with § 848.825 with respect to termination inventory under Maritime Commission prime contracts and subcontracts thereunder, unless and except to the extent that the Maritime Commission has furnished a list of items of termination inventory required by the Commission for its own use. Items appearing on any such list shall be submitted to the Maritime Commission for shipping instructions. If no such shipping instructions have been received

within 15 days after such submission, the designated office shall proceed with the disposition of such items. [JTR 829]

SUBPART C—TERMINATION COORDINATION COMMITTEES; AUDIT COORDINATION COMMITTEES

Section 848.837 is amended to read as follows:

§ 848.837 *Areas for which committees formed.*

(a) This section sets forth: (1) the areas for which termination coordination committees and audit coordination committees have been formed, and (2) the responsibility for the designation of the chairmen of the termination coordination committees, by reference to a service of the War Department, or to the Navy Department:

Atlanta.....Navy Department

States of North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi.

Boston.....Navy Department

States of Maine, New Hampshire, Vermont, Rhode Island, and Massachusetts except the counties of Berkshire, Hampshire, Hampden, and Franklin in western Massachusetts.

Chicago.....Ordnance Department

State of Iowa; counties of Crawford, Richland, Grant, Iowa, Lafayette, Green, and Rock in the State of Wisconsin; counties of Hancock, McDonough, Fulton, Mason, Sangamon, Macon, Moultrie, Coles, and Clark and all counties north thereof in the State of Illinois; and the counties of Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, and Adams and all counties north thereof in the State of Indiana.

Cincinnati.....Ordnance Department

State of Kentucky; that portion of the State of Ohio which is south of the counties of Mercer, Auglaize, Shelby, Champaign, Madison, Franklin, Fairfield, Licking, Muskingum, Guernsey, and Belmont; and that portion of the State of Indiana which is south of the counties of Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, and Adams.

Cleveland.....Ordnance Department

That portion of the State of Ohio which is north of the counties of Darke, Miami, Clark, Fayette, Pickaway, Hocking, Perry, Morgan, Noble, Belmont, and Jefferson.

Detroit.....Ordnance Department

That portion of the State of Michigan which is between Lakes Michigan and Huron (the area known as the Lower Peninsula).

Dallas.....Chemical Warfare Service

States of Louisiana, Texas, New Mexico, and Oklahoma and the counties of Howard, Sevier, Little River, Miller, Lafayette and Hempstead in the State of Arkansas.

Kansas City.....Army Air Forces

States of Kansas, Colorado, and Nebraska; and the counties of Benton, Carroll, Madison, Franklin, Sebastian, Crawford, Washington, and Polk, of the State of Arkansas; and the counties of McDonald, Barry, Stone, Christian, Greene, Dade, Lawrence, Newton, Jasper, Barton, Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Dallas, Polk, Cedar, and Vernon of the State of Missouri.

Los Angeles.....Army Air Forces

State of Arizona; Clark County in Nevada; and the southern part of the State of California including the counties of Santa Barbara, Kern, and San Bernardino, and all counties south thereof.

Milwaukee.....Navy Department

State of Wisconsin except the counties of Crawford, Richland, Grant, Iowa, Lafayette, Greene, Rock, and except all counties west of Iron, Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, and Sauk; and that portion of the State of Michigan known as the Upper Peninsula.

Minneapolis-St. Paul.....Corps of Engineers

States of Minnesota, North Dakota, and South Dakota and the counties of Douglas, Bayfield, Ashland, Burnett, Washburn, Sawyer, Price, Polk, Barron, Rusk, Taylor, St. Croix, Chippewa, Pierce, Pepin, Eau Claire, Clark, Buffalo, Trem-Aleau, Jackson, LaCrosse, Monroe, Dunn, and Vernon in the State of Wisconsin.

New York.....Army Air Forces

Lower New York State consisting of the counties of Ulster, Dutchess, Sullivan, Orange, Putnam, Rockland, Westchester, Bronx, New York, Kings, Richmond, Queens, Nassau, and Suffolk; and that portion of the State of New Jersey north of Mercer, Burlington, and Ocean Counties.

Philadelphia.....Quartermaster Corps

States of Delaware, Virginia, District of Columbia and the State of Maryland excluding the counties of Garrett and Allegheny; and the counties of Mercer, Burlington, Ocean, and all counties south thereof in the State of New Jersey; and that portion of the State of Pennsylvania which is east of the counties of Potter, Clinton, Centre, Huntingdon and Franklin.

Pittsburgh.....Ordnance Department

State of West Virginia; the counties of Garrett and Allegheny in the State of Maryland, the counties of Potter, Centre, Clinton, Huntingdon, Franklin, and all counties west thereof in the State of Pennsylvania; and the counties of Jefferson and Belmont in the State of Ohio.

Rochester.....Army Air Forces

State of New York except the counties of Ulster, Dutchess, Sullivan, Orange, Putnam, Rockland, Westchester, Bronx, New York, Kings, Richmond, Queens, Nassau, and Suffolk in lower New York State.

St. Louis.....Ordnance Department

State of Arkansas except the counties of Benton, Carroll, Madison, Franklin, Sebastian, Crawford, Washington, Polk, Howard, Sevier, Little River, Miller, Lafayette, and Hempstead; that portion of the State of Missouri which is east of the counties of Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Dallas, Greene, Christian, and Stone; and that portion of the State of Illinois south of the counties of Hancock, McDonough, Fulton, Mason, Sangamon, Macon, Moultrie, Coles, and Clark.

San Francisco.....Navy Department

State of Utah; State of Nevada except Clark County; and the northern part of the State of California including the counties of San Luis Obispo, Kings, Tulare, Inyo, and all counties north thereof.

Seattle.....Navy Department

States of Washington, Oregon, Idaho, Wyoming, and Montana.

Springfield, Mass.....Ordnance Department

State of Connecticut and the counties of Berkshire, Hampshire, Hampden, and Franklin in western Massachusetts.

[JTR 837]

SUBPART E—DIRECT SETTLEMENT OF WAR CONTRACTS ON A COMPANY-WIDE BASIS

1. Section 848.855-4 is amended to read as follows:

§ 848.855-4 *Notice to contracting officer under prime contract.* (a) Where the notice of termination indicates that the applicable prime contract is a Maritime Commission contract, the designated officer, immediately upon receipt of such notice, will notify the Chief, Settlement Section, Contract Settlement & Surplus Materials Division, U. S. Maritime Commission, Washington 25, D. C., adapting the form of notice set forth in § 849.986-2. The designated officer will exclude the termination claim from company-wide settlement only if (1) within 10 days after sending such form of notice, he receives a request from the Maritime Commission to exclude the claim, or (2) he determines that such claim should be excluded pursuant to § 848.855-5.

(b) No such form of notice need be sent by the designated officer where the applicable prime contract is a prime contract of any contracting agency other than the Maritime Commission.

(c) Contracting officers will continue to exercise reasonable care to exclude from settlements with war contractors in any tier above assigned contractors termination claims of such assigned contractors included therein by mistake or otherwise (see § 845.523-4, "Percentage of completion basis"). [JTR 855.4]

2. Section 848.855-5 is amended to read as follows:

§ 848.855-5 *Exclusion of claims.* The master agreement gives the Government the option to exclude any termination claim from the scope of company-wide settlement and provides that this option must be exercised within 30 days (or such longer period as the parties may agree) after receipt by the designated officer of notice that the contract has been terminated. This option will be exercised by the designated officer if he determines that the claim should be excluded (a) in the interest of continued war production or (b) by reason of the complexity or special character of the contract or (c) for some other substantial reason. Where a claim is to be excluded, the assigned contractor should be notified in writing as promptly as possible. [JTR 855.5]

Section 848.855-6 is amended to read as follows:

§ 848.855-6 *Notice to customer.* As soon as the designated officer has determined that a subcontract termination claim of the assigned contractor is to be included in the program, or earlier in the discretion of the designated officer, a notice will be sent to the customer substantially in the form set forth in § 849.986-3. Such notice will be sent by the designated officer or by the assigned contractor with the indorsement of the designated officer. If the assigned contractor is willing to release his customers at the time when such notice is sent, a notice and release substantially in the form set forth in § 849.986-5 will be used. [JTR 855.6]

4. The present text of § 848.855-7 is designated paragraph (a), and paragraph (b) is added as follows:

§ 848.855-7 *Settlement proposals.* \* \* \*

(b) The designated officer may permit the assigned contractor to group charges arising under two or more terminated war contracts in the same settlement proposal and to negotiate settlements thereof in accordance with §§ 845.517 and 845.555-3. [JTR 855.7]

5. Section 848.855-8 (a) (1) is amended to read as follows:

§ 848.855-8 *Allocability.* (a) \* \* \*

(1) In the case of a termination claim not in excess of \$25,000 without deducting disposal credits or claims of subcontractors, by a copy of a notice of termination from the customer of the assigned contractor substantially in the form set forth in § 849.944-2 or a certificate of the customer substantially in the form set forth in § 849.986-4. Further evidence of such allocability should not be required unless there is reason to believe that the subcontract of the assigned contractor was not directly or indirectly required for the performance of the terminated or modified portion of a prime contract. No statement of allocability (by means of a certificate, notice of termination, or otherwise) from the war contractor in the next higher tier is required, with respect to any one claim included in a settlement proposal, if all of the following conditions are met: (i) the amount of the claim of the assigned contractor does not exceed \$25,000; (ii) the designated officer is satisfied, on the basis of W. P. B. priorities, allocations, the nature of the material, or other appropriate evidence, that the terminated subcontract is a war contract; and (iii) the assigned contractor agrees to satisfactory procedures, whether by test check or otherwise, designed to eliminate from the total of its subcontract termination claims against the Government (with respect to which no statement of allocability is obtained) amounts not allocable to the terminated or modified portions of war contracts in a higher tier.

6. Subparagraph (4) of § 848.855-9(b) is deleted.

7. Section 848.855-13 is amended to read as follows:

§ 848.855-13 *Copy of settlement to contracting officer and customers.* (a) In the case of prime contract settlements, the designated officer shall forward to the contracting officer under the applicable prime contract an executed original of each final settlement agreement or of findings determining the amount due in the case of a formula settlement. Where feasible, in order to facilitate duplication, the stencils or other duplicating medium used in producing the settlement agreement shall also be forwarded to such contracting officer.

(b) In the case of subcontract settlements, the designated officer, if and to the extent practicable, shall forward to the contracting officer under the applicable prime contract and to the customer an executed original of each final settlement agreement or of findings determining the amount due in the case of a formula settlement. In the event that the applicable prime contracting officer cannot readily be identified, such agreement or findings shall be forwarded pur-

suant to § 848.857-4 by the designated officer to the contracting agency executing the applicable prime contract at the time disbursement is requested; and copies of such agreement or findings need not be accumulated in the files of the service or bureau which executed the applicable prime contract. In all cases a release of the customer executed by the assigned contractor may be forwarded in lieu of a copy of the settlement agreement or findings to be forwarded to the customer. [JTR 855.13]

8. Section 848.856-2 is amended to read as follows:

§ 848.856-2 *Contracting officer under applicable prime contract.* The authority and responsibility of the contracting officer under the applicable prime contract with respect to the settlement of war contracts included in company-wide settlement shall be limited to (a) any matters relating to the cancellation or modification of the notice of termination and (b) any other matters with respect to which the designated officer requests his advice or assistance. [JTR 856.2]

9. In § 848.857-4 paragraph (d) is redesignated (g), and paragraphs (d) to (f), inclusive, are added as follows:

§ 848.857-4 *Disbursements.* \* \* \*

(d) Where the applicable prime contract is a contract of the Maritime Commission, the designated officer will forward the voucher or invoice, with supporting documents, to the Chief, Settlement Section, Contract Settlement & Surplus Materials Division, U. S. Maritime Commission, Washington 25, D. C.

(e) Where the applicable prime contract is a contract of the Reconstruction Finance Corporation, the designated officer will forward the voucher or invoice, with supporting documents, to the Secretary, RFC Contract Settlement Committee, Attention: Contract Termination Supervisor, Reconstruction Finance Corporation, Washington 25, D. C.

(f) Where the applicable prime contract is a contract of the Treasury Procurement Division, the designated officer will forward the voucher or invoice, with supporting documents, to the Chief, Finance Division, Treasury Procurement Division, 7th and D Streets SW., Washington, D. C.

SUBPART F—GOVERNMENT-OWNED PLANT EQUIPMENT UNDER WAR DEPARTMENT CONTRACTS

1. Section 848.860-2 (j) is added as follows:

§ 848.860-2 *Definitions.* \* \* \*

(j) *Special tooling.* The term "special tooling" means plant equipment of such special design that it has apparent value only as scrap except in the manufacture of the particular product which such equipment was specifically designed to produce: it includes only jigs, dies, fixtures, gauges, moulds, and similar equipment. [JTR 860.2]

2. Section 848.863-7 is amended to read as follows:

§ 848.863-7 *Redistribution within the War Department.* Where requirements are known to exist, idle plant equipment

under a War Department facilities contract may be redistributed by the service concerned for supply, war production, or other authorized purposes. However, sales to contractors in possession pursuant to § 848.864-2 will take precedence over requirements for modernization of the permanent military establishment and War Department industrial reserve. [JTR 863.7]

3. Section 848.864-2 is amended to read as follows:

§ 848.864-2 *Sales to war contractors in possession not pursuant to options—*

(a) *Sales authorized.* Subject to any contractual rights of intervening war contractors which have not been waived, any item of plant equipment may be sold by the chief of a service under authority of Surplus Property Board Regulation No. 6 and this section to a war contractor in possession of such plant equipment for immediate or essential use in his civilian production and whether or not the plant equipment is idle at the time of sale; *Provided, That:*

(1) The following items of plant equipment may not be sold:

(i) Plant equipment which, to the knowledge of the contracting officer, is required by the Government for war production or in the interests of national defense, other than plant equipment required only for modernization of the permanent military establishment or for War Department industrial reserve;

(ii) Plant equipment of the types listed on Exhibit A of Surplus Property Board Regulation No. 6, unless the war contractor in possession employs less than 500 wage earners;

(iii) Plant equipment in the possession of the Aluminum Company of America or any of its subsidiaries, unless written approval of the sale has been obtained from the Surplus Property Board through the Director, Readjustment Division, ASF;

(2) Where the plant equipment is idle, the contracting officer has complied with the requirements of § 848.863-7;

(3) Care should be taken to avoid sales of individual items of plant equipment which are integral parts of a balanced production-line installation, when such sales would substantially lessen the utility or ultimate sales value of the installation.

(4) The price at which the plant equipment is to be sold has been established in accordance with the pricing policy set out in paragraph (b);

(5) The sale has been approved by a disposal board if required by paragraph (d);

(6) The contract of sale, is not executed after (i) the plant equipment has been reported to a disposal agency as surplus in accordance with § 848.864-6 or (ii) the War Department has taken possession of the plant equipment (for example, by executing an agreement for its storage as contemplated in § 848.865-4, or by allowing the contractor to store it for the account and risk of the Government as contemplated in § 848.865-3 or by executing a receipt therefor as contemplated in § 848.865-8);

(7) In the following cases the contract of sale will not be executed until the contracting officer receives a favorable reply from the Attorney General to the report submitted under paragraph (c):

(i) Any proposed sale of plant equipment which cost the Government \$1,000,000 or more;

(ii) Any proposed sale to a war contractor of plant equipment which cost the Government \$100,000 or more and which is covered by one facilities contract, if the purchaser is engaged in a program of purchases from the Government of plant equipment which cost \$1,000,000 or more. In determining whether a purchaser is engaged in such a program, the contracting officer shall secure and may rely upon a written statement from such purchaser as to whether or not the proposed purchase is part of a general plan or a series of purchases which have been or will be made from the Government of plant equipment which cost \$1,000,000 or more. For purposes of such statement, the different divisions of a corporation will be considered to be a single purchaser.

(8) The contract of sale complies with paragraph (e); and

(9) The sale is in accordance with all applicable regulations of the War Production Board and the Office of Price Administration.

(b) *Pricing policies.* Except as provided in paragraph (g) with respect to special tooling, all sales of plant equipment to war contractors in possession shall be made in accordance with the following pricing policies:

(1) All sales of used standard general-purpose machine tools as defined in Surplus War Property Administration Regulation No. 3 (see Part 8303 of Title 32) and of used standard machines listed in § 8306.5 (a) of Surplus Property Board Regulation No. 6 shall be made at prices in accordance with said Regulation No. 3 and Surplus Property Board Special Order No. 2 (see Exhibit D of said Regulation No. 6).

(2) All sales of plant equipment for which fixed prices are not established by applicable pricing regulations shall be sold at the fair value thereof. Plant equipment which is readily severable shall in no event be sold at prices which are less than the net proceeds that could reasonably be expected to be obtained by the Government if the property were offered for sale to the public generally. In order to prevent windfalls to the war contractor or the owner of the plant in respect of plant equipment not readily severable, primary consideration shall be given to the value of the plant equipment to such war contractor or owner for the purpose for which it is to be used. In this connection consideration shall be given to the cost of purchasing and installing plant equipment of equal value to such war contractor or owner for such purpose.

(3) In determining fair value consideration shall be given, where appropriate, to such factors as original cost, replacement and reproduction cost (new), observed depreciation and obsolescence,

estimated depreciation resulting from application of the depreciation rates which the Bureau of Internal Revenue would normally apply for income tax purposes, current market value of similar items, age and extent of prior use, location, quantity and condition of the items, and any other pertinent factors. In the case of plant equipment which is not readily severable, consideration should, however, also be given to the estimated proceeds which would be realized and the estimated expenses which the Government would be required to bear if the plant equipment were to be dismantled, removed and offered for sale to the public generally.

(4) In estimating reproduction or replacement cost (new), it shall be assumed that adequate trained supervision, labor and suitable materials are available. Allowances for overtime and for extensive change orders during construction should be excluded. The contracting officer may employ appraisers to the extent deemed necessary or desirable.

(5) In the case of the sale of any plant equipment which is not governed by a fixed price schedule the contracting officer may request the advice and assistance of the Reconstruction Finance Corporation in the establishment of the price required by subparagraph (2). The request may be addressed to the regional office of the Reconstruction Finance Corporation for the region in which the property is located.

(c) *Submission of data to the Attorney General.* In any proposed sale of plant equipment which comes within the provisions of paragraph (a) (7) above, the contracting officer will immediately prepare and forward to the Director, Readjustment Division, ASF, a report of such proposal for transmission to the Attorney General as contemplated by section 20 of the Surplus Property Act of 1944. This report will contain the following information:

(1) Name of the contractor in possession.

(2) A copy of the facilities contract under which the plant equipment to be sold is held and all supplemental agreements thereto. (Schedules attached to the facilities contract may be omitted.)

(3) General description of all plant equipment held by the purchaser under the particular facilities contract.

(4) Description of the plant equipment proposed to be sold and the cost thereof to the Government.

(5) Statement as to whether any item of plant equipment proposed to be sold is included within paragraph (a) (1) (ii) of this section.

(6) Statement as to the location of each item of plant equipment to be sold and whether the land on which it is located is owned by the purchaser or is leased by the purchaser from a party other than the Government. If the land is leased to the purchaser, summarize briefly the provisions relating to duration and termination of the lease.

(7) Statement as to whether the plant equipment to be sold is idle and (i) if idle, whether it is currently being held in standby or (ii) if not idle, whether

a notice of complete termination of war contracts being performed with the plant equipment has been served or whether complete cessation of work under such contracts is otherwise imminent.

(8) The amount of the offer or proposed sale price and all other terms and conditions of the proposed sale, to the extent available at the time of submission.

(9) A statement that the purchaser has represented that he plans to use the items purchased in his production.

(10) A brief statement by the purchaser as to what in general he intends to produce with the plant equipment proposed to be sold.

(d) *Review by disposal board.* (1) All sales of plant equipment will be subject to review and approval by disposal boards established as described in § 844.449-1 except as follows:

(i) Sales of plant equipment at specific prices fixed by paragraph (b) (1).

(ii) Sales where the cost, estimated if necessary, of the plant equipment sold is not in excess of \$25,000.

(2) If review and approval are required under subparagraph (1), the chief of a service may require an additional prior review and approval by a disposal board, established in his office under § 821.106 of this chapter, or, in the case of the Army Air Forces, in the headquarters office of a command, where the cost (estimated if necessary) of the material to be disposed of by the sale exceeds \$500,000, and it is proposed to sell such material at more than 25 percent below such cost.

(e) *Provisions in contracts of sale.* Every contract of sale made pursuant to this section will contain (1) a recitation that it is made under the authority of section 14 (a) of the Surplus Property Act and regulations issued thereunder, (2) a waiver by the purchaser of any purchase options, rights of refusal or similar privileges with reference to other plant equipment which the contractor may have under the same facilities contract, and (3) an article substantially in the following form:

*Representation as to use in production.* The Purchaser represents that he intends that all property being acquired under this contract shall be used in his production and that he is not acquiring any of such property for the purpose of reselling it, directly or indirectly, at a profit.

(f) *Property covered by Emergency Plant Facilities Contracts.* (1) Where property in the possession of a war contractor is covered by an Emergency Plant Facility Contract under which:

(i) The expense of construction or equipment is initially borne by the contractor;

(ii) The Government reimburse him for the expense by monthly payments over a specified period;

(iii) Title does not pass to the Government until full reimbursement has been made; and

(iv) Reimbursement may be accelerated at the option of the Government such property shall be deemed to be plant equipment for the purposes of this section except in cases where the Government owns, or where on completion

of the payments the Government will own, or have a leasehold interest in, land on which buildings or other facilities have been constructed or installed pursuant to the contract.

(2) The war contractor in possession of property deemed to be plant equipment pursuant to subparagraph (1) above may acquire such plant equipment free and clear of the Government's right under the contract to obtain title: *Provided*, That (i) all the requirements of paragraphs (a) through (e) have been complied with and (ii) the written approval of the Director, Readjustment Division, ASF, shall have first been obtained. Requests for such approval will be submitted through channels and will contain a full statement of all pertinent information.

(g) *Sales of special tooling to contractor in possession at scrap prices.* In any case in which the chief of a service shall make a written finding that given special tooling will have no reasonably foreseeable use for civilian production he may dispose of such tooling to the contractor in possession at scrap prices. In any such case the contract of sale shall identify the special tooling sold pursuant to this paragraph and shall include a provision substantially as follows:

The purchaser agrees (1) that upon conclusion of the war production in which the special tooling purchased hereunder is used or to be used he will make a written offer to the Government, addressed to the contracting officer, to sell such special tooling to the Government at the then scrap price of such special tooling. (2) that such offer shall remain open and unrevoked for a period to be specified therein but in no event to be less than 30 days, and (3) that if the Government does not in writing accept such offer within the specified period the purchaser will dispose of such special tooling as scrap.

Nothing in this paragraph (g) shall be deemed to limit the determination and disposition of special tooling under § 848.864-3.

(h) *Disposition of special tooling in possession of a subcontractor or sub-lessee.* If in accordance with the terms of a facilities contract special tooling is located in the plant of a subcontractor or a sub-lessee, and if such subcontractor or sub-lessee has in writing indicated that he does not desire to acquire such special tooling, the chief of the service is hereby empowered to authorize such subcontractor or sub-lessee or the prime contractor under a prime war contract in performance of which the special tooling is or has been used to dispose of the special tooling by competitive bidding through sealed bids or at auction at the discretion of the chief of the service and subject to rules and regulations prescribed by the chief of the service. Such rules and regulations shall contain, among other provisions, the following requirements:

(1) The determination of lots shall be subject to approval by the chief of the service or his representative.

(2) The chief of the service or his representative shall set an upset price on each lot at which figure the bidding on such lot shall be started.

(3) The right shall be reserved to the chief of the service or his representative to reject any or all bids.

(4) Notice shall be given by publication to all interested possible purchasers indicating the special tooling that will be available for sale, naming a date not less than 14 days from the time of first publication when the bidding will be closed or when the auction will be held, and giving the upset price on each lot.

(5) If no acceptable bid is received by the chief of the service or his representative, a contractor who is holding a higher tier facilities contract under which the special tooling is held may be permitted to acquire and retain the property under a negotiated sale or under a lease for a period of not more than one year. Sale prices and rentals shall be determined on a basis that is fair and reasonable taking into consideration the limited sale value of the property, its special value to the purchaser or lessee, upset prices and any bids received.

The chief of the service may request the advice and assistance of the Reconstruction Finance Corporation in setting upset prices and in determining acceptable sales prices and rentals. Such requests shall be addressed to the regional office of the Reconstruction Finance Corporation for the region in which the major portion of the special tooling to be sold is located. At the discretion of the chief of the service auctions, sales or leases authorized under this paragraph may be combined with auctions, sales or leases authorized under Part 829 of this chapter. Nothing in this paragraph shall be deemed to limit the determination and disposition of special tooling under § 848.864-3. [JTR 864.2]

#### SUBPART H—REPORTS ON PROPERTY DISPOSITION

Subpart H is amended to read as follows:

§ 848.880 *Scope.* This subpart applies only to the War Department. It covers the preparation and submission of reports covering contractor inventory disposition and related matters. [JTR 880]

§ 848.881 *Responsibility for submitting reports.* The chief of each service shall submit to the Readjustment Division, ASF, the reports described in this subpart in accordance with the instructions contained in the following sections. [JTR 881]

§ 848.881-1 *How amounts are to be shown.* In all data involving dollar values, amounts will be shown to the nearest whole dollar. [JTR 881.1]

§ 848.882 *Report of disposition of contractor inventory.* [JTR 882]

§ 848.882-1 *General description.* (a) This report consists of three parts: Part I—Disposition Summary; Part II—Analysis of Contractor Retentions; and Part III—Plant Clearance.

(b) *Part I: Disposition summary.* (1) This section of the report will record retention by the contractor, possession by the War Department, and removal from the contractor's plant of contractor in-

ventory listed on inventory schedules or plant equipment applications hereinafter referred to as disposal requests.

(2) Retention by the contractor includes all disposals by the contractor in possession such as sales by him to third parties, and abandonment or destruction of property by him with the approval of the contracting officer. For the purpose of this report, the approval of retention by the contracting officer is considered to effect retention.

(3) Possession by the War Department is effected by the removal of the property from the contractor's plant or the execution of a storage agreement between the War Department and the contractor covering property to be stored in his plant.

(4) Removal is affected by the physical removal of the property from the contractor's plant or the issuance of shipping instructions to the contractor in possession. For the purpose of this report, the execution of a storage agreement between the contractor and the Reconstruction Finance Corporation is also considered to effect removal.

(c) *Part II: Analysis of retentions.* This part of the report will analyze the information contained on Line 5, Columns (d) and (e) of Part I of the report form, and represents the several procedural or price policy categories set forth in SPB Regulation 9. In addition to the analysis by procedural or price policy categories, the costs and proceeds of inventory retained by the contractor are to be analyzed by the type of material appearing in the heading of the various columns for each disposal request of \$20,000 or more. For such requests contractor inventory listed on inventory schedules Form OCS-2a will be reported in Columns (B) and (C). Contractor inventory listed as raw materials on inventory schedules Form OCS-2b will be reported in Columns (D) and (E). Contractor inventory listed on inventory schedules Form OCS-2b as purchased parts, finished components, and finished products, will be reported in Columns (F) and (G). Contractor inventory listed on inventory schedules Form OCS-2c will be reported in Columns (H) and (I). Contractor inventory listed in inventory schedules Form OCS-2d will be reported in Columns (J) and (K). Miscellaneous contractor inventory reported on inventory schedules Form OCS-2b will be reported in Columns (L) and (M). Contractor inventory reported on disposal requests amounting to less than \$20,000 will be reported in Columns (N) and (O). Plant equipment reported on Form 5—Office of Contract Settlement—will not be included in this analysis.

(d) *Part III: Plant clearance.* (1) This part of the report will summarize: (i) Clearance requests received during the month; (ii) clearance requests completed during the month; (iii) clearance requests pending at the end of the month; and (iv) the period of time required to complete clearance under clearance requests, or the period of time for which clearance has been pending under clearance requests.

(2) A clearance request is a listing submitted by a contractor, excluding lists submitted for informational purposes, of

specific items of property to be removed from his plant unless otherwise disposed of. In the case of plant equipment, these are the removal schedules. Plant equipment purchase schedules will not be considered as clearance requests and will not be included in this report.

(3) A clearance request is completed by removal from the plant of the contractor concerned of the last item of inventory included in the clearance request. For this purpose, completion is effected by physical removal by the Government (or issuance of shipping instructions), approval of retention of inventory by the contractor, approval of sale by a contractor to a third party, execution of a storage agreement between the Government and the contractor, or by physical removal (after 60 days and after the expiration of the notice period) by the contractor to another location for storage at Government expense. When a contractor moves inventory to another location for storage at his own expense, clearance is not achieved until one of the above defined actions is completed.

(4) A waiver consists of the execution of a written agreement between a contractor and the contracting officer to extend the 60-day clearance period. [JTR 882.1]

§ 848.882-2 *Form.* On or before the 12th day of October 1945 and of each month thereafter, the chief of each service will submit to the Readjustment Division, ASF, the original and one copy of a report for his service and one copy of a report for each procurement office and for each Company-Wide Settlement and Consolidated Termination Program Installation (included in the procurement office reports) under his jurisdiction, together with the required copies of Forms SPB-1, SPB-1.1, SPB-1.2 and SPB-1.3. The reports will be submitted on WD AGO Forms 587-1, 587-2, and 587-3, which will be used by all echelons required to submit the report. An additional copy of Form 587-3 from each Consolidated Termination Program Installation is required to be submitted by § 848.898. Reports Control Symbol RCC-28 has been assigned to this report. [JTR 882.2]

§ 848.882-3 *Information required on report form.* (a) The following information will be entered in the various lines of Part I—Section I:

Line 1—Awaiting action—First of month—Enter the cost of contractor inventory, shown on disposal requests, which had been neither retained by the contractor nor possessed by the War Department at the first of the month. This figure will be identical with that reported on Line 8 of the report for the preceding month.

Line 2—Additions—Enter the cost of contractor inventory shown on disposal requests received during the month.

Line 3—Corrections—Enter any corrections to previously reported figures which are necessary to correct the amount shown as "Available for Action" on Line 4. Credit corrections will be prefixed by a minus (-) sign.

Line 4—Total available—Enter the total of Lines 1 and 2, plus or minus Line 3.

Line 5—Retained by contractor—Enter the proceeds and cost of contractor inventory retained by contractors during the month.

Line 6—Possessed by the War Department—Enter the cost of contractor inventory possessed by the War Department during the month. The disposition of all property possessed must be accounted for under Section II of this Part I of the report.

Line 7—Total action—Enter the total of Lines 5 and 6.

Line 8—Awaiting action—End of month—Enter the cost of contractor inventory which had not been retained by the contractor or possessed by the War Department at the end of the month.

(b) The following information will be entered in the various lines of Part I—Section II:

Line 9—Awaiting action—first of month—Enter the cost of contractor inventory which had been possessed by the War Department but which had not been utilized, redistributed, transferred, or declared to a disposal agency at the first of the month. This figure will be identical with that reported on Line 29 of the report for the preceding month.

Line 10—Possessed by the War Department—Enter the cost of contractor inventory possessed by the War Department during the month. This will be the same as Line 6 of Section I of the current report.

Line 11—Corrections—Enter any corrections to previously reported figures which are necessary to correct the amount shown as "Total Available" on Line 12. Credit corrections will be prefixed by a minus (-) sign.

Line 12—Total available—Enter the sum of Line 9 plus 10, plus or minus 11.

Line 13—Utilized—Enter the cost of property removed from the contractor's plant for use within the reporting service or for interim storage by the service.

Line 14—Redistributed—Enter the cost of property removed from the contractor's plant to other services within the War Department.

Line 15—Transferred—Without reimbursement—Navy—Enter the cost of property removed from the contractor's plant to the Navy Department without reimbursement.

Line 16—Transferred—Without reimbursement—Veterans' Administration—Enter the cost of property removed from the contractor's plant to the Veterans' Administration without reimbursement.

Line 17—Transferred without reimbursement—Donated—Enter the cost of property removed from the contractor's plant by donation.

Line 18—Transferred—Without reimbursement—Others—Enter the cost of property removed from the contractor's plant to agencies other than the Navy Department and Veterans' Administration without reimbursement.

Line 19—Transferred—total—without reimbursement—Enter the total of Lines 15, 16, 17, and 18.

Line 20—Transferred—with reimbursement—contractors—Enter the proceeds and cost of property removed from the contractor's plant by sale and removal to contractors after it had been possessed by the War Department.

Line 21—Transferred—with reimbursement—Government agencies—Enter the proceeds and cost of property removed from the contractor's plant by sale and removal to Government agencies.

Line 22—Transferred—with reimbursement—Red Cross and USO—Enter the proceeds and cost of property removed from the contractor's plant by sale and removal to Red Cross and USO.

Line 23—Transferred—With reimbursement—Others—Enter the proceeds and cost of property removed from the contractor's plant by sale and removal to agencies other than those shown on Lines 20, 21, or 22.

Line 24—Transferred—Total—With reimbursement—Enter the total of Lines 20, 21, 22, and 23.

Line 25—Transferred—Total—Enter the total of Lines 19 and 24.

Line 26—Turned in to salvage officers—Enter the cost of property turned in to salvage officers for disposal. Issuance of Property Turn In Slip is considered to effect this action. This figure will not include scrap orders received from disposal agencies after declaration of surplus—(Section 111, Line 36).

Line 27—Declared—Enter the cost of property declared to disposal agencies after or concurrent with possession by the War Department during the month on Forms SPB-1 or SPB-1.2, less any corrections recorded on Form SPB-1.1. This figure will be identical with that reported in Line 33, Column (G). Declarations made prior to possession will not be recorded until possession takes place.

Line 28—Total actions—Enter the total of Lines 13, 14, 25, 26, and 27.

Line 29—Awaiting action—End of month—Enter the cost of property which had been possessed by the War Department but not yet declared to a disposal agency or removed from the contractor's plant at the end of the month. This will be Line 12, minus Line 28. The amount shown on Line 29 plus any amount shown on Line 38 should represent the amount stored in contractors' plants under War Department storage agreements at the end of the month.

(c) The following information will be entered in the various lines of Part I—Section III:

Line 30—Awaiting delivery orders—Enter the cost of contractor inventory declared to disposal agencies in previous months on Forms SPB-1 for which shipping or other disposition orders had not been received from the disposal agency at the beginning of the month, excluding open transactions on Forms SPB-1.2 handled in accordance with instructions contained under Line 31. These figures will be identical with those reported on Line 38 of the report for the preceding month.

Line 31—Gross declarations—Enter the cost of contractor inventory declared to disposal agencies during the month on Forms SPB-1 and SPB-1.2. A copy of each declaration, where the cost of the property included in the declaration is \$25,000 or more, will be attached to the report. When Form SPB-1.2 is used as a concurrent declaration and request for shipping instructions, it will not be entered as declared until shipment is made, at which time the entry will be made on both Lines 31 and 37 for the amount shipped. A listing of open transactions on Form SPB-1.2 used in this manner is required under Part I—Section IV—Remarks—.

Line 32—Corrections—Enter the cost of adjustments to prior declarations as reported on Form SPB-1.1 during the month. This amount will not include the withdrawal of items previously declared. Adjustments initiated by disposal agencies will also be treated as corrections. It will be noted that the use of Form SPB-1.1 is eliminated when SPB-1.2 is used as a concurrent declaration and request for shipping instructions. A copy of each Form SPB-1.1, where the cost of the adjustment is \$25,000 or more, will be attached to the report. Extractions by RFC to other disposal agencies will not be treated as corrections but will remain as declarations to RFC. Delivery orders for such property will be cleared through RFC and reported as delivered to that agency.

Line 33—Net declarations—Enter Line 31 plus or minus Line 32.

Line 34—Withdrawals—Enter the cost of approved withdrawals from disposal agencies during the month. A copy of each Form SPB-1.1, where the cost of the property withdrawn is \$25,000 or more, will be attached to the report.

Line 35—Available to disposal agencies—Enter the sum of Lines 30 and 33, minus Line 34.

Line 36—Scrap orders received—Enter the cost of property previously declared to a disposal agency for which there has been received from the disposal agency a certificate of scrap during the month.

Line 37—Delivery orders received—Enter the cost of property for which shipping orders (other than scrap orders) were received during the month.

Line 38—Awaiting delivery orders—Enter the cost of property declared to disposal agencies for which shipping or other disposition orders had not been received at the end of the month. This is Line 35 minus the sum of Lines 36 and 37.

(d) The following information will be entered in Part I—Section IV:

(a) Explanation of the nature of all transactions recorded on Lines 18 and 23.

(b) Explanation of corrections on Lines 3 and 11 where the size of the adjustment is of significance in interpretation of the net results.

(c) A statement as to the number of SPB-1.2 forms on hand and the cost of property thereon covering concurrent declarations and requests for shipping instructions, for which shipping instructions have not been received from the disposal agency, and a listing of any such transactions on which the request for shipping instructions was made prior to the first of the month.

(e) The following information will be entered in the various lines of Part II:

Line 1—Retained for own use—Enter in Columns (B) through (Q) the cost and proceeds from contractor inventory retained by the contractor in possession, in connection with which there was obtained a written representation that the property is not being retained for the purpose of re-selling it at a profit. Also include small lots retained by contractor in possession without the use representation.

Line 2—By prime contractor, and Line 3—By subcontractor—The retention of contractor inventory for contractor's own use should be reported separately for retentions by prime contractors and retentions by subcontractors. The cost and proceeds entries on Lines 2 and 3 should total to Line 1.

Line 4—Small lots sold and small inventories retained or sold by contractor—Enter in Columns (B) through (Q) the cost and proceeds from small lots of contractor inventory sold by the contractor in possession and small inventories sold or retained by the contractor in possession. Since a representation for own use is not obtained for these retentions, the entries on this line may include retentions for own use and retentions for resale, as well as property sold by the contractor.

Line 5—Unserviceable property sold—Enter in Columns (B) through (Q) the cost and sales price of contractor inventory classified as unserviceable property sold by contractor in possession, including retentions for resale.

Line 6—Competitive bidding, and Line 7—Negotiated sale—The sale of unserviceable property by the contractor, including retentions for resale, should be summarized and reported separately for those sales by competitive bidding and sales by negotiated sales. The cost and sales price entries on Lines 6 and 7 should total to Line 5.

Line 8—Serviceable property—Enter in Columns (B) through (Q) the cost and sales price of serviceable property sold by contractors in possession, including retentions for resale.

Line 9—To user buyers, and Line 10—To others—The sale of serviceable property by the contractor, including retentions for re-

sale, should be summarized and reported separately for those sales to user buyers and to others. The cost and sales price entries in Lines 9 and 10 should total to Line 8.

Line 11—Destroyed or abandoned—Enter in the appropriate Columns (B) through (P), the cost of property destroyed or abandoned.

Line 12—Total—Enter the total cost and sales price in Columns (B) through (Q). The total entered on this line in Columns (P) and (Q) should agree with Line 5, Columns (D) and (E) on Part I of the report form.

(f) The following information will be entered in the various lines of Part III—Section I. It will be noted that clearance requests in this section are reported entirely on the basis of original amounts and that nothing is considered to be completed until the clearance is completed as defined in § 848.882-1 (d) (3):

Line 1—Pending—First of month—Enter the number of clearance requests and the cost of property listed on clearance requests which had not been completed at the first of the month. These figures will be identical with those reported on Line 8 of the report for the preceding month.

Line 2—Additions during month—Enter the number of clearance requests and the cost of property on clearance requests which were received during the month.

Line 3—Corrections during month—Enter any adjustments to previously reported figures which are necessary to correct the information shown on Line 4. Credit corrections will be prefixed by a minus (-) sign.

Line 4—Total available for completion during month—Enter the total of Lines 1 and 2, plus or minus Line 3.

Line 5—Retained by contractor—Enter the cost of property retained by the contractor on clearance requests completed during the month.

Line 6—Possessed by War Department—Enter the cost of property removed from the contractor's plant or stored in the contractor's plant under storage agreement on clearance requests completed during the month.

Line 7—Total completions during month—Enter the number of clearance requests completed and the cost of property on clearance requests completed during the month. The cost of property will be Line 5 plus Line 6. This figure, for a particular clearance request, must equal that originally entered on Line 2, plus or minus any adjustments which have been shown on Line 3.

Line 8—Total pending—End of month—Enter the number of clearance requests and the cost of property on clearance requests which had not been completed at the end of the month.

(g) The following information will be entered in the various lines of Part III—Section II. This section analyzes the information on Line 7, Column (B), (C), (E), (F), (H), and (I):

Line 9—Total completions during month—Enter the totals of Lines 10, 11, and 12. This figure must agree with the corresponding totals on Line 7.

Line 10—Completed—Within 40 days—Enter the number of clearance requests completed during the month within 40 days after the date of receipt.

Line 11—Completed—41 through 60 days—Enter the number of clearance requests completed during the month in 41 through 60 days after date of receipt.

Line 12—Completed—over 60 days—Enter the total of Lines 13 and 14.

Line 13—Completed—over 60 days—within waiver—Enter the number of clearance re-

quests completed during the month which required more than 60 days to complete, but which were completed within a period covered by a waiver.

Line 14—Completed—over 60 days—Beyond waiver—Enter the number of clearance requests completed during the month which required more than 60 days to complete for which no waiver was obtained or which was completed beyond the period covered by a waiver.

(h) The following information will be entered in the various lines of Part III—Section III. This section analyzes the information contained on Line 8, Columns (B), (C), (E), (F), (H), and (I):

Line 15—Total pending—End of month—Enter the total of Lines 16, 17, and 18. These figures must agree with the corresponding totals shown on Line 8.

Line 16—Clearance requests pending—40 days or less—Enter the number of clearance requests pending at the end of the month which had been pending 40 days or less after date of receipt.

Line 17—Clearance requests pending—41 through 60 days—Enter the number of clearance requests pending at the end of the month which had been pending for 41 through 60 days after date of receipt.

Line 18—Clearance requests pending—Over 60 days—Enter the total of Lines 19 and 20.

Line 19—Clearance requests pending—Over 60 days—Within waiver—Enter the number of clearance requests pending at the end of the month which had been pending for more than 60 days but within a period covered by a waiver.

Line 20—Clearance requests pending—Over 60 days—Beyond waiver—Enter the number of clearance requests pending at the end of the month which had been pending for more than 60 days and for which no waiver had been obtained or which had been pending beyond the period covered by a waiver.

(i) The following information will be entered in the various lines of Part III—Section IV. This section expresses the cost of items not yet removed from pending clearance requests shown on Lines 15, 19 and 20:

Line 21—Total pending—End of month—Enter the cost of items not yet removed from clearance requests which were pending at the end of the month. For "Other Inventory", this should be the same figure as reported on Line 8, Part I of the report. For "Plant Clearance", it should represent Line 8, Part I of the report less any purchase schedules included in that figure.

Line 22—Pending over 60 days—Enter the total of Lines 23 and 24.

Line 23—Pending over 60 days—Within waiver—Enter the cost of items not yet removed from clearance requests which had been pending for more than 60 days but within a waiver period.

Line 24—Pending over 60 days—Beyond waiver—Enter the cost of items not yet removed from clearance requests which had been pending for more than 60 days and for which no waiver was obtained or which were pending beyond the period covered by a waiver.

(j) In the space provided for remarks in Part III—Section V, or on an attached sheet, list the clearance requests which at the end of the month had been pending for more than 60 days, that is, those requests appearing on Line 22. As to each such request, the following information will be submitted:

- (a) Name and address of contractor
- (b) Contract number if request is from a prime contractor
- (c) Name and address of prime contractor, and number of prime contract (if request is from a subcontractor)
- (d) Approximate cost of property not yet removed
- (e) Reason for delay
- (f) Action being taken to complete clearance
- (g) Expiration date of waiver, if waiver obtained

[JTR 882.3]

§ 848.883 Report of sales of plant equipment. [JTR 883]

§ 848.883-1 General description. Plant equipment to be reported on sales reports shall include all War Department-owned plant equipment in privately owned plants and Government-owned plans including emergency plant facilities, excluding only (a) plant equipment in permanent industrial installations of the Army such as arsenals, proving grounds, and similar permanent installations, (b) plant equipment in Army installations used or useful for activities of the Army other than the production of material, munitions, and supplies, (c) plant equipment declared surplus, (d) plant equipment outside the continental limits of the United States, and (e) plant equipment classified as scrap or salvage. Sales of items of Government-owned plant equipment, costing \$350 or more, falling in the classes in Schedule B to Surplus Property Board Regulation No. 6, shall be reported separately for each such class. In addition, a line entry shall be made for each sale of other Government-owned plant equipment, including Schedule B items costing less than \$350. These sales will be identified as "other sales" and will not be classified by commodity classification. For this class of sale, therefore, fill in only Columns (a), (b), (c), (d), (h), and (i) on the Forms SPB-9 described in § 848.883-2. [JTR 883.1]

§ 848.883-2 Form. The chief of each service shall submit on or before the 12th day of each month, to the Readjustment Division, ASF, the original and three copies of a Form SPB-9 for each sale to a single purchaser of plant equipment accomplished during the preceding month, together with a transmittal sheet showing the number of original SPB-9 reports attached, and the total cost and sales price of property listed thereon. Reports Control Symbol AA-M2-34 has been assigned to this report. This form is available at A. G. Depots. [JTR 883.2]

§ 848.883-3 Block and column entries. The following information will be entered in the respective columns on Form SPB-9:

Block 2—The name and address of the reporting agency.

Block 3—The month covered by the report.

Block 4—The date on which the SPB-9 form was transmitted to the office of the chief of service.

Block 5—The complete name and address of purchaser. Reports of sales during the month to a single purchaser should be assembled consecutively.

Block 6—The name of the reporting officer should be typed in this block in addition to his signature. If continuation sheets are used, it is necessary to sign only the top sheet.

Column (a) Item number. Assign each entry a consecutive items number. Where consecutive items on a single page repeat information identical with the stub information of a preceding item, repetition of such stub information is not necessary.

Column (b) Enter the number of the relative facilities contract. Write "none" if there is no relative facilities contract number. The facilities contract number need be given only in the case of Class 1 and Class 2 sales described in the instructions for Column (d) below.

Column (c) Indicate "yes" if a waiver of options was obtained. Indicate "no" if a waiver of options was not obtained. If a facilities contract does not contain an option provision, state "no option". This information is necessary only in the case of Class 1 sales described in the instructions for Column (d) below.

Column (d) Enter the code number for the class of purchaser or sales as follows: (The prime or subcontractor referred to in class of sales 1 and 2 is the holder of the prime or sub-facilities contract).

Code No. and Class of Sale or Purchaser

1. Government-owned plant equipment in contractors' plants sold to prime contractors in possession.

2. Government-owned plant equipment in contractors' plants sold to subcontractors in possession.

3. Government-owned plant equipment in contractors' plants sold to others.

4. Sales of plant equipment in emergency plant facilities.

5. All other sales by owning agencies of Government-owned plant equipment.

Columns (e) and (f) Description and Standard Commodity Classification. Enter a short description, such as one key word or an abbreviation of one or more words, and the code number of the commodity classification as shown in Exhibit B to Surplus Property Board Regulation 6 where the item sold is within these classifications. Sales of other classes of plant equipment are to be reported as "other sales". In these cases, do not enter a Standard Commodity Classification code number, but fill in Columns (a), (b), (c), (d), (h), and (i).

Column (g) Enter the number of units sold.

Column (h) Enter the total cost of the number of units sold. The cost of units sold should be the procurement cost in dollars (estimate if not known) for the units entered in Column (g). For machine tools and other metal working machinery and production equipment, costs should be reported f.o.b. manufacturer or vendor to owning agency.

Column (i) Enter the sales price for the units reported on each line. It will be necessary in some cases to estimate the sales price since there may be lump or bulk sales.

Column (j) Indicate by code the price policy under which the sale was made as follows:

Code No. and Price Policy

1. Priced under a fixed price schedule under paragraphs (a) and (b) of the pricing policy contained in Surplus Property Board Regulation 6 (to be coded only in the case of classes 1 and 2 sales as described in the instructions for Column (d) above).

2. Priced as readily severable plant equipment under paragraph (c) of the pricing policy contained in Surplus Property Board Regulation 6 (to be coded only in the case of classes 1 and 2 sales as described in the instructions for Column (d) above).

3. Priced as non-severable plant equipment under paragraph (d) of the pricing policy contained in Surplus Property Board Regulation 6 (to be coded only in the case of classes 1 and 2 sales as described in the instructions for Column (d) above).

4. Priced in accordance with option provisions in a facilities contract.

5. All classes 3, 4, and 5 sales described in the instruction for Column (d) above.

[JTR 883.3]

§ 848.884 *Report of inventory of plant equipment.* [JTR 884]

§ 848.884-1 *General description.* Plant equipment to be inventoried shall include War Department-owned plant equipment in privately-owned plants and Government-owned plants including emergency plant facilities, excluding only: (a) plant equipment in permanent industrial installations such as arsenals, and proving grounds; (b) plant equipment in installations used or useful for activities other than the production of matériel, munitions, and supplies; (c) plant equipment declared surplus; (d) plant equipment outside the continental limits of the United States; and (e) plant equipment classified as scrap or salvage. Only those items of plant equipment will be listed where each item has a cost of \$350 or more and which fall within one of the standard commodity classifications shown in "Exhibit B—Classes of Items to be inventoried" Surplus Property Board Regulation No. 6. [JTR 884.1]

§ 848.884-2 *Form.* Reports of inventory of Government-owned plant equipment will be submitted on Form SPB-8 which will be used by all echelons required to submit the report. Reports Control Symbol AA-M2-43 has been assigned to this report. Forms SPB-8 to be used for this purpose will be made available by the Readjustment Division, ASF, to the chiefs of service 30 days prior to the end of each quarter. [JTR 884.2]

§ 848.884-3 *Date for submitting reports.* On or before the 20th day of the month following the end of each quarter, the chief of each service will submit to the Readjustment Division, ASF, the original and two copies of a Form SPB-8 for his service together with two copies of a Form SPB-8 for each installation included in his consolidated report. An installation, for his purpose, may be the procurement district for plant equipment located in privately-owned plants but separate inventories will be submitted for each War Department-owned plant and each Emergency Plant Facility. [JTR 884.3]

§ 848.884-4 *Block and column entries.* The following information will be entered in the respective blocks and columns of SPB-8.

Block 1—The name of the office to which the report is transmitted.

Block 2—The name of the service and the name and address of the installation.

Block 3—The date of the inventory.

Block 4—The date the inventory was transmitted to the office of the chief of service.

Block 5—Check one of the boxes in this block to indicate which category is reported. Government-owned plant equipment in privately-owned plants, emergency plant facilities,

and other Government-owned plant equipment are to be reported separately.

Block 6—The name of the reporting official.

Columns (a), (b), and (c) Item Number—Description and Standard Commodity Classification—These will be preprinted on the form.

Column (d) Number of Units. The number of units of each class of Government-owned plant equipment.

Column (e) Total Cost. The total reported procurement cost in dollars (estimated if not known) for the units covered in column (d). For machine tools and other metalworking machinery and production equipment, costs should be reported f. o. b. manufacturer, or vendor.

[JTR 884.4]

#### SUBPART I—MONTHLY REPORTS ON STATUS OF TERMINATIONS

1. Section 848.891-1 is amended to read as follows:

§ 848.891-1 *Reports within War Department.* In the War Department, the chief of each service shall submit each month to the Readjustment Division, ASF, an original and one copy of each report prescribed in this subpart, together with such supporting detail as is required. Each such report shall be submitted on or before the 10th day of the month following the one reported upon. [JTR 891.1]

2. In § 848.891-2, paragraph (c) is deleted, and paragraph (d) is redesignated (c) and amended to read as follows:

§ 848.891-2 *Reports within Navy Department.* \* \* \*

(c) The Bureau reports and Finance Division, OP&M, report shall be submitted to the Industrial Readjustment Branch, OP&M, on or before the 10th of the month following the one reported upon. [JTR 891.2]

3. Sections 848.897 to 848.897-3, inclusive, are amended to read as follows:

§ 848.897 *Report on cost of settlement for complete or readily severable cost-plus-a-fixed-fee contracts.* [JTR 897]

§ 848.897-1 *General description.* Contracting officers will prepare an analysis of each settlement of a complete or readily severable partial termination completed during the month as shown on WD AGO Form 0405, July 1, 1945, Reports Control Symbol RCC-21. [JTR 897.1]

§ 848.897-2 *Form.* In the War Department, this report will be submitted on WD AGO Form R-5113, Reports Control Symbol RCC-29 and will be attached to, and submitted with WD AGO Form 0405, July 1, 1945, Reports Control Symbol RCC-21. This form will be reproduced in the field. [JTR 897.2]

§ 848.897-3 *Line entries.* The following information will be entered in the respective lines of the War Department analysis form:

Line 1—Payments on 1034 vouchers—Enter the total amount paid under the contract on 1034 vouchers, before deducting credits to the Government by the prime contractor because of disposal credits.

Line 2—Settlement on 70 vouchers—Enter the amount of settlement on 70 vouchers before deduction of disposal credits.

Line 3—Estimated additional liability—Enter any liability assumed by the Government and excluded from the settlement.

Line 4—Total contract cost—Enter the sum of lines 1 through 3.

Line 5—Fixed fee—Completed units—Enter the amount of fixed fee allocable to completed units.

Line 6—Cost—Completed units—Enter the amount of cost allocable to completed units, including cost of changes. It is recognized that precise costs of completed units cannot be ascertained. This figure should consist of the best-available estimate based on the following, in the order of their preference:

a. Actual unit costs (if available) adjusted to reflect starting load.

b. Average costs adjusted to reflect starting load.

c. Engineer's estimate of costs.

d. Estimated cost set forth in the contract.

e. In the event the contract terminated covers only one unit (experimental model, building, etc.) all costs will be attributable to terminations and line 6 will be entered as zero.

Line 7—Other performance costs—Enter the cost of rehabilitation and other charges under the contract, exclusive of those applicable to the terminated portion of the contract.

Line 8—Cost of performance—Total—Enter the sum of lines 5 through 7. This amount should represent the total cost allocable to the completed portion of the contract.

Line 9—Gross cost of termination—Enter line 4 minus line 8. This figure represents costs allocable to the terminated portion of the contract, including subcontractor termination claims.

Line 10—Disposal credits—Enter the amount credited to the Government by the prime contractor for receipts from sales or retention of termination inventory.

Line 11—Net cost of termination—Enter line 9 minus line 10.

Line 12—Subcontractors' charges—Enter the amount of subcontractor charges settled with claim. This will be the amount shown in column 11, of WD AGO Form 0405 for the settlement being analyzed.

Line 13—Property possessed by Government—Enter the estimated cost of property which was possessed by the Government in connection with the termination settlement.

Line 14—Prime contractor settlement—Enter line 9 minus line 12.

[JTR 897.3]

4. Section 848.898-1 (a) is amended to read as follows:

§ 848.898-1 *General description.* (a) In the War Department this report covers Governmental review of settlement proposals from each contractor who has been assigned to a designated office under the consolidated termination program.

5. Section 848.898-2 is amended to read as follows:

§ 848.898-2 *Form.* (a) In the War Department, the report for each service will be submitted on W.D., A.G.O. Form 436, together with two copies of the report for each installation and one copy of the report of Disposition of Contractor Inventory, W.D., A.G.O. Form 587-3, Reports Control Symbol RCC-28 (see § 848.882), for each installation. Section II and III of W.D., A.G.O. Form 436, March 1, 1945, will not be filled in.

(b) In the Navy Department, present instructions apply. Reports covering accounting reviews shall be furnished by Cost Inspection Service. [JTR 898.2]

**PART 849—FORMS AND INSTRUCTIONS**

**SUBPART H—FORMS RELATING TO SETTLEMENT**

1. Section 849.986-5 is added as follows:

§ 849.986-5 *Form of notice to customer with release.* The following form will be used in accordance with § 848.855-6 where the assigned contractor releases his customer:

ABC Corporation  
Gentlemen:

Pursuant to section 7(c) of the Contract Settlement Act of 1944, and Part 5 of Section VIII of the Joint Termination Regulation, the United States of America, acting through the contracting officer whose endorsement appears hereon, is undertaking to settle directly the termination claim of the undersigned resulting from the termination by you of the undersigned's subcontract under Government Contract No. \_\_\_\_\_

The undersigned has consented to have its claim settled directly by the Government and the Government recognizes its liability for the settlement of that claim to the extent that the terminated subcontract (purchase order) is allocable to the terminated portion of a Government prime contract. You are hereby released and discharged from all liability to the undersigned on account of termination of the above subcontract except as hereinafter provided; and no payment to the undersigned on account of its termination claim arising under such subcontract will be accepted, nor should you make any provision for payment thereof in any application for compensation for the termination of your contract or subcontract.

The termination claim of the undersigned against the government will not include any charge for completed items delivered to you or shipped to you but not received prior to the termination of the above subcontract or thereafter in accordance with the notice of termination. You remain liable to pay for any such completed items. It will also remain your responsibility to furnish the Government with any information and assistance necessary for the verification of the termination charges of the undersigned in determining their allocability to a war contract.

Very truly yours,

Contractor

Approved:

Contracting Officer

[JTR 986.5]

[SEAL] EDWARD F. WITSELL,  
*Major General,  
Acting The Adjutant General,  
War Department.*  
W. JOHN KENNEY,  
*Vice Chief, Office of  
Procurement and Material,  
Navy Department.*

[F. R. Doc. 45-19441; Filed, Oct. 19, 1945;  
3:16 p. m.]

**TITLE 14—CIVIL AVIATION**

**Chapter I—Civil Aeronautics Board**

[Amdt. 14-1]

**PART 14—AIRCRAFT PROPELLER  
AIRWORTHINESS**

**PROPELLER IDENTIFICATION DATA**

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of October 1945.

Effective October 19, 1945, § 14.06 of the Civil Air Regulations is amended by striking the following: “; and maximum power and maximum speed for which certification has been granted”.

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

By the Civil Aeronautics Board.

FRED A. TOOMBS,  
*Secretary.*

[F. R. Doc. 45-19589; Filed, Oct. 23, 1945;  
11:04 a. m.]

**Chapter II—Administrator of Civil  
Aeronautics**

[Amdt. 120]

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

**DESIGNATION OF AIRPORT APPROACH ZONES**

OCTOBER 1, 1945.

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

1. By inserting in § 601.2000 the following:

San Antonio, Tex., Randolph Field.  
San Marcos, Tex., San Marcos Army Air-  
field.

2. By deleting § 601.200106 (*Alexan-  
dria, Louisiana, Airport Approach Zone*).

This amendment shall become effective 0001 e. w. t., November 1, 1945.

T. P. WRIGHT,  
*Administrator of Civil Aeronautics.*

[F. R. Doc. 45-19584; Filed, Oct. 23, 1945;  
9:47 a. m.]

[Amdt. 122]

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

**DESIGNATION OF AIRPORT TRAFFIC ZONES**

OCTOBER 1, 1945.

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

1. By adding the following to § 601.3000:

Terre Haute, Ind., Hulman Airport.  
Flint, Mich., Bishop Airport.  
Peoria, Ill., Peoria Municipal Airport.

This amendment shall become effective 0001 e. w. t., November 1, 1945.

T. P. WRIGHT,  
*Administrator of Civil Aeronautics.*

[F. R. Doc. 45-19585; Filed, Oct. 23, 1945;  
9:47 a. m.]

**TITLE 19—CUSTOMS DUTIES**

**Chapter I—Bureau of Customs**

[T. D. 51330]

**PART 24—CUSTOMS FINANCIAL AND  
ACCOUNTING PROCEDURE**

**OVERTIME SERVICES**

The last sentence of § 24.16 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 24.16 (b)), as amended by T. D. 51149, is hereby amended by changing the period at the end thereof to a comma and adding: “but no extra compensation shall be paid pursuant to this section for any services performed by an employee at his regular post or elsewhere during a regular tour of duty of such employee.”

(R.S. 161, 41 Stat. 402, secs. 450, 451, 452, 624, 46 Stat. 715, 759, sec. 9, 52 Stat. 345, 1082, sec. 1, 58 Stat. 269; 5 U.S.C. 22, 19 U.S.C. 261, 267, 1450, 1451, 1452, 1624, 46 U.S.C. 382b)

[SEAL]

W. R. JOHNSON,  
*Commissioner of Customs.*

Approved: October 18, 1945.

HERBERT E. GASTON,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 45-19588; Filed, Oct. 23, 1945;  
11:02 a. m.]

**TITLE 29—LABOR**

**Chapter V—Wage and Hour Division**

**PART 670—MINIMUM WAGE RATES IN THE  
CHEMICAL, PETROLEUM, AND RELATED  
PRODUCTS INDUSTRIES IN PUERTO RICO**

**RECOMMENDATIONS OF SPECIAL INDUSTRY  
COMMITTEE NO. 4 FOR PUERTO RICO FOR  
MINIMUM WAGE RATES**

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recommend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined in Administrative Order No. 344, and thereafter to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated in the order, including the chemical, petroleum, and related products industries in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the chemical, petroleum, and related products industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers in the industry, and a like number representing employees in the industry, and was com-

posed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, on August 24, 1945, the Committee, after investigating economic and competitive conditions in the chemical, petroleum, and related products industries in Puerto Rico, filed with me a report containing (a) its recommendations that the chemical, petroleum, and related products industries in Puerto Rico, as defined in Administrative Order No. 344, be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its separable recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in the separable recommended divisions of the chemical, petroleum, and related products industries in Puerto Rico, namely:

- (1) 40 cents per hour to employees in the General Division; and
- (2) 32 cents per hour to employees in the Drugs, Medicines, and Toilet Preparations Division; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee with respect to the chemical, petroleum, and related products industries in Puerto Rico, and its separable divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 4 for Puerto Rico for Minimum Wage Rates in the Chemical, Petroleum, and Related Products Industries 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:

- Sec.
- 670.1 Approval of recommendations of Industry Committee.
  - 670.2 Wage rates.
  - 670.3 Posting of notices.
  - 670.4 Definitions of the chemical, petroleum and related products industries in Puerto Rico and its divisions.

AUTHORITY: §§ 670.1 to 670.4, inclusive, issued under sections 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June

25, 1938, ch. 676, sec. 8, 52 Stat. 1064), of the Fair Labor Standards Act of 1938, 29 U.S.C. 205 (e), 208.

§ 670.1 *Approval of Recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.

§ 670.2 *Wage rates.* (a) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general division of the chemical, petroleum, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the drugs, medicines, and toilet preparations division of the chemical, petroleum, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 670.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the chemical, petroleum, and related products industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 670.4 *Definitions of the chemical, petroleum, and related products industries in Puerto Rico and its divisions.* The chemical, petroleum, and related products industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The manufacture or packaging of chemicals, drugs, medicines (other than food), toilet preparations, cosmetics and related products; the mining (or other extraction) or processing of any minerals used in the production of the foregoing; and the mining or other extraction of petroleum, coal or natural gases and the manufacture of products therefrom.

It includes, but without limitation, heavy, industrial, and fine chemicals; basic plastic materials; salt; paints, varnishes, colors, dyes, and inks; vegetable and animal oils (except the refining into edible oils); drugs, medicines, toilet preparations; insecticides and fungicides; soap and glycerine; rayon and other synthetic filaments; wood distillation and naval stores; fertilizers; cleaning and polishing preparations; glue and gelatin; grease and tallow; fireworks and pyrotechnics; candles, gasoline, fuel and lubricating oils, and other petroleum products; coke-oven products; and fuel briquettes of any materials.

Provided, however, That the definition shall not include any product or activity included in the bay oil, bay rum, and aromatic alcohol industry (as defined in the wage order for that industry in Puerto Rico), or any activity performed

by a company in its capacity as a public utility distributing gas or water.

The separable divisions of the industry as above defined, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *General division.* This division shall include all branches of the chemical, petroleum, and related products industries in Puerto Rico as defined herein, except the drugs, medicines, and toilet preparations division, as defined below.

(b) *Drugs, medicines, and toilet preparations division.* This division shall include the manufacturing or packaging of drugs or medicinal preparations (other than food), cosmetics and other toilet preparations, but shall not include the manufacture or packaging of soap, glycerine, shaving cream, shampoo, essential oils, insecticides or fungicides, the milling or packaging without further processing of crude botanical drugs, or any activity or product included in the bay oil, bay rum, and aromatic alcohol industry (as defined in the wage order for that industry in Puerto Rico).

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945:

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 45-19491; Filed, Oct. 22, 1945; 11:18 a. m.]

PART 671—MINIMUM WAGE RATE IN THE COMMUNICATIONS, UTILITIES, AND MISCELLANEOUS TRANSPORTATION INDUSTRIES IN PUERTO RICO

RECOMMENDATION OF SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO FOR MINIMUM WAGE RATE

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the Act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recommend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined in Administrative Order No. 344, and thereafter to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated and defined in the order as amended by Administrative Order No. 346, including the communications, utilities, and miscellaneous transportation industries in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the communications, utilities, and miscellaneous transportation industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers

in the industry, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, on August 13, 1945, the Committee, after investigating economic and competitive conditions in the communications, utilities, and miscellaneous transportation industries in Puerto Rico, filed with me a report containing its recommendation for a minimum wage rate of 40 cents per hour to be paid employees in the industry who are engaged in commerce or in the production of goods for commerce; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon the Committee's recommendation was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the communications, utilities, and miscellaneous transportation industries in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 4 for Puerto Rico for a Minimum Wage Rate in the Communications, Utilities, and Miscellaneous Transportation Industries 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:

Sec.

- 671.1 Approval of recommendation of Industry Committee.
- 671.2 Wage rate.
- 671.3 Posting of notices.
- 671.4 Definition of the communications, utilities, and miscellaneous transportation industries in Puerto Rico.

AUTHORITY: §§ 671.1 to 671.4, inclusive, issued under sections 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8, 52 Stat. 1064), of the Fair Labor Standards Act of 1938, 29 U. S. C. 205 (e), 208.

§ 671.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.

§ 671.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the act by every employer to each of his employees in the communications, utilities, and miscellaneous transportation industries in Puerto Rico who is engaged in com-

merce or in the production of goods for commerce.

§ 671.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the communications, utilities, and miscellaneous transportation industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 671.4 *Definition of the communications, utilities, and miscellaneous transportation industries in Puerto Rico.* The communications, utilities, and miscellaneous transportation industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The industry carried on by any wire or radio system of communication or by messenger service; by any concern engaged in the production and distribution of gas, electricity or steam; the distribution of water or the operation of sanitation facilities; and by any concern engaged in transportation by rail, pipeline, motor vehicle, or other means, or in related activities including stevedoring, consolidating, forwarding, crating and boxing.

*Provided, however,* That the definition shall not include any activity included in any other industry defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico, as amended (and in the wage orders for such industries issued this day), or included in the definitions of the wage orders applicable in Puerto Rico for the railroad and property carrier industry, the shipping industry, the sugar manufacturing industry, or any other industries in Puerto Rico for which wage orders have been issued.

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 45-19487; Filed, Oct. 22, 1945; 11:17 a. m.]

#### PART 672—MINIMUM WAGE RATES IN THE CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRIES IN PUERTO RICO

##### RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO FOR MINIMUM WAGE RATES

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recom-

mend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico and, thereafter, to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated in the order, including the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers in the industry, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, on September 7, 1945 the Committee, after investigating economic and competitive conditions in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, filed with me a report containing (a) its recommendations that the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, as defined in Administrative Order No. 344, be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its separable recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in the separable recommended divisions of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, namely:

- (1) 40 cents per hour to the employees in the Motion Picture, Business Service, and Miscellaneous Industries Division; and
- (2) 32 cents per hour to the employees in the Construction Division; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945 and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the separable recommendations of the Committee for minimum wage rates in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the

purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 4 for Puerto Rico for Minimum Wage Rates in the Construction, Business Service, Motion Picture, and Miscellaneous Industries 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:

Sec.

672.1 Approval of recommendations of Industry Committee.

672.2 Wage rates.

672.3 Posting of notices.

672.4 Definitions of the construction business service, motion service, motion picture and miscellaneous industries in Puerto Rico and its divisions.

AUTHORITY: §§672.1 to 672.4, inclusive, issued under section 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8, 52 Stat. 1064), of the Fair Standards Labor Act of 1938, 29 U.S.C. 205 (e), 208.

§ 672.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.

§ 672.2 *Wage rates.* (a) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the motion picture, business service, and miscellaneous industries division of the Construction, business service, motion picture, and Miscellaneous Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction division of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 672.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 672.4 *Definitions of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico and its divisions.* The construction business service, motion picture, and miscellaneous industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

Construction of buildings, structures and other improvements (including designing; reconstruction; alteration; repair and maintenance; assembling and installation at the construction site of machinery and other facilities; and dismantling, wrecking or other demolition); the production and distribution of motion pictures; the production of photographs and blueprints; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer.

*Provided, however,* That the definition shall not include construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry, or any activity covered by the wage order applicable in Puerto Rico for the banking, insurance and finance industries.

The separable divisions of the industry as above defined, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *Construction division.* This division consists of the construction (except when carried on by persons, for their own use or occupancy, who are principally engaged in another industry) of buildings, structures, and other improvements, including, but without limitation, designing, reconstruction, alteration, repair and maintenance, assembling and installation at the construction site of machinery and other facilities, and dismantling, wrecking or other demolition.

(b) *Motion picture, business service, and miscellaneous industries division.* This division consists of the production and distribution of motion pictures; the production of photographs and blueprints; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer: *Provided, however,* That this division shall not include any activity covered by the wage order applicable in Puerto Rico for the banking, insurance and finance industries.

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALF WALLING,  
Administrator.

[F. R. Doc. 45-19488; Filed, Oct. 22, 1945; 11:17 a. m.]

**PART 673—MINIMUM WAGE RATES IN THE FOODS, BEVERAGES, AND RELATED PRODUCTS INDUSTRIES IN PUERTO RICO**

**RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO FOR MINIMUM WAGE RATES**

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the

act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to first proceed to investigate conditions and to recommend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined in Administrative Order No. 344, and thereafter to investigate conditions and to recommend to me minimum wage rates for employees in various industries enumerated in the order including the foods, beverages, and related products industries in Puerto Rico in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the foods, beverages, and related products industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers in the industry, 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 September 7, 1945, the Committee, after investigating economic and competitive conditions in the foods, beverages, and related products industries in Puerto Rico, filed with me a report containing: (a) its recommendations that the foods, beverages, and related products industries in Puerto Rico, as defined in Administrative Order No. 344, be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its separable recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in the separable recommended divisions of the foods, beverages, and related products industries in Puerto Rico, namely:

- (1) 40 cents per hour to the employees in the Liquor and Wine Division;
- (2) 30 cents per hour to the employees in the Malt Beverage, Water, and Soft Drinks Division;
- (3) 30 cents per hour to the employees in the Candy, Confectionery, and Related Products Division;
- (4) 30 cents per hour to the employees in the Candied Fruits Division;
- (5) 20 cents per hour to the employees in the Bakery Products, Cocoa, Coffee, and Jelly Division;
- (6) 18 cents per hour to the employees in the Fruit and Nut Packing, Fruit Curing and Allied Activities Division; and
- (7) 30 cents per hour to the employees in the Miscellaneous Division; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee with respect to the foods, beverages, and related products industries in Puerto Rico, and its separable divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 4 for Puerto Rico for Minimum Wage Rates in the Foods, Beverages, and Related Products Industries 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:

- Sec.  
 673.1 Approval of recommendation of Industry Committee.  
 673.2 Wage rates.  
 673.3 Posting of notices.  
 673.4 Definitions of the foods, beverages, and related products industries in Puerto Rico and its divisions.

AUTHORITY: §§ 673.1 to 673.4, inclusive, issued under sections 5 (e) (June 26, 1940, ch. 432, sec. 3 (c) 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8, 52 Stat. 1064) of the Fair Labor Standards Act of 1938, 29 U.S.C. 205 (e), 208.

§ 673.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.

§ 673.2 *Wage rates.* (a) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the liquor and wine division of the foods, beverages, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the malt beverage, water, and soft drinks division of the foods, beverages, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the candy, confectionery, and related products division of the foods, beverages, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the candied fruits division of the foods, beverages, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 20 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the bakery products, cocoa, coffee, and jelly division of the foods, beverages, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(f) Wages at a rate of not less than 18 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fruit and nut packing, fruit curing, and allied activities division of the foods, beverages, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(g) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous division of the foods, beverages, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 673.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the foods, beverages, and related products industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 673.4 *Definitions of the foods, beverages, and related products industries in Puerto Rico and its divisions.* The foods, beverages, and related products industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The manufacture or processing of foods, beverages, ice, tobacco, and related products; the packing of fruits, nuts, and similar products; the packaging of all food products when done in conjunction with their manufacture or processing; and the gathering or collecting of wild berries, plants, flowers, gums, saps, seeds and other forms of wild plant or animal life.

(a) It includes, but without limitation, meat, poultry, dairy and sea-food products; fruit and vegetable products; grain mill products; bakery products; candy and other confectionery products; snuff, chewing tobacco and smoking tobacco; alcoholic and nonalcoholic beverages; natural, mineral and carbonated waters; animal feeds; malt, baking powder, yeast and other leavening compounds; refined edible fats and oils;

starch; tea, coffee and cocoa; macaroni and other alimentary pastes; nuts; flavoring extracts; spices, and other miscellaneous food products and preparations.

(b) *Provided, however,* That the definition shall not include any product or activity included in the Vegetable Packing Industry, the Vegetable, Fruit, and Fruit Juice Canning Industry, the Sugar Manufacturing Industry, the Rum and Industrial Alcohol Industry, the Cigar Industry, the Cigarette Industry, the Leaf Tobacco Industry, and the Manufactured Coconut Industry, or in the Chemical, Petroleum, and Related Products Industries (as defined in the wage orders for these industries in Puerto Rico).

The separable divisions of the industry as above defined, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Liquor and wine division.* This division consists of the manufacture or processing and bottling of whiskey, gin, brandy, cordials, liqueurs, alcoholic cocktails, and other distilled liquors (except rum), wines, and related products.

(2) *Malt beverage, water, and soft drinks division.* This division consists of the manufacture or processing and bottling of beer; ale, porter and stout; cola drinks, root beer and ginger ale; natural, mineral, and carbonated waters; and any other beverages not included in the definition herein of the liquor and wine division or in the definitions of the rum and industrial alcohol industry and the vegetable, fruit, and fruit juice canning industry, contained in the parts for these industries in Puerto Rico.

(3) *Candy, confectionery, and related products division.* This division consists of the manufacture or processing (and the packaging in conjunction therewith) of candy and other confectionery and related products, including, but without limitation, all kinds of candy, candy-covered and salted nuts, stuffed dates, and chewing gum. For purposes of this definition, the term "candy and other confectionery and related products" shall not be deemed to include any product listed in the definitions herein of the candied fruits division and the bakery products, cocoa, coffee, and jelly division.

(4) *Candied fruits division.* This division consists of the manufacture or processing (and the packaging in conjunction therewith) of candied, crystallized, or glazed fruits or fruit peels. For purposes of this definition, the manufacture or processing of candied, crystallized, or glazed fruits or fruit peels shall not be deemed to include any activity or operation included in the definition herein of the fruit and nut packing, fruit curing and allied activities division.

(5) *Bakery products, cocoa, coffee, and jelly division.* This division consists of the manufacture or processing (and the packaging in conjunction therewith) of bakery products of all kinds; macaroni and other alimentary pastes; cocoa and unsweetened chocolate; coffee (including such preparation of coffee beans as is normally done for market and the roasting of coffee); jams, preserves,

marmalades, jellies, and fruit pastes; and similar products.

(6) *Fruit and nut packing, fruit curing, and allied activities division.* This division consists of the handling, grading, packing, and preparing in the raw or natural state of fresh fruits and nuts; the drying, salting, processing in brine, or other curing of fruits and fruit peels; and the drying and such other preparation of vanilla beans and cacao beans as is normally done for market.

(7) *Miscellaneous division.* This division consists of all products and activities included in the foods, beverages, and related products industries in Puerto Rico as defined herein, except those included in the liquor and wine division, the malt beverage, water, and soft drinks division, the candy, confectionery, and related products division, the candied fruits division, the bakery products, cocoa, coffee, and jelly division, and the fruit and nut packing, fruit curing, and allied activities division, as defined herein.

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 45-19484; Filed, Oct. 22, 1945;  
11:16 a. m.]

**PART 674—MINIMUM WAGE RATES IN THE  
LEATHER, TEXTILE, RUBBER, STRAW, AND  
RELATED PRODUCTS INDUSTRIES IN  
PUERTO RICO**

**RECOMMENDATIONS OF SPECIAL INDUSTRY  
COMMITTEE NO. 4 FOR PUERTO RICO FOR  
MINIMUM WAGE RATES**

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recommend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined in Administrative Order No. 344, and, thereafter, to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated and defined in the order, including the leather, textile, rubber, straw, and related products industries in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the leather, textile, rubber, straw, and related products industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers in the

industry, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, on August 23, 1945 the Committee, after investigating economic and competitive conditions in the leather, textile, rubber, straw, and related products industries in Puerto Rico, filed with me a report containing (a) its recommendations that the leather, textile, rubber, straw, and related products industries in Puerto Rico, as defined in Administrative Order No. 344, be divided into separable divisions for the purpose of fixing minimum wage rates, and that classifications specified by the Committee be made in certain of the recommended separable divisions; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its separable recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in the separable recommended divisions of the leather, textile, rubber, straw, and related products industries in Puerto Rico, namely:

- (1) 20 cents per hour to the employees in the hide, skin, and leather division;
- (2) 30 cents per hour to the employees in the leather and skin products division;
- (3) 20 cents per hour to the employees in the decorated leather button division engaged in hand-painting or similar decorating of leather buttons, and 28 cents per hour to the employees in that division engaged in operations other than hand-painting or similar decorating;
- (4) 25 cents per hour to the employees in the cotton ginning and compressing division;
- (5) 25 cents per hour to the employees in the textile and textile products division;
- (6) 15 cents per hour to the employees in the hand-loomed textile division engaged in hand-sewing and hand-decorating operations, and 24 cents per hour to the employees in that division engaged in hand-loomed or other operations in connection with the manufacture of hand-loomed textiles and hand-loomed textile products except hand-sewing and hand-decorating operations;
- (7) 15 cents per hour to the employees in the raffia, straw, and sisal handbag division engaged in hand-weaving, hand-braiding, hand-sewing, hand-decorating and similar hand operations, and 24 cents per hour to the employees in that division engaged in operations other than hand-weaving, hand-braiding, hand-sewing, hand-decorating, or similar hand operations;
- (8) 15 cents per hour to the employees in the hand-woven basket and related products division engaged in hand-weaving, hand-braiding, hand-sewing, hand-decorating, and similar hand operations, and 20 cents per hour to the employees in that division engaged in operations other than hand-weaving, hand-braiding, hand-sewing, hand-decorating, or similar hand operations;
- (9) 40 cents per hour to the employees in the rubber products division; and
- (10) 25 cents per hour to the employees in the miscellaneous division; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee with respect to the leather, textile, rubber, straw, and related products industries in Puerto Rico and its separable divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 4 for Puerto Rico for Minimum Wage Rates in the Leather, Textile, Rubber, Straw, and Related Products Industries 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:

- Sec.
- 674.1 Approval of recommendations of Industry Committee.
  - 674.2 Wage rates.
  - 674.3 Notices of order.
  - 674.4 Definitions of the leather, textile, rubber, straw, and related products industries in Puerto Rico and its divisions.

**AUTHORITY:** §§ 674.1 to 674.4, inclusive, issued under sections 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8, 52 Stat. 1064), of the Fair Labor Standards Act of 1938, 29 U.S.C. 205 (e), 208.

§ 674.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.

§ 674.2 *Wage rates.* (a) Wages at a rate of not less than 20 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hide, skin, and leather division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 30 cents per hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather and skin products division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) (1) Wages at a rate of not less than 20 cents per hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the decorated leather button division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in the hand-painting or similar decorating of leather buttons, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the decorated leather button division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in operations, in connection with the manufacture of decorated leather buttons, other than hand-painting or similar decorating, and who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the cotton ginning and compressing division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the textile and textile products division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(f) (1) Wages at a rate of not less than 15 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-loomed textile division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in hand-sewing and hand-decorating operations, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 24 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-loomed textile division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in hand-loomed or other operations except hand-sewing and hand-decorating in connection with the manufacture of hand-loomed textiles or hand-loomed textile products, and who is engaged in commerce or in the production of goods for commerce.

(g) (1) Wages at a rate of not less than 15 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the raffia, straw, and sisal handbag division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in hand-weaving, hand-braiding, hand-sewing, hand-decorating, or similar hand operations, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 24 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the raffia, straw, and sisal handbag division of the leather,

textile, rubber, straw, and related products industries in Puerto Rico who is engaged in operations other than hand-weaving, hand-braiding, hand-sewing, hand-decorating, or similar hand operations, and who is engaged in commerce or in the production of goods for commerce.

(h) (1) Wages at a rate of not less than 15 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-woven basket and related products division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in hand-weaving, hand-braiding, hand-sewing, hand-decorating, or similar hand operations, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 20 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-woven basket and related products division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in operations other than hand-weaving, hand-braiding, hand-sewing, hand-decorating or similar hand operations, and who is engaged in commerce or in the production of goods for commerce.

(i) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the rubber products division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(j) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous division of the leather, textile, rubber, straw, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 674.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the leather, textile, rubber, straw, and related products industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 674.4 *Definitions of the leather, textile, rubber, straw, and related products industries in Puerto Rico and its divisions.* The leather, textile, rubber, straw, and related products industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The processing or manufacturing of hides, skins, leather and furs and all products made therefrom; the ginning or compressing of cotton; the manufacture of all textiles and textile products, including the manufacture of yarn, cord-

age, twine, and fabrics from cotton, jute, sisal, coir, maguey, silk, rayon, wool or other vegetable, animal or synthetic fibers, or from mixtures of these fibers, and the fabrication of all products therefrom; the manufacture of all products made from rubber; and the manufacture of all products made from straw, raffia, palm leaves, rushes, grasses, hair bristles, feathers and similar materials including but not by way of limitation, brushes, brooms, baskets, glass holders, coasters, bottle coverings, mats, rugs, dusters, shopping bags, handbags, and similar products.

*Provided, however,* That the definition shall not include any product or activity included in the leather goods industry, the needlework industries, the handicraft art novelty industry, the hairnet industry, the full fashioned hosiery industry, the straw hat industry, or the mattress, quilt and pillow industry (as defined in the wage orders for these industries in Puerto Rico).

The separable divisions of the industry as above defined, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *Hide, skin, and leather division.* This division consists of the curing, tanning, or other processing of hides, skins, leather, or furs, except the processing of such materials in the course of the fabrication of products therefrom.

(b) *Leather and skin products division.* This division consists of the manufacture of products made from cured hides, skins, leather or furs, except activities or products included in the decorated leather button division, as herein defined, or in the leather goods industry or the needlework industries, as those industries in Puerto Rico are defined in the wage orders applicable thereto.

(c) *Decorated leather button division.* This division consists of the manufacture of decorated leather buttons. For purposes of this definition, the term "decorated leather buttons" does not include buttons made of strips of leather by a hand-braiding process.

(d) *Cotton ginning and compressing division.* This division consists of the ginning and compressing of cotton.

(e) *Textile and textile products division.* This division consists of the manufacture of all textiles and textile products, including the manufacture of yarn, cordage, twine, and fabrics from cotton, jute, sisal, coir, maguey, silk, rayon, wool or other vegetable, animal or synthetic fibers, or from mixtures of these fibers, and the fabrication of all products therefrom: *Provided,* That this division does not include activities or products included in the hand-loomed textile division, the hand-woven basket and related products division, or the raffia, straw, and sisal handbag division, as defined herein, or products or activities included in the hairnet industry, the full fashioned hosiery industry, the needlework industries, the mattress, quilt and pillow industry, the handicraft art novelty industry, and the straw hat industry, as those industries in Puerto Rico are defined in the wage order applicable thereto.

(f) *Hand-loomed textile division.* This division consists of the manufac-

ture of hand-loomed textiles and hand-loomed textile products. As used in this definition, the term "hand-loomed textile products" does not refer to products included in the needlework industries in Puerto Rico, as those industries are defined in the wage order applicable thereto.

(g) *Raffia, straw, and sisal handbag division.* This division consists of the manufacture of handbags, pocketbooks, and purses from raffia, straw, sisal, maguey, and similar materials.

(h) *Hand-woven basket and related products division.* This division consists of the manufacture of hand-woven baskets and other handmade products from straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair bristles, feathers, and similar materials. For purposes of this definition, the term "other handmade products" does not refer to any product included in the raffia, straw, and sisal handbag division, as defined herein, or in the needlework industries, the straw hat industry, or the handicraft art novelty industry, as those industries in Puerto Rico are defined in the wage orders applicable thereto.

(i) *Rubber products division.* This division consists of the manufacture of all products made from rubber, including tire recapping.

(j) *Miscellaneous division.* This division consists of all products and activities included in the leather, textile, rubber, straw, and related products industries, as defined herein, except those included in the hide, skin, and leather division, the leather and skin products division, the decorated leather button division, the cotton ginning and compressing division, the textile and textile products division, the hand-loomed textile division, the raffia, straw, and sisal handbag division, the hand-woven basket and related products division and the rubber products division, as those divisions are herein defined.

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALF WALLING,  
Administrator.

[F. R. Doc. 45-19483; Filed Oct. 22, 1945; 11:16 a. m.]

**PART 675—MINIMUM WAGE RATES IN THE LUMBER AND WOOD PRODUCTS INDUSTRIES IN PUERTO RICO**

**RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO FOR MINIMUM WAGE RATES**

Whereas, on May 10, 1945, pursuant to section 5(e) of the Fair Labor Standards Act of 1938, hereinafter called the Act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recom-

mend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined in Administrative Order No. 344, and thereafter to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated and defined in the order, as amended by Administrative Order No. 346, including the lumber and wood products industries in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the lumber and wood products industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers in the industry, 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 August 13, 1945, the Committee, after investigating economic and competitive conditions in the lumber and wood products industries in Puerto Rico, filed with me a report containing (a) its recommendations that the lumber and wood products industries in Puerto Rico, as defined in Administrative Order No. 344, be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its separable recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in the separable recommended divisions of the lumber and wood products industries in Puerto Rico, namely:

(1) 32 cents per hour to the employees in the lumber, millwork, and furniture division;

(2) 28 cents per hour to the employees in the wooden ware division;

(3) 28 cents per hour to the employees in the match division;

(4) 20 cents per hour to the employees in the button division engaged in hand painting or similar decoration of wooden buttons, and 28 cents per hour to the employees engaged in any other operations in the division;

(5) 15 cents per hour to the employees in the basket and woven ware division engaged in hand-weaving, hand-braiding, hand-decorating and similar operations, and 20 cents per hour to the employees engaged in any other operations in the division; and

(6) 25 cents per hour to the employees in the miscellaneous division; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the

recommendations of the Committee with respect to the lumber and wood products industries in Puerto Rico, and its separable divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 4 for Puerto Rico for Minimum Wage Rates in the Lumber and Wood Products Industries 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:

Sec.

675.1 Approval of recommendations of Industry Committee.

675.2 Wage rates.

675.3 Notices of order.

675.4 Definitions of the lumber and wood products industries in Puerto Rico and its divisions.

AUTHORITY: § 675.1 to 675.4, inclusive, issued under sections 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8, 52 Stat. 1064), of the Fair Labor Standards Act of 1938, 29 U.S.C. 205 (e), 208.

§ 675.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.

§ 675.2 *Wage rates.* (a) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the lumber, millwork, and furniture division of the lumber and wood products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wooden ware division of the lumber and wood products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the match division of the lumber and wood products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at not less than the following rates per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button division of the lumber and wood products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce:

(1) For the hand-painting or similar decoration of wooden buttons, wages at a rate of not less than 20 cents per hour.

(2) For all other operations in connection with the manufacture of wooden buttons, including, but not by way of limitation, cutting, machine-operating, stamping, sanding, buffing, polishing, varnishing, carding, examining, packing and shipping, wages at a rate of not less than 28 cents per hour.

(e) Wages at not less than the following rates per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the basket and wovenware division of the lumber and wood products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce:

(1) For hand-weaving, hand-braiding, hand-decorating, and similar operations, wages at a rate of not less than 15 cents per hour.

(2) For all other operations in connection with the manufacture of hand-woven baskets and similar hand-woven products, including, but without limitation, designing, cutting, examining, packing and shipping, wages at a rate of not less than 20 cents per hour.

(f) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous division of the lumber and wood products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 675.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the lumber and wood products industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 675.4 *Definitions of the lumber and wood products industries in Puerto Rico and its divisions.* The lumber and wood products industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

Logging and the manufacture of all products made from lumber, wood and related materials, including, but without limitation, sawmill and planing and plywood mill products; furniture and office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving; trays, bowls and other woodenware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal.

*Provided, however,* That the definition shall not include any product or activity included in the handicraft art novelty industry, the paper, paper products, printing, publishing, and related industries, the construction, business service, motion picture, and miscellaneous industries, the metal, plastics, machinery,

instrument, transportation equipment, and allied industries, or the leather, textile, rubber, straw, and related products industries (as defined in the wage orders for these industries in Puerto Rico).

The separable divisions of the industry as above defined, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *Lumber, millwork, and furniture division.* This division consists of logging and the manufacture of sawmill and planing and plywood mill products; millwork including sash, doors, moldings, window frames, window and door screens and blinds, and similar building materials; and furniture and office and store fixtures.

(b) *Wooden ware division.* This division consists of the manufacture of wooden ware from mahogany and other hardwoods including, but without limitation, trays, bowls, tumblers, book ends, jewel and cigarette boxes, and hardwood novelties (except jewelry).

(c) *Match division.* This division consists of the manufacture of wooden matches.

(d) *Button division.* This division consists of the manufacture of wooden buttons.

(e) *Basket and wovenware division.* This division consists of the manufacture from wood or related materials of hand-woven baskets and similar hand-woven products, such as hampers, coasters, and table pads.

(f) *Miscellaneous division.* This division consists of all branches of the lumber and wood products industries in Puerto Rico as defined herein, except the lumber, millwork and furniture division, the woodenware division, the match division, the button division, and the basket and wovenware division, as defined above.

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALF WALLING,  
Administrator.

[F. R. Doc. 45-19486; Filed, Oct. 22, 1945; 11:16 a. m.]

PART 676—MINIMUM WAGE RATES IN THE METAL, PLASTICS, MACHINERY, INSTRUMENT, TRANSPORTATION EQUIPMENT, AND ALLIED INDUSTRIES IN PUERTO RICO

RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO FOR MINIMUM WAGE RATES

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to first proceed to investigate conditions and to recommend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in

Puerto Rico, and, thereafter, to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated in the part, including the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers in the industry, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, on August 24, 1945 the Committee, after investigating economic and competitive conditions in the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico, filed with me a report containing (a) its recommendations that the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico, as defined in Administrative Order No 344, be divided into separable divisions for the purpose of fixing minimum wage rates, and that classifications specified by the Committee be made in one of the recommended separable divisions; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its separable recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in the separable recommended divisions of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico, namely:

(1) 35 cents per hour to the employees in the foundry and machine shop products division;

(2) 40 cents per hour to the employees in the gem stone division;

(3) 30 cents per hour to the employees in the industrial jewel division;

(4) 28 cents per hour to the employees in the button, bead, and costume novelty jewelry division;

(5) 20 cents per hour to the employees in the rosary and bead stringing division engaged in the assembling of rosaries and the stringing of beads other than by machine, and 28 cents per hour to the employees engaged in any other operations in the division; and

(6) 35 cents per hour to the employees in the miscellaneous division; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and

after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee with respect to the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico and its separable divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 4 for Puerto Rico for Minimum Wage Rates in the Metal, Plastics, Machinery, Instrument, Transportation Equipment, and Allied Industries 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:

- Sec.  
 676.1 Approval of recommendations of Industry Committee.  
 676.2 Wage rates.  
 676.3 Notices of order.  
 676.4 Definitions of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico and its divisions.

AUTHORITY: §§ 676.1 to 676.4, inclusive, issued under sec. 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8, 52 Stat. 1064), of the Fair Labor Standards Act of 1938, 29 U. S. C. 205 (e), 208.

§ 676.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.

§ 676.2 *Wage rates.* (a) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the foundry and machine shop products division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the gem stone division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the industrial jewel division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, bead, and costume novelty jewelry division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) (1) Wages at a rate of not less than 20 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the rosary and bead stringing division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico who is engaged in the assembling of rosaries and the stringing of beads other than by machine, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the rosary and bead stringing division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico who is engaged in any operations in connection with the manufacture of rosaries or bead strands except assembling of rosaries and stringing of beads other than by machine, and who is engaged in commerce or in the production of goods for commerce.

(f) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico who is engaged in commerce or in production of goods for commerce.

§ 676.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 676.4 *Definitions of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico and its divisions.* The metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The mining or other extraction of metal ore and the further processing of such ore into metal; the manufacture (including repair) of any product or part made of metal or plastics; the manufacture (including repair) from any ma-

terial of machinery, jewelry and lapidary products (including industrial and gem diamonds), instruments, ophthalmic goods, tools, electrical goods, transportation equipment and ordnance.

*Provided, however,* That the definition shall not include (1) the production of any basic material other than metal, (2) the further processing of any basic material other than metal or plastics except when done by an establishment producing from such materials a product of this industry or subassembly of such product, or (3) any activity included in the construction, business service, motion picture, and miscellaneous industries (as defined in the wage order for this industry in Puerto Rico).

The separable divisions of the industry as above defined, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *Foundry and machine shop products division.* This division consists of the manufacture, including repairing, of foundry and machine shop products.

(b) *Gem stone division.* This division consists of the cutting, grinding, polishing, and other processing of gem diamonds and other precious and semi-precious stones.

(c) *Industrial jewel division.* This division consists of the cutting, grinding, polishing, and other processing of natural or synthetic jewels for industrial use, including, but without limitation, jewel bearings and industrial diamonds.

(d) *Button, bead, and costume novelty jewelry division.* This division consists of the manufacture of buttons and beads from metal or plastics and of costume novelty jewelry (not including bead strands) from any material.

(e) *Rosary and bead stringing division.* This division consists of the manufacture of rosaries and of bead strands.

(f) *Miscellaneous division.* This division consists of all products and activities included in the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico as defined herein, except those included in the foundry and machine shop products division, the gem stone division, the industrial jewel division, the button, bead, and costume novelty jewelry division, and the rosary and bead stringing division, as defined herein.

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALFE WALLING,  
 Administrator.

[F. R. Doc. 45-19490; Filed, Oct. 22, 1945; 11:17 a. m.]

PART 677—MINIMUM WAGE RATES IN THE PAPER, PAPER PRODUCTS, PRINTING, PUBLISHING, AND RELATED INDUSTRIES IN PUERTO RICO

RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO FOR MINIMUM WAGE RATES

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards

Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed, in accordance with the provisions of the act and rules and regulations promulgated thereunder, first to investigate conditions and to recommend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined in Administrative Order No. 344, and thereafter to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated in the order, including the paper and related products industries in Puerto Rico; and

Whereas, on June 14, 1945, by Administrative Order No. 346, the title and definition of the paper and related products industries in Puerto Rico as contained in Administrative Order No. 344 were amended so that the Committee's investigation and recommendations would cover the paper, paper products, printing, publishing, and related industries in Puerto Rico as defined in Administrative Order No. 346; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the paper, paper products, printing, publishing, and related industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers in the industry, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, on August 24, 1945, the Committee, after investigating economic and competitive conditions in the paper, paper products, printing, publishing, and related industries in Puerto Rico, filed with me a report containing (a) its recommendations that the paper, paper products, printing, publishing, and related industries in Puerto Rico, as defined in Administrative Order No. 346, be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its separable recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in the separable recommended divisions of the paper, paper products, printing, publishing, and related industries in Puerto Rico, namely:

- (1) 25 cents per hour to employees in the paper board division;
- (2) 30 cents per hour to employees in the building board division;
- (3) 35 cents per hour to employees in the publishing, printing of newspapers and periodicals, and allied graphic arts division;
- (4) 28 cents per hour to employees in the commercial printing and converted paper products division;
- (5) 30 cents per hour to employees in the miscellaneous division; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee with respect to the paper, paper products, printing, publishing, and related industries in Puerto Rico and its separable divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth by decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 4 for Puerto Rico for Minimum Wage Rates in the Paper, Paper Products, Printing, Publishing, and Related Industries 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:

Sec.

- 677.1 Approval of recommendations of Industry Committee.
- 677.2 Wage rates.
- 677.3 Posting of notices.
- 677.4 Definitions of the paper, paper products, printing, publishing and related industries in Puerto Rico and its divisions.

AUTHORITY: §§ 677.1 to 677.4, inclusive, issued under sec. 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8, 52 Stat. 1064), of the Fair Labor Standards Act of 1938, 29 U.S.C. 205 (e), 208.

§ 677.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.

§ 677.2 *Wage rates.* (a) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper board division of the paper, paper products, printing, publishing, and related industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the building board division of the paper, paper products, printing, publishing, and related industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his

employees in the publishing, printing of newspapers and periodicals, and allied graphic arts division of the paper, paper products, printing, publishing and related industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the commercial printing and converted paper products division of the paper, paper products, printing, publishing, and related industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous division of the paper, paper products, printing, publishing, and related industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 677.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the paper, paper products, printing, publishing, and related industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 677.4 *Definitions of the paper, paper products, printing, publishing and related industries in Puerto Rico and its divisions.* The paper, paper products, printing, publishing, and related industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

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 ploffilm, 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, photoengravers, 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, or in the leather, textile, rubber, straw, and related products industries (as defined in the wage orders for these industries in Puerto Rico).

The separable divisions of the industry as above defined, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *Paper board division.* This division consists of the manufacture of paper board, including but without limitation, the manufacture of pulp therefor from wood, waste paper, rags and other fibers, the conversion of the pulp into paper board, and the collection and the sorting of waste paper to be used in the manufacture of the paper board. *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).

(b) *Building board division.* This division consists of the manufacture of building board from bagasse and similar materials.

(c) *Publishing, printing of newspapers and periodicals, and allied graphic arts division.* This division consists of the publishing of newspapers, periodicals, books, music and similar products; the printing of newspapers and other periodicals; and the products or services of advertising typographers, electrotypers and stereotypers, photo-engravers, gravure printers, and news syndicates.

(d) *Commercial printing and converted paper products division.* This division consists of the manufacture of paper, paperboard 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 or pliofilm, is the basic component; the printing performed on any of the foregoing products; the printing of books, music, maps, and similar products; and the products or services of commercial printers, lithographers, steel and copper plate engravers, binderies, and private printing plants of concerns engaged in other business. *Provided, however,* That the definition shall not include any product or activity included in the paper box manufacturing industry, or in the leather, textile, rubber, straw, and related products industries (as defined in the wage orders for these industries in Puerto Rico).

(e) *Miscellaneous division.* This division consists of all products and activities included in the paper, paper products, printing, publishing, and related industries in Puerto Rico as defined herein, except those included in the paper board division, the building board division, the publishing, printing of newspapers and periodicals, and allied graphic arts division, and the commercial printing and converted paper products division, as defined herein.

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 45-19492; Filed, Oct. 22, 1945; 11:18 a. m.]

PART 678—MINIMUM WAGE RATES IN THE STONE, CLAY, GLASS, AND RELATED PRODUCTS INDUSTRIES IN PUERTO RICO

RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO FOR MINIMUM WAGE RATES

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recommend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined in Administrative Order No. 344, and thereafter to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated in the order, including the stone, clay, glass, and related products industries in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the stone, clay, glass, and related products industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers in the industry, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, on August 24, 1945, the Committee, after investigating economic and competitive conditions in the stone, clay, glass, and related products industries in Puerto Rico, filed with me a report containing (a) its recommendations that the stone, clay, glass, and related products industries in Puerto Rico, as defined in Administrative Order No. 344, be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its separable recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in the separable recommended divisions of the stone, clay, glass, and related products industries in Puerto Rico, namely:

- (1) 30 cents per hour to employees in the sand and gravel division;
- (2) 30 cents per hour to employees in the lime and lime products division;
- (3) 35 cents per hour to employees in the concrete construction products division;
- (4) 25 cents per hour to employees in the clay and clay products division;
- (5) 35 cents per hour to employees in the glass and glass products division;
- (6) 28 cents per hour to employees in the glass button and bead division;
- (7) 35 cents per hour to employees in the pearl button division;
- (8) 30 cents per hour to employees in the stone quarrying and crushing division; and
- (9) 35 cents per hour to employees in the miscellaneous division; and

Whereas, pursuant to notice published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee with respect to the stone, clay, glass, and related products industries in Puerto Rico, and its separable divisions as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 4 for Puerto Rico for Minimum Wage Rates in the Stone, Clay, Glass, and Related Products Industries 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:

Sec.

- 678.1 Approval of recommendations of Industry Committee.
- 678.2 Wage rates.
- 678.3 Posting of notices.
- 678.4 Definitions of the stone, clay, glass and related products industries in Puerto Rico and its divisions.

AUTHORITY: §§ 678.1 to 678.4, inclusive, issued under sec. 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8 52 Stat. 1064), of the Fair Labor Standards Act of 1938, 29 U. S. C. 205 (e), 208.

§ 678.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.

§ 678.2 *Wage rates.* (a) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sand and gravel division of the stone, clay, glass, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the stone quarrying and crushing division of the stone, clay, glass, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his

employees in the lime and lime products division of the stone, clay, glass, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the concrete construction products division of the stone, clay, glass, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the clay and clay products division of the stone, clay, glass, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(f) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the glass and glass products division of the stone, clay, glass, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(g) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the glass button and bead division of the stone, clay, glass, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(h) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the pearl button division of the stone, clay, glass, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(i) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous division of the stone, clay, glass, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 678.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the stone, clay, glass, and related products industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 678.4 *Definitions of the stone, clay, glass, and related products industries in Puerto Rico and its divisions.* The stone, clay, glass, and related products industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The mining, quarrying or other extraction and the further processing of all minerals (other than metal ores, coal, petroleum or natural gases) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; structural clay products; china, pottery, tile and other ceramic products; refractories; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell and other similar natural materials.

*Provided, however,* That the definition shall not include the manufacture of chemicals or the extraction of minerals used for such manufacture, or any product or activity included in the cement industry and the handicraft art novelty industry, or in the construction, business service, motion picture, and miscellaneous industries and the metal, plastics, machinery, instrument, transportation equipment, and allied industries (as defined in the wage orders for these industries in Puerto Rico).

The separable divisions of the industry as above defined, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *Sand and gravel division.* This division consists of the quarrying or other extraction of sand and gravel, including, but without limitation, common sand and gravel, glass sand, and foundry sand.

(b) *Stone quarrying and crushing division.* This division consists of the quarrying or other extraction, preparing, beneficiating, screening, crushing, grinding, pulverizing, washing and drying of limestone, granite, slate, marble, sandstone, and other types of stone.

(c) *Lime and lime products division.* This division consists of the manufacture of lime and lime products.

(d) *Concrete construction products division.* This division consists of the manufacture of concrete pipe, concrete blocks, and other fabricated concrete construction materials.

(e) *Clay and clay products division.* This division consists of the quarrying or other extraction of common clay, shale, kaolin, ball clay, fire clay, and other types of clay; and the manufacture of structural clay products, china, pottery, tile, and other ceramic products and refractories.

(f) *Glass and glass products division.* This division consists of the manufacture of glass and glass products. For purposes of this definition, the manufacture of glass and glass products does not include any activity included in the sand and gravel division or in the glass button and bead division, as those divisions are defined herein.

(g) *Glass button and bead division.* This division consists of the hand-dipping or other decoration or finishing of glass buttons and beads.

(h) *Pearl button division.* This division consists of the manufacture of ocean pearl and other natural shell buttons.

(i) *Miscellaneous division.* This division consists of all products and activities included in the stone, clay, glass, and related products industries in Puerto

Rico, as defined herein, except those included in the sand and gravel division, the stone quarrying and crushing division, the lime and lime products division, the concrete construction products division, the clay and clay products division, the glass and glass products division, the glass button and bead division, and the pearl button division, as defined herein.

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 45-19489; Filed, Oct. 22, 1945; 11:17 a. m.]

PART 679—MINIMUM WAGE RATE IN THE WHOLESALE, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES IN PUERTO RICO

RECOMMENDATION OF SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO FOR MINIMUM WAGE RATES

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recommend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined in Administrative Order No. 344, and thereafter to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated and defined in the order, as amended by Administrative Order No. 346, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, included two disinterested persons representing the public, a like number representing employers in the industry, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, on August 2, 1945, the Committee, after investigating economic and competitive conditions in the wholesaling, warehousing, and other distribution industries in Puerto Rico, filed with me a report containing its recommendation for a minimum wage rate of 35 cents per hour to be paid employees in the industry who are engaged in commerce or in the production of goods for commerce; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon

the Committee's recommendation was held before me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 4 for Puerto Rico for a Minimum Wage Rate in the Wholesaling, Warehousing, and Other Distribution Industries 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:

Sec.

- 679.1 Approval of recommendation of Industry Committee.  
679.2 Wage rate.  
679.3 Posting of notices.  
679.4 Definition of the wholesaling, warehousing, and other distribution industries in Puerto Rico.

AUTHORITY: §§ 679.1 to 679.4, inclusive, issued under sec. 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8, 52 Stat. 1064), of the Fair Labor Standards Act of 1938, 29 U.S.C. 205 (e), 208.

§ 679.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.

§ 679.2 *Wage rate.* Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 679.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the wholesaling, warehousing, and other distribution industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 679.4 *Definition of the wholesaling, warehousing, and other distribution industries in Puerto Rico.* The wholesaling, warehousing, and other distribution industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The wholesaling, warehousing, and other distribution of commodities including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses.

*Provided, however,* That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, or other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by a wage order which has been issued for an industry in Puerto Rico or included in any other industry defined in Administrative Order 344 appointing Special Industry Committee No. 4 for Puerto Rico, as amended (and in the wage orders for such industries issued this day).

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 45-19485; Filed, Oct. 22, 1945;  
11:16 a. m.]

**PART 680—MINIMUM WAGE RATES IN THE WOVEN AND KNITTED FABRIC GLOVE DIVISION AND IN THE LEATHER GLOVE DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO**

**RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 4 FOR PUERTO RICO FOR MINIMUM WAGE RATES**

Whereas, on May 10, 1945, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 344, appointed Special Industry Committee No. 4 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recommend to me minimum wage rates for employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined in Administrative Order No. 344, and, thereafter, to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated and defined in the order, as amended by Administrative Order No. 346, including the woven and knitted fabric glove division and the leather glove division of the needlework industries in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the woven and knitted fabric glove division and in the leather glove division of the needlework industries in Puerto Rico, included two disinterested persons representing the public, a like

number representing employers, and a like number representing employees in these divisions of the Needlework Industries in Puerto Rico, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, on August 23, 1945, the Committee, after investigating economic and competitive conditions in the woven and knitted fabric glove division and in the leather glove division of the needlework industries in Puerto Rico, filed with me a report containing (a) its recommendations that classifications specified by the Committee be made in the woven and knitted fabric glove division and in the leather glove division, respectively of the needlework industries in Puerto Rico, as these divisions are defined in Administrative Order No. 344; and (b) its separable recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in the woven and knitted fabric glove division and in the leather glove division, respectively, of the needlework industries in Puerto Rico, namely:

(1) In the woven and knitted fabric glove division,

(a) 18 cents per hour to employees engaged in hand-sewing operations, including, but not by way of limitation, hand-drawing, hand-rolling, and embroidering and embellishing by hand;

(b) 35 cents per hour to employees engaged in machine operating and operations known to the industry by the terms "cutting," "laying-off," "sizing," "banding," and "boxing";

(c) 24 cents an hour to employees engaged in all other operations;

(2) In the leather glove division,

(a) 22 cents per hour to employees engaged in hand-sewing operations, including, but not by way of limitation, hand-drawing, hand-rolling, and embroidering and embellishing by hand;

(b) 40 cents per hour to employees engaged in machine operating and operations known to the industry by the terms "cutting," "laying-off," "sizing," "banding," and "boxing"; and

(c) 24 cents per hour to employees engaged in all other operations; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on September 18, 1945, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held by me in San Juan, Puerto Rico, commencing on October 8, 1945, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee with respect to the woven and knitted fabric glove division and with respect to the leather glove division, respectively, of the needlework industries in Puerto Rico, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 4 for Puerto Rico for minimum wage rates in the Woven and Knitted Fabric Glove Division and in the Leather Glove Division of the Needlework Industries 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, N. Y.; now, therefore, it is ordered, that:

- Sec.  
 680.1 Approval of recommendations of Industry Committee.  
 680.2 Wage rates.  
 680.3 Notices of order.  
 680.4 Definitions of the woven and knitted fabric glove division and of the leather glove division of the needlework industries in Puerto Rico.

AUTHORITY: §§ 680.1 to 680.4, inclusive, issued under sec. 5 (e) (June 26, 1940, ch. 432, sec. 3 (c), 54 Stat. 615) and 8 (June 25, 1938, ch. 676, sec. 8, 52 Stat. 1064), of the Fair Labor Standards Act of 1938), 29 U.S.C., 205 (e), 208.

§ 680.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.

§ 680.2 *Wage rates—(a) Woven and knitted fabric glove division.* (1) Wages at a rate of not less than 18 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the woven and knitted fabric glove division of the needlework industries in Puerto Rico who is engaged in hand-sewing operations, including, but not by way of limitation, hand-drawing, hand-rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the woven and knitted fabric glove division of the needlework industries in Puerto Rico who is engaged in machine operating or in any operations known to the industry by the terms "cutting," "laying-off," "sizing," "banding," and "boxing," and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 24 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the woven and knitted fabric glove division of the needlework industries in Puerto Rico who is engaged in operations other than hand-sewing, machine operating, and operations known to the industry by the terms "cutting," "laying-off," "sizing," "banding," and "boxing," and who is engaged in commerce or in the production of goods for commerce.

(b) *Leather glove division.* (1) Wages at a rate of not less than 22 cents per hour shall be paid under section 6 of

the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather glove division of the needlework industries in Puerto Rico who is engaged in hand-sewing operations, including, but not by way of limitation, hand-drawing, hand-rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather glove division of the needlework industries in Puerto Rico who is engaged in machine operating or in any operations known to the industry by the terms "cutting," "laying-off," "sizing," "banding," and "boxing," and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 24 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather glove division of the needlework industries in Puerto Rico who is engaged in operations other than hand-sewing, machine operating, and operations known to the industry by the terms "cutting," "laying-off," "sizing," "banding," and "boxing," and who is engaged in commerce or in the production of goods for commerce.

§ 680.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the woven and knitted fabric glove division of the needlework industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the division may prescribe.

§ 680.4 *Definitions of the woven and knitted fabric glove division and of the leather glove division of the needlework industries in Puerto Rico.* The woven and knitted fabric glove division and the leather glove division of the needlework industries in Puerto Rico, to which this part shall apply, are hereby defined as follows:

(a) *Woven and knitted fabric glove division.* The term woven and knitted fabric glove division shall mean the manufacture of all gloves or mittens from woven or knitted fabrics.

(b) *Leather glove division.* The term leather glove division shall mean the manufacture of all gloves and mittens from leather or from leather in combination with woven or knitted fabrics.

*Effective date.* This wage order shall become effective October 24, 1945.

Signed at New York, New York, this 19th day of October 1945.

L. METCALFE WALLING,  
 Administrator.

[F. R. Doc. 45-19493; Filed, Oct. 22, 1945; 11:18 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Operations Order 44]

INDIANA

ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel Robinson Hitchcock, State Director of Selective Service for the State of Indiana, I hereby order:

That the State Director of Selective Service for the State of Indiana is hereby authorized to disestablish the board of appeals areas for Boards of Appeal numbered 1, 2, 3, 4, 5, 6, 7, and 8 of the State of Indiana, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Indiana.

LEWIS B. HERSHEY,  
 Director.

OCTOBER 19, 1945.

[F. R. Doc. 45-19568; Filed, Oct. 22, 1945; 4:37 p. m.]

[Operations Order 45]

COLORADO

ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel Howard E. Reed, State Director of Selective Service for the State of Colorado, I hereby order:

That the State Director of Selective Service for the State of Colorado is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1 and 2 of the State of Colorado, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Colorado.

LEWIS B. HERSHEY,  
 Director.

OCTOBER 22, 1945.

[F. R. Doc. 45-19569; Filed, Oct. 22, 1945; 4:37 p. m.]

[Operations Order 46]

MINNESOTA

ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel Joseph E. Nelson, State Director of Selective Service for the State of Minnesota, I hereby order:

That the State Director of Selective Service for the State of Minnesota is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, 3, 4, 5, and 6 of the State of Minnesota, and to establish one

board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Minnesota.

LEWIS B. HERSHEY,  
*Director.*

OCTOBER 22, 1945.

[F. R. Doc. 45-19570; Filed, Oct. 22, 1945;  
4:37 p. m.]

[Operations Order 47]

#### CONNECTICUT

##### ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Commander John F. Robinson, State Director of Selective Service for the State of Connecticut, I hereby order:

That the State Director of Selective Service for the State of Connecticut is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, 3, 4, and 5 of the State of Connecticut, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Connecticut.

LEWIS B. HERSHEY,  
*Director.*

OCTOBER 22, 1945.

[F. R. Doc. 45-19571; Filed, Oct. 22, 1945;  
4:37 p. m.]

[Operations Order 48]

#### FLORIDA

##### ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Brigadier General Vivian Collins, State Director of Selective Service for the State of Florida, I hereby order:

That the State Director of Selective Service for the State of Florida is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, 3, 4, and 5 of the State of Florida, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Florida.

LEWIS B. HERSHEY,  
*Director.*

OCTOBER 22, 1945.

[F. R. Doc. 45-19572; Filed, Oct. 22, 1945;  
4:37 p. m.]

[Operations Order 49]

#### IOWA

##### ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of

1940, as amended, and in accordance with the recommendation of Brigadier General Charles H. Grahl, State Director of Selective Service for the State of Iowa, I hereby order:

That the State Director of Selective Service for the State of Iowa is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, 3, 4, and 5 of the State of Iowa, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Iowa.

LEWIS B. HERSHEY,  
*Director.*

OCTOBER 22, 1945.

[F. R. Doc. 45-19573; Filed, Oct. 22, 1945;  
4:37 p. m.]

[Operations Order 50]

#### KANSAS

##### ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Brigadier General Milton R. McLean, State Director of Selective Service for the State of Kansas, I hereby order:

That the State Director of Selective Service for the State of Kansas is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, 3 and 4 of the State of Kansas, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Kansas.

LEWIS B. HERSHEY,  
*Director.*

OCTOBER 22, 1945.

[F. R. Doc. 45-19574; Filed, Oct. 22, 1945;  
4:37 p. m.]

[Operations Order 51]

#### MAINE

##### ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Lt. Colonel Harold M. Hayes, State Director of Selective Service for the State of Maine, I hereby order:

That the State Director of Selective Service for the State of Maine is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, and 3 of the State of Maine, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Maine.

LEWIS B. HERSHEY,  
*Director.*

OCTOBER 22, 1945.

[F. R. Doc. 45-19575; Filed, Oct. 22, 1945;  
4:37 p. m.]

[Operations Order 52]

#### UTAH

##### ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel H. A. Rich, State Director of Selective Service for the State of Utah, I hereby order:

That the State Director of Selective Service for the State of Utah is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, and 3 of the State of Utah, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Utah.

LEWIS B. HERSHEY,  
*Director.*

OCTOBER 22, 1945.

[F. R. Doc. 45-19576; Filed, Oct. 22, 1945;  
4:38 p. m.]

[Operations Order 53]

#### PUERTO RICO

##### ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel Harry F. Besosa, State Director of Selective Service for Puerto Rico, I hereby order:

That the State Director of Selective Service for Puerto Rico is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1 and 2 of Puerto Rico, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with Puerto Rico.

LEWIS B. HERSHEY,  
*Director.*

OCTOBER 22, 1945.

[F. R. Doc. 45-19577; Filed, Oct. 22, 1945;  
4:38 p. m.]

#### Chapter XI—Office of Price Administration

##### PART 1306—IRON AND STEEL

[RFS 10,1 Amdt. 11]

#### FIG IRON

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 1306.56 is amended to read as follows:

§ 1306.56 Appendix A. Basing point base prices for pig iron (per gross ton—

2,240 lbs.); switching charges; certain differentials.

	No. 2 Foundry	Basic	Bessemer	Malleable	Low Phos.
Bethlehem, Pa.	\$26.75	\$26.25	\$27.75	\$27.25	-----
Everett, Mass.	26.75	26.25	27.75	27.25	-----
Swedeland, Pa.	26.75	26.25	27.75	27.25	-----
Steelton, Pa.	-----	26.25	-----	-----	\$31.25
Birdsboro, Pa.	26.75	26.25	27.75	27.25	31.25
Sparrows Point, Md.	26.75	26.25	-----	-----	-----
Erie, Pa.	25.75	25.25	26.75	26.25	-----
Neville Island, Pa.	25.75	25.25	26.25	25.75	-----
Sharpsville, Pa.	25.75	25.25	26.25	25.75	-----
Buffalo, N. Y.	25.75	24.75	26.75	26.25	31.25
Chicago, Ill.	25.75	25.25	26.25	25.75	-----
Granite City, Ill.	25.75	25.25	26.25	25.75	-----
Cleveland, Ohio.	25.75	25.25	26.25	25.75	-----
Hamilton, Ohio.	25.75	25.25	-----	-----	-----
Toledo, Ohio.	25.75	25.25	26.25	25.75	-----
Youngstown, Ohio.	25.75	25.25	26.25	25.75	-----
Detroit, Mich.	25.75	25.25	26.25	25.75	-----
Duluth, Minn.	26.25	25.75	26.75	26.25	-----
Birmingham, Ala.	22.13	20.75	26.75	-----	-----
Provo, Utah.	23.75	23.25	-----	-----	-----

HIGH-SILICON, SILVERY

(Base Silicon 6.00 per cent to 6.50 per cent)

Jackson County, Ohio.	\$31.25
Buffalo, New York.	32.50

GRAY FORGE

Valley or Pittsburgh Furnace.	\$25.25
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CHARCOAL

Lake Superior Furnace.	\$34.00
Lyles, Tenn. High Phos. Furnace.	28.50
Lyles, Tenn. Low Phos. Furnace.	33.00

Switching charges. Basing point base prices are to be subject to an additional charge for delivery within the switching limits of the respective districts.

Silicon differentials. Basing point base prices are to be subject to an additional charge not to exceed \$0.50 a ton for each 0.25 per cent, or portion thereof, silicon content in excess of base grade (1.75 per cent to 2.25 per cent).

Phosphorus differentials. Basing point base prices are to be subject to a reduction of \$0.38 per ton for phosphorus content of 0.70 per cent and over.

Manganese differentials. Basing point base prices are to be subject to an additional charge not to exceed \$0.50 a ton for each 0.50 per cent, or portion thereof, manganese content in excess of 1.00 per cent.

Nickel differentials. Basing point base prices are to be subject to an additional charge for nickel content as follows:

Nickel content:	Additional charge
Under 0.50%	No extra
0.50% to 0.74% inc.	\$2.00
0.75% to 0.99% inc.	3.00
1.00% to 1.24% inc.	4.00
1.25% to 1.49% inc.	5.00
1.50% to 1.74% inc.	6.00
1.75% to 1.99% inc.	7.00

and in the same progression above 1.99%.

Exception. Struthers Iron and Steel Company, Struthers, Ohio, may charge \$0.50 a ton in excess of basing point base prices for No. 2 foundry, basic, bessemer and malleable.

This amendment shall become effective October 23, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19590; Filed, Oct. 23, 1945; 11:34 a. m.]

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

[MPR 149, Amdt. 20]

MECHANICAL RUBBER GOODS

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

Section 1315.21a (b) of Maximum Price Regulation 149 is amended to read as follows:

(b) Maximum prices for mechanical rubber goods listed in Appendix B and redetermination of maximum prices for certain mechanical rubber commodities listed in Appendix B—(1) Maximum prices for mechanical rubber goods listed in Appendix B. Maximum prices for all mechanical rubber goods of the types and kinds listed in § 1315.35, Appendix B, shall be determined in the same manner as that stated in paragraph (a) of § 1315.21a, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

(2) Redetermination of maximum prices for molded, extruded, lathe-cut, and chemically blown sponge rubber products. (i) This subparagraph (2) applies to a manufacturer of those mechanical rubber goods listed in § 1315.35, Appendix B, which are generally known by the term "molded, extruded, lathe-cut, and chemically blown sponge rubber products", who has a regularly quoted price (as defined in § 1315.31 (a) (7) of this regulation) for such mechanical rubber goods and who has filed with the Office of Price Administration, pursuant to § 1315.28, his base period regularly quoted prices and his base period pricing methods and rates for these products. This subparagraph does not apply to brake linings and clutch facings, flooring, mats and matting, foamed latex products, hard rubber goods, and rubber covered rolls.

(ii) A manufacturer who meets the requirements of subdivision (i) above may redetermine his maximum prices for any mechanical rubber good covered by this subparagraph (2) according to the formula-method set forth in paragraph (a) (2) (iii) of this section, except that the date January 5, 1942, shall be substituted for the date October 1, 1941, where the latter appears. The redetermined maximum price for a mechanical rubber good established under this subparagraph (2) shall not exceed 115 percent of the manufacturer's January 5, 1942, regularly quoted price for it. If the redetermined maximum price computed according to the formula results in a price that exceeds 115 percent of the manufacturer's January 5, 1942, regularly quoted price for an item, the maximum price for the item is 115 percent of the manufacturer's January 5, 1942, regularly quoted price.

This amendment shall become effective October 29, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19593; Filed, Oct. 23, 1945; 11:35 a. m.]

PART 1337—RAYON

[MPR 167, Amdt. 10]

RAYON YARN AND STAPLE FIBER

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. 167 is amended in the following respects:

1. Section 1337.40 (a) (5) is added to read as follows:

(5) "Second quality yarn" means a graded yarn which although irregular in one or more respects, nevertheless carries a guarantee of manufacturing quality from the producer.

2. Section 1337.40 (a) (6) is added to read as follows:

(6) "Inferior yarn" means an ungraded yarn for which the producer does not guarantee the manufacturing quality.

3. Section 1337.42 (b) (3) is amended to read as follows:

(3) Viscose process continuous filament yarns—(i) Maximum prices for sales of viscous process continuous filament yarns in skeins or cones—(a) Base prices.

Denier	Skeins	
	Weaving and knitting cones	Per pound
40	Per pound	\$1.20
50	Per pound	1.10
65	Per pound	.98
75	Per pound	.88
100 (60 filaments and less)	Per pound	.75
100 (more than 60 filaments)	Per pound	.77
125	Per pound	.68
150 (less than 60 filaments)	Per pound	.55
150 (60 filaments or more)	Per pound	.57
200	Per pound	.52
250	Per pound	.51
300 and coarser	Per pound	.49

(b) Premiums. The following premiums over the foregoing maximum prices shall be allowed:

- (1) 4¢ per pound for 6 turns per inch on 150 denier or finer yarns;
- (2) 5¢ per pound for 7 turns per inch on 150 denier or finer yarns and 1¢ per pound for each turn per inch in excess of 7;
- (3) 5¢ per pound for dark tinted cones; and
- (4) 10¢ per pound for spun dyed black yarn.

(ii) Maximum prices for sales of viscose process continuous filament yarns in cakes—(a) Base prices.

Denier:	Price per pound
50	\$1.00
75	.83
100	.71
150	.52
200	.50
300 and coarser (excluding high tenacity yarns)	.47

(b) Premium. A premium of 5¢ per pound over the foregoing maximum prices shall be allowed for dark tinted cakes.

4. Section 1337.42 (c) is amended to read as follows:

\* 7 F.R. 4662, 6895, 7403, 8948, 10448; 8 F.R. 1642, 12314; 9 F.R. 11904; 10 F.R. 2967, 6223, 7116, 12117.

(c) Maximum prices for sales of rayon yarn and staple fiber by persons other than producers—(1) Maximum prices for sales by jobbers. The maximum prices for sales of rayon yarn and staple fiber by jobbers shall be the prices set forth below, f. o. b. seller's warehouse.

(i) First quality rayon yarn. The maximum prices for sales of first quality rayon yarn set forth in § 1337.42 (b) (1), (2) and (3) above, plus \$.04 per pound;

(ii) Second quality rayon yarn. The price paid to the producer plus \$.04 per pound;

(iii) Inferior yarn. The maximum prices for sales of first quality rayon yarn set forth in § 1337.42 (b) (1), (2) and (3) above.

5. Section 1337.42 (c) (3) is added to read as follows:

(3) Imported viscose process rayon staple fiber. Notwithstanding subparagraph (2) above, the maximum price of imported viscose process staple fiber when sold by the importer shall be the sum of the items set forth below, or 36 cents per pound, whichever is lower:

- (i) C. i. f. landed cost;
- (ii) Import duty;
- (iii) Inland freight to purchaser;
- (iv) A 5% markup on (i), (ii) and (iii).

This amendment shall become effective October 23, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19594; Filed, Oct. 23, 1945; 11:35 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289; Amdt. 37]

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. Table A of section 33 (a) (1) is amended to read as follows:

TABLE A  
[Prices in cents per pound]

Cheese item (natural or flavored)	Zone		
	1	2	3
1. Cream cheese curd natural or flavored	25½	26½	27½
2. 37% butterfat cream cheese curd, natural or flavored	27	28	29
3. Natural 23% Butterfat Neufchatel cheese curd	19½	20½	21½
4. Flavored 23% Butterfat Neufchatel cheese curd	20½	21½	22½
5. Natural 20% Butterfat Neufchatel cheese curd	18½	19½	20½
6. Flavored 20% Butterfat Neufchatel cheese curd	19½	20½	21½

<sup>1</sup> 10 F.R. 2352, 2653, 2928, 3554, 3948, 3950, 5772, 5792, 6232.

2. Sections 33 (a) (3), (4), (5), (6), (7), (8), (9), (10) and (11) are redesignated Sections 33 (a) (4), (5), (6), (7), (8), (9), (10), (11) and (12).

3. A new section 33 (a) (3) is added to read as follows:

(3) Sales by primary wholesalers, secondary wholesalers and service wholesalers of any assembled 37% butterfat cream cheese item. The maximum price for the sale by a primary wholesaler, secondary wholesaler or service wholesaler of any assembled, natural or flavored, 37% butterfat cream cheese item delivered at any place shall be the applicable

price set forth in Table B-1 below for the zone in which delivery is made. No package of natural cream cheese shall be sold at the prices established in Table B-1 below unless there is attached to such package a statement indicating that the contents contain at least 37% milk fat. No package of flavored cream cheese shall be sold at the prices established in Table B-1 below unless there is attached to such package a statement indicating that the natural cream cheese contents, to which the condiments or relishes or other non-cheese ingredients<sup>1</sup> were added, originally contained at least 37% milk fat.

TABLE B-1

[Items No. 1 to 4, inclusive, are in dollars per dozen and Items No. 5 and 6 are in cents per pound]

37% BUTTERFAT CREAM CHEESE

Item No.	Package size of 37% butterfat cream cheese (natural or flavored)	Sales and deliveries by—								
		Primary wholesalers			Secondary wholesalers			Service wholesalers		
		Zone 1	Zone 2	Zone 3	Zone 1	Zone 2	Zone 3	Zone 1	Zone 2	Zone 3
Dollars per dozen										
1	1¼-oz. pkg.	0.44½	0.45½	0.46½	0.48½	0.49½	0.50½	0.53½	0.54½	0.55½
2	3-oz. pkg.	.94½	.96½	.99½	1.02½	1.05	1.07½	1.13½	1.16½	1.18½
3	4-oz. pkg.	1.23½	1.26½	1.29½	1.34½	1.37½	1.40½	1.49	1.52	1.55
4	6-oz. pkg.	1.79½	1.84½	1.89½	1.95½	2.00½	2.05½	2.17	2.22	2.27
Cents per pound										
5	2- or 3-lb. loaf.	36½	37½	38½	39½	40½	41½	42½	43½	44½
6	5-lb. loaf.	36½	37½	38½	39	40	41	42½	43½	44½

4. Section 33 (c) (14) is amended to read as follows:

(14) "37% butterfat" cream cheese means the product defined as cream cheese in paragraph (c) (10) above except that it shall contain not less than 37% milk fat and that each package prepared and sold shall carry a prominent identification stating that the contents contain a minimum of 37% milk fat.

5. Section 33 (c) (15) is redesignated Section 33 (c) (16).

6. A new section 33 (c) (15) is added to read as follows:

(15) "Flavored cream cheese," "flavored neufchatel cheese," "flavored 23% butterfat neufchatel cheese," "flavored 20% butterfat neufchatel cheese" and "flavored 37% butterfat cream cheese" mean the products defined in paragraphs (c) (10), (c) (11), (c) (12), (c) (13) and (c) (14) respectively to which have been added any condiments or relishes (including but not restricted to pineapple, scallions, chives, parsley, olives and pimentos) and other non-cheese ingredients such as milk solids, vinegar, sugar, salt, vegetable gum and vegetable coloring. Although the final "flavored" product does not necessarily have to conform to the minimum fat and maximum moisture requirements of the definition of the appropriate natural cheese, the basic product to which these or other ingredi-

ents have been added shall have satisfied all the requirements of such definition. However, instead of the minimum fat identification required in paragraph (c) (12) above, each package of "flavored 23% butterfat neufchatel cheese" prepared and sold shall carry a prominent identification indicating that the natural neufchatel cheese contents, to which the condiments or relishes and other non-cheese ingredients were added, originally contained at least 23% of milk fat. Furthermore, instead of the minimum fat identification required in paragraph (c) (14) above, each package of flavored 37% butterfat cream cheese prepared and sold shall carry a prominent identification indicating that the natural cream cheese contents, to which the condiments or relishes and other non-cheese ingredients were added, originally contained at least 37% of milk fat.

This amendment shall become effective 29th day of October 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

Approved: October 15, 1945.

J. B. HUTTON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-19596; Filed, Oct. 23, 1945; 11:36 a. m.]

PART 1349—ELECTRICAL GENERATION,  
TRANSMISSION, CONVERSION AND DISTRI-  
BUTION APPARATUS

[MPR 82]

## WIRE AND CABLE

Revised Price Schedule 82 is redesignated Maximum Price Regulation 82, and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of the regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

ARTICLE I—SCOPE AND PROHIBITIONS OF THE  
REGULATION

## Sec.

1. Products and services covered.
2. Exclusions.
3. Relationship to other regulations.
4. Prohibitions.
5. Less than maximum prices.
6. Base date.

## ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

7. Prices previously established.
8. Maximum manufacturers' prices for products or services with list prices.
9. Maximum manufacturers' prices for list price products that have been modified.
10. Maximum manufacturers' prices for products or services without list prices.
11. Maximum resellers' prices.
12. Maximum prices for used products.
13. Taxes.
14. Terms and conditions of sale.
15. Transfers of business or stock in trade.
16. Maximum prices for certain specified products.

## ARTICLE III—MISCELLANEOUS

17. Adjustments.
18. Petitions for amendment.
19. Adjustable pricing.
20. Records.
21. Reports.
22. Evasion.
23. Violations.
24. Definitions.
25. Delegation of authority.

Appendix A: Form for reporting manufacturers' maximum prices for products that have been modified.

Appendix B: Form for reporting manufacturers' maximum prices for new products.

Appendix C: Form for applications for adjustment.

Appendix D: Schedule of discounts.

AUTHORITY: § 1349.1 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 103, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, § F.R. 4681; E.O. 9599, 10 F.R. 10155.

ARTICLE I—SCOPE AND PROHIBITIONS OF THE  
REGULATION

SECTION 1. *Products and services covered*—(a) *Transactions*. Except as provided in the next section 2, this regulation fixes maximum prices for all sales of electrical wire and cable, and heater and extension cord sets (both used and unused), but not including "trouble lamps".

In addition, this regulation fixes maximum prices for sales of wiring harnesses, battery cables, and ignition sets by the harness, cable or set manufacturer to the manufacturer of the item into which they are incorporated. This regulation also fixes maximum prices for any operation or service performed in connection with the manufacture of a product covered by this regulation. The commodities covered by this regulation will be referred to as "products" and the services covered by this regulation will be referred to as "services". Unless otherwise specified, where the term "product" is used, it means a product in an unused and new condition.

Note that this regulation applies to sales to governmental, as well as to non-governmental purchasers. Thus, this regulation applies to the sale of a product or service covered by this regulation, even if it is made or supplied only for military purposes and is sold to an agency of the United States.

(b) *Meaning of term "electrical wire or cable"*. The term "electrical wire or cable" means any wire or cable (bare or insulated) which is used primarily for conducting electricity. The term also includes hot rolled black or cleaned rods for electrical uses.

(c) *Geographical applicability*. This regulation applies in the forty-eight States of the United States, the District of Columbia, and in the territories and possessions of the United States.

SEC. 2. *Exclusions*—(a) *Sales to certain users*. This regulation applies to sales to industrial, commercial or governmental users. However, it does not apply to any sales to other types of users. Sales to such users are covered by the General Maximum Price Regulation.

(b) *Sales on an installed basis*. This regulation does not apply to any sale of a product where the seller also furnishes the services required to incorporate the product into a building, structure or construction project. Such sales are covered by Revised Maximum Price Regulation 251—Construction Services and Sales of Installed Building Materials.

(c) *Secret contracts*. This regulation does not apply to sales and deliveries of any product or service under a contract or subcontract that is officially classified as "secret" and certified in writing as such to the OPA by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing. Such certification must state the date of the "secret" contract or subcontract and its number or other designation. The certifying government agency shall notify the seller and the OPA whenever such contract or subcontract ceases to be secret. This exemption shall not apply after the seller receives such a notification from the certifying government agency.

(d) *Developmental contracts*—(1) *Exclusion*. This regulation does not apply to sales and deliveries of any product manufactured, or service supplied, under a contract or subcontract that is certified in writing to the OPA as being "developmental" by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing. A contract is deemed to be "developmental" during the period required for the selection of a product or service by the purchaser or for the accumulation of sufficient experience by the manufacturer to permit a fair estimate of the manufacturing costs, or both. If the OPA determines, after consultation with the appropriate government agency, that the period necessary for development has ended, and in writing so notifies such agency and the seller, this regulation shall apply to all subsequent sales and deliveries of the product or service.

(2) *Report*. Within ten days after entering into any developmental contract or subcontract, the seller shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall set forth a description of the products or services that are the subject of the contract, a summary of the terms of the contract, and an estimate of the expected duration of the developmental work. This report need not be filed if the developmental contract or subcontract is also certified as "confidential" or "restricted" by the certifying government agency.

(e) *Emergency purchases*. This regulation does not apply to sales or deliveries of any product or service which is purchased for immediate delivery by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing, under such circumstances as to make immediate delivery imperative and as to render it impossible to secure, or unfair to require, immediate delivery at the maximum price. Within ten days after any such emergency purchase in the amount of \$500 or more is made, the person making such purchase on behalf of the purchasing government or agency must file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall contain: (1) a certification that an emergency existed; (2) the name and address of the seller; (3) the date of purchase; (4) the date of delivery; (5) a description of the product or service purchased; (6) the quantity purchased; (7) the price at which purchased; and (8) a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable maximum price.

SEC. 3. *Relationship to other regulations*—(a) *In general*. Except as otherwise specifically provided in this regulation, this regulation supersedes any

other regulation issued by the OPA, in so far as transactions covered by this regulation are concerned.

(b) *Applicability of the Second Revised Maximum Export Price Regulation.* The maximum price at which a person may make any export sales of any product covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation or any revision thereof. See the Second Revised Maximum Export Price Regulation for the definition of "export sale."

(c) *Applicability of the Maximum Import Price Regulation.* The provisions of this regulation do not apply to purchases, and sales or deliveries of products which originated outside of, and are imported into, the continental United States. Purchases, sales and deliveries of such imported products are covered by the provisions of the Maximum Import Price Regulation.

**SEC. 4. Prohibitions.** On and after October 29, 1945:

(a) No person shall sell, deliver or negotiate the sale of any product (new or used) or service at a price higher than the maximum fixed by this regulation.

(b) No person, in the course of trade or business, shall buy or receive any product (new or used) or service at a price higher than the maximum fixed by this regulation. The purchaser shall be deemed to have complied with this paragraph if he receives a written statement from his supplier that the price charged him does not exceed the maximum price, and if he has no reason to doubt the validity of this statement. A statement that "prices in this invoice do not exceed OPA maximum prices" will be acceptable.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

**SEC. 5. Less than maximum prices.** Lower prices than those established by this regulation may be charged or paid.

**SEC. 6. Base date.** The base date for the manufacture and services in connection with the manufacture of all copper, copper alloy or copper-clad wire or cable including cord sets, wiring harness, battery cables and ignition sets covered by this regulation is October 15, 1941. The base date for all other products and services covered by this regulation is March 31, 1942.

**ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE**

**SEC. 7. Prices previously established.** This regulation supersedes Revised Price Schedule 82 (Wire, Cable and Cable Accessories) and Revised Maximum Price Regulation 136 (Machines, Parts and Industrial Equipment). All prices approved or established in writing by the OPA under Revised Price Schedule 82, or Revised Maximum Price Regulation 136, remain in effect under this regulation. However, the OPA may at any time disapprove or revise a price established under Revised Price Schedule 82, or Revised Maximum Price Regulation 136, where a lower price would result from the application of the provisions of this reg-

ulation. This action will not apply to any deliveries made before the date of such revision or disapproval.

**SEC. 8. Maximum manufacturers' prices for products or services with list prices.** The maximum price for the sale of any product (new and unused) or service for which the manufacturer had a published list price in effect on the base date, shall be that price, adjusted to reflect all applicable extra charges, discounts or allowances that the manufacturer had in effect to a purchaser of the same class on the base date. See the definition of "purchaser of the same class" in section 24 (a) (5).

**SEC. 9. Maximum manufacturers' prices for products that have been modified—(a) Applicability of this section.** Where a substantial change in design or specifications is made in any particular type of product for which the manufacturer had a list or established price in effect on the base date, the maximum price for the product as modified must be determined under this section. Wire or cable of the same type must be priced under this section whenever it differs from wire and cable, for which the manufacturer has a list or established price in one or more of the following ways:

(1) The material used for covering.  
(2) The material used for insulating.  
(3) The metal used for any or all of the strands.

(4) The number of strands.  
(b) *Maximum prices.* The manufacturer's maximum price for any product covered by this section shall be determined as follows:

(1) The manufacturer shall first figure the increases and decreases in those costs listed below which are attributable to the change in design or specifications. This change in costs shall be figured by using:

(i) Direct labor cost determined by using his current straight-time labor rates for the labor costs both added and eliminated.

(ii) Direct material cost determined by using his current material prices, not in excess of the maximum established by the OPA, for the materials both added and eliminated.

(iii) If the manufacturer has materials processed by a subcontractor, he must use the actual price paid the subcontractor (not in excess of the applicable maximum price), plus any transportation costs paid by the manufacturer for shipment from the subcontractor to him.

(iv) Factory overhead allocable to such direct material or direct labor costs, determined in accordance with the manufacturer's method of accounting and charged at the actual rate or rates in effect in his plant during the month preceding the base date at the standard rates, if any, consistently used by the manufacturer for price determining purposes during the month containing the base date.

(v) Royalty payments, if any, determined at the rate actually paid by the manufacturer.

(vi) Where the product is sold on a freight allowed or a delivered price basis,

outbound transportation charges may be added. These charges shall be computed by using current freight rates applied in accordance with the manufacturer's base date practice.

(2) The manufacturer shall then add or subtract the net increase or decrease in costs so calculated from or to his maximum net price to the class of purchasers who paid the lowest published net price for the product before modification. The resultant figure is the manufacturer's maximum price for the product as modified when sold to the class of purchasers who buy at the lowest net price. This maximum price may not be rounded out above the computed price.

(3) The manufacturer shall then determine the maximum price to every other class of purchasers by multiplying his maximum price for that class of purchasers before modification by a factor. This factor shall be determined by dividing the manufacturer's new lowest maximum net price after modification (computed under subparagraph (2) above) by the manufacturer's lowest maximum net price before modification.

(c) *Report and approval of maximum prices.* If a manufacturer publishes a list price for a modified product covered by this section, he must file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. The manufacturer must always file a report when specifically requested to do so by the OPA. The report shall contain the information required by OPA Form 694-2165 (Appendix A).

After receipt of this report, OPA may (1) approve the proposed maximum price, (2) disapprove the proposed maximum price, or (3) establish a different maximum price determined under this section by order. If the OPA fails to act within thirty days after it receives the required report (or any requested verification of the facts stated in the report) the proposed maximum price shall be deemed to be approved. OPA may disapprove any price either because it was not figured in accordance with paragraph (b) or because it is not in line with maximum prices fixed by this regulation.

The maximum price established in this manner shall be applicable to all subsequent sales and deliveries. However, if the OPA later determines that this price was not figured in accordance with this section, it may disapprove that price at any time. This disapproval will not be retroactive as to any deliveries made before the date of such disapproval.

(d) *Interim pricing.* Prior to receipt of approval by the OPA of the required report (or any verification of the facts stated in the report that may be requested), the proposed price may be tentatively quoted or charged. However, no more than the maximum price before modification or 75 percent of the proposed price, whichever is the lower, may be paid or received until a maximum price has been established. Also, final statement, including any necessary refunds, shall be made in accordance with the action taken by the OPA.

(e) *Certification by seller where the manufacturer is unable to determine the*

maximum price of purchased materials or services. For the purposes of this section, if the manufacturer receives a written statement from his supplier that the price charged for purchased materials or services does not exceed the applicable maximum price, and if the manufacturer has no reason to doubt the validity of this statement, the price certified by the supplier shall be deemed not to be in excess of the maximum price. A statement that "prices in this invoice do not exceed OPA maximum prices" will be acceptable.

SEC. 10. *Maximum manufacturers' prices for products or services without list prices*—(a) *Maximum prices*. This section is applicable to any product for which the manufacturer did not have a list price in effect on the base date and which is not a modified product covered by the preceding section 9. This section is also applicable to any service for which the manufacturer did not have a list price in effect on the base date. The maximum price for any such product or service shall be a price in line with the maximum prices fixed by this regulation for any other manufacturer or service supplier for the same commodity. A manufacturer may propose a maximum price on the basis of in-lineness, in which case, he shall file the report required in paragraph (b) (1) below. In all other cases, he shall file the report required in paragraph (b) (2).

(b) *Reports*—(1) *Maximum prices for products which are in-line with list prices in effect on the base date*. The manufacturer must file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C., before he delivers any product or supplies any services covered by this section. This report shall contain:

(i) Description of the product or service, and of the comparable price list which is used.

(ii) Statement of the reasons why the manufacturer believes that the maximum prices proposed by him are in-line with the maximum prices fixed by this regulation.

(2) *Maximum price for products for which no other manufacturer had a price in effect on the base date*. Before delivering any product or supplying any service covered by this section, the manufacturer shall file with the Machinery Branch, Office of Price Administration, Washington 25, D. C., a report containing the information required by OPA Form 694-2167 (See Appendix B).

(c) *Approvals*. After receipt of the report required by (b) (1) or (2) above, the OPA may approve the proposed maximum price, disapprove the proposed maximum price, or establish a different maximum price determined under this section by order. If OPA fails to act within thirty days after it receives the required report (or any verification of the facts stated in the report that may be required), the proposed maximum price shall be deemed to be approved.

The maximum price established in this manner shall be applicable to all subsequent sales and deliveries. However, if the OPA later determines that this price was not figured in accordance with this section, it may disapprove that price at

any time. This disapproval will not be retroactive as to any deliveries made before the date of such disapproval.

In the event that the OPA finds that the manufacturer's production experience does not yet warrant the establishment of a permanent maximum price, it may establish, or give temporary approval to, a maximum price and require further filing under paragraph (b) at a later date.

(d) *Interim pricing*. Prior to receipt of approval of the OPA of the proposed price, or prior to the expiration of the thirty days period after OPA's receipt of the required report (or any verification of the facts stated in the report that may be requested), the proposed price may be tentatively quoted or charged, but no more than 75 per cent. of that price may be paid or received until a maximum price has been established. Also, final settlement, including any necessary refunds, shall be made in accordance with the action taken by the OPA.

SEC. 11. *Maximum resellers' prices*—

(a) *Products for which the reseller had list or established prices*—(1) *Maximum prices*. The maximum price for any product (new and unused) for which the reseller had a published list price or established price in effect on the base date, shall be that price, adjusted to reflect all applicable extra charges, discounts or allowances that the reseller had in effect to a purchaser of the same class on the base date.

(2) *Meaning of "established price in effect on the base date"*. "Established price in effect on the base date" means a price at which the reseller contracted to sell the same product to the same class of purchasers at least three times during the period of six months prior to and including the base date. However, if, during that period, he contracted at least once to sell that product to the same class of purchasers at a higher price, then neither price shall be considered an "established price".

If the reseller has an established price to one class of purchasers, he must determine his maximum price to all other classes of purchasers by adjusting that established price to reflect the reseller's base date differentials, if any, between classes of purchasers.

(b) *Products for which the reseller did not have list or established prices*—

(1) *Where there is an approved suggested resale price—Maximum price*. This paragraph is applicable only to products (new and unused) for which the seller had no published list price or established price in effect on the base date. Where the manufacturer had a suggested resale price for such a product in effect on the base date, or where the OPA has approved a suggested resale price for such a product in writing, the maximum price for a sale by a reseller shall be determined as follows: The reseller shall deduct from the suggested resale price, which the manufacturer had in effect on the base date, or which was approved by the OPA, all discounts, allowances and other deductions that the reseller had in effect on the base date, for products of the same or a similar type to a pur-

chaser of the same class. Where the reseller was not selling products of the same or a similar type on the base date, he shall deduct from the manufacturer's suggested resale price all discounts, allowances and other deductions, which his most closely competitive seller of the same class had in effect on the base date, for products of the same type to a purchaser of the same class. A reseller's "most closely competitive seller of the same class" means a person selling to the same class of purchasers who (i) is selling the same or a similar product, (ii) is a seller of the same class (distributor, wholesaler, dealer, etc.), and (iii) is located nearest to the reseller.

*Report*. The reseller must file any maximum prices determined under this paragraph (b) (unless he has already done so), with the Machinery Branch, Office of Price Administration, Washington 25, D. C., before he delivers any products covered by this paragraph. This report shall identify the price sheets used by the reseller to determine his maximum prices, together with his own discounts and allowances, if any, and a statement as to the method by which those discounts and allowances were determined.

(2) *Where the manufacturer had no approved suggested resale price*—(i) *How the seller calculated the maximum price*. This paragraph is applicable to products (new and unused) for which the reseller had no published list price or established price in effect on the base date. Where the manufacturer did not have a suggested resale price for such a product in effect on the base date, and the OPA has not approved a suggested resale price for such a product in effect on the base date, and the OPA has not approved a suggested resale price for such a product in writing, the maximum price for a sale by a reseller shall be determined as follows: The reseller shall first multiply the cost of the product, determined under subdivision (ii), by the percentage margin determined under subdivision (iii).

(ii) *Cost of the product*. The cost of the product that must be used in determining the maximum price shall be the reseller's net invoiced cost, not to exceed the applicable maximum price. For the purposes of this section, if the reseller receives a written statement from his supplier that the price charged does not exceed the applicable maximum price, and the reseller has no reason to doubt the validity of this statement, the price certified by his supplier shall be deemed not to be in excess of the maximum price. A statement that "prices in this invoice do not exceed OPA maximum prices" will be acceptable.

(iii) *Percentage which must be used in determining the maximum price*. The percentage which the reseller must use in determining the maximum price shall be the percentage margin over net invoiced cost that the reseller realized on the base date, on sales of the same or a similar product, adjusted to reflect the reseller's base date differential between classes of purchasers.

(iv) *Report*. The reseller must file any maximum prices determined under this paragraph (b) with the Machinery

Branch, Office of Price Administration, Washington 25, D. C. (unless he has already done so), before he delivers any products covered by this paragraph. This report shall contain the following information:

A description of the product. This description shall include the manufacturer's name and designating description.

The reseller's net invoiced cost of the product.

The name and address of the person from whom the reseller purchased the product.

The reseller's maximum price for the product and the class of purchasers to which that maximum price applies.

The method by which the reseller determined his maximum price.

(c) *Products that cannot be priced under (a) or (b)*—(1) *Maximum price.* This paragraph is applicable to sales by resellers of products (new and unused) that cannot be priced under paragraphs (a) or (b). The maximum price for such sales shall be a price, in line with maximum prices otherwise established by this regulation, that is specifically authorized by the OPA. A reseller seeking such authorization shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall set forth the following:

A description of the product for which a maximum price is sought. This description shall include the manufacturer's name and designating description:

The net invoiced cost of the product.

The name and address of the reseller's supplier of the product.

The proposed maximum price.

A statement of the basis on which such proposed maximum price was determined.

An explanation of the reasons why the product cannot be priced under paragraphs (a) or (b) of this section.

After receipt of this report, the OPA may approve the proposed maximum price, disapprove the proposed maximum price, or establish a different maximum price, by order. If the OPA fails to act within thirty days after it receives the required report, (or any requested verification of the facts stated in the report), the proposed maximum price shall be deemed to be approved.

The maximum price established in this manner shall be applicable to all subsequent sales and deliveries. However, if the OPA later determines that this price is not in line with maximum prices established by this regulation, it may disapprove the price at any time. This disapproval will not be retroactive as to any deliveries made before the date of such disapproval.

(2) *Interim pricing.* Prior to receipt of approval by OPA of the proposed price, or prior to the expiration of the thirty day period after receipt by OPA of the required report, (or any requested verification of the facts stated in the report), the proposed price may be tentatively quoted or charged. However, no more than 75 per cent of the proposed price may be paid or received until a maximum price has been established. Also, final settlement, including any necessary refunds, shall be made in accordance with the action taken by OPA.

SEC. 12. *Maximum prices for used products*—(a) *Applicability of this sec-*

*tion.* This section is applicable to any wire or cable which has been installed for electrical circuit use.

(b) *Used bare wire.* The price per pound for used bare conductor wire shall not exceed the highest price per pound the manufacturer charges resellers for the same quantity of new wire of equivalent gauge, delivered at the point of sale of the used wire.

(c) *Used insulated wire and cable*—(1) *Equivalent to new.* The price for sales of used insulated wire or cable, which is in a condition equivalent to that of the wire or cable when new, shall not exceed 90 per cent of the highest price the manufacturer charges resellers for the same quantity of the wire or cable when new, delivered at the point of sale of the used wire or cable. Used wire or cable is in a condition equivalent to that of the wire or cable when new only if it meets the following conditions:

(i) If it is insulated with rubber, synthetic rubber or synthetic resin (such as vinylite, cellulose acetate, etc.), it must not be more than three years old. If it is insulated with any other material (such as varnished cambric), it must not be more than five years old. The age of the wire or cable shall be the length of time between the date of shipment from the manufacturer's plant and the date of the sale of the used wire or cable. If the age of the wire or cable cannot be determined, it must be priced under (2) below.

(ii) Lengths shall not be less than one-half of a standard coil. Thus, where a standard coil for the type or size is 1,000 feet, the lengths may not be less than 500 feet. However, regardless of standard coil lengths where the manufacturer's price to users for the type or size of wire or cable is \$1.00 per foot or less, the lengths must not be less than 100 feet; where the manufacturer's price to users for the type or size of wire or cable is more than \$1.00 per foot, the lengths must not be less than 10 feet.

(iii) The insulation, braid or outer covering must not have any abrasions, or worn or damaged spots, which result in a reduction of the insulating qualities of the wire covering.

(2) *Not equivalent to new.* The maximum price for sales of any used insulated wire or cable, which cannot meet all of the conditions listed in (1) above, shall be 75 per cent of the highest price the manufacturer charges resellers for the same quantity of wire or cable when new, delivered at the point of sale of the used wire or cable.

SEC. 13. *Taxes*—(a) *In general.* If a tax or tax increase is imposed on a service, or a new or used product, and the tax law does not forbid the seller to pass the tax on to his customers, he may add the tax or tax increase to his maximum price, if he separately states it. However, if the tax was in effect on the base date, and the seller did not charge his customers extra for the tax on that date, he may not do so now.

(b) *Tax on the transportation of property.* The tax on the transportation of all property imposed on section 620 of the Revenue Act of 1942, shall, for the purposes of determining the applicable

maximum price of any new or used product, be treated as though it were an increase of 3 per cent in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

SEC. 14. *Terms and conditions of sale*—

(a) *Credit charges.* The maximum prices established by this regulation include any charges for the extension of credit, unless (1) the seller on the base date required the payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities or services, and (2) the amount charged for the extension of credit is not in excess of the credit charge the seller had in effect on the base date.

(b) *Transportation costs.* No seller may require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any product or service than the seller required purchasers of the same class to pay on the base date, for deliveries or supplies of the same or similar types of products or services.

SEC. 15. *Transfers of business or stock in trade.* If the business assets or stock in trade are sold or otherwise transferred after the base date, and the transferee carries on the business, or continues to deal in the same type of products or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 16. *Maximum prices for certain specified products.* Notwithstanding any other provisions of this regulation, the maximum prices for the following products shall be as follows:

(a) *Armored cable*—(1) *Manufacturers' prices.* The maximum manufacturer's price for the sale of armored cable shall be determined pursuant to the schedule of manufacturer's prices to jobbers set forth in Appendix D to this regulation, subject to any price differential in effect to any other class of purchaser on the base date. The manufacturer shall apply to the prices listed in Appendix D all discounts (including the standard 5 per cent cash discount) and other conditions of sale which the manufacturer had in effect on the base date. The zones set forth in the appendix are the standard geographical shipping zones uniformly recognized in the industry. If the manufacturer was not selling armored cable on the base date, he must determine his maximum price under section 10.

(2) *Resellers' prices.* The maximum prices for sales of armored cable by re-

sellers shall be determined as follows: The reseller shall apply to the prices listed in (1) the percentage margin over net invoiced cost that he was realizing on the base date, on sales of armored cable. If the reseller was not selling armored cable on the base date, he must determine his maximum price under section 11 (c).

(b) *Products containing lead.* The maximum price for any product (new and unused) which contains lead shall be determined as follows: The seller (manufacturer or reseller) shall add to the maximum net price determined in accordance with the applicable provisions of this regulation an amount not exceeding \$0.00325 for each pound, or major fraction of a pound, of lead contained in the product.

(c) *Solid copper weatherproof wire and cable.* (1) *Manufacturers.* The maximum manufacturer's price for new solid, copper weatherproof wire and cable shall be determined by applying to a base date price of 17.5 cents a pound for solid, soft drawn, weatherproof wire or cable the differentials, and terms and conditions of sale, which the manufacturer had in effect on the base date.

(2) *Resellers.* The maximum reseller's price of new solid, copper weatherproof wire and cable shall be determined by adding 2.375 cents a pound to the net price determined under section 10.

#### ARTICLE III—MISCELLANEOUS

##### SEC. 17. Applications for adjustment—

(a) *Applications based upon impediments to supply.*—(1) *Who may receive an adjustment.* The maximum price established by this regulation for a product may be adjusted in the case of a supplier whose output or supply of that product cannot reasonably be expected to be replaced at lower prices than the proposed adjusted maximum price. In addition, any person who has entered into or proposes to enter into a war contract (as defined in Procedural Regulation #6) or a subcontract thereunder, may receive an adjustment.

(2) *When adjustment may be granted.*—(i) *In general.* The OPA may adjust any maximum price established under this regulation whenever it finds that the maximum price of a product or service is at such a level that (taking into account the cost thereof, the profits position of the supplier, and the nature of his business) production or supply of the product or service is impeded or threatened and that the adjustment would not cause an increase in the cost of living.

(ii) *Factors which may be considered.*

(a) The following factors are relevant to the consideration of whether production or supply of the product or service is impeded or threatened:

(1) Whether, and by what amount, the maximum price is below or above (i) the total unit costs less selling and administrative expenses properly allocable to the internal management of the business, in the case of a manufacturer, and (ii) the current price being charged the seller, in the case of any other seller.

(2) Whether, and by what amount, the maximum price is below or above total unit costs.

(3) Whether, and by what amount, the supplier's current over-all profits, before income and excess profits taxes, are greater or less than his average over-all profits during the normal base period adjusted for changes in investment.

(4) Whether the proposed price is higher than the price prevailing in the industry.

(5) Whether the supplier's sales of the product or service represent only a very small part of his total sales.

(6) Whether, and by what amount, the supplier previously sold the product or service below (i) its total unit costs less selling and administrative expenses properly allocable to the internal management of the business, in the case of a manufacturer, and (ii) the supplier's invoice cost, in the case of any other seller.

(7) Whether, and by what amount, the supplier previously sold the product or service at a price below its total unit costs.

(b) The following factors are relevant to the consideration of whether the adjustment would cause an increase in the cost of living:

(1) Whether the product or service, or a commodity in the production of which it is used, is of a type sold to civilian consumers other than industrial consumers.

(2) If so, whether the increase in price allowed by the adjustment would be absorbed prior to the sale to a non-industrial consumer.

(3) Whether, if the applicant did not produce or supply the product or service, his output or supply would be replaced by the same or a substitute commodity or service only at prices equal to or higher than the proposed adjusted maximum price.

(3) *How the seller proceeds in applying for an adjustment.*—(i) *In general.* An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1 and shall be made on a copy of Form OPA 694-2168, (see Appendix C). If the seller's total sales of all commodities and services during the previous year exceed \$500,000, the application shall be filed with the OPA National Office in Washington, D. C. If the seller's total sales of all commodities and services for the previous year did not exceed \$500,000, the application shall be filed with the regional office of the OPA located in the same region in which the seller's business is located.

(ii) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A seller who believes that the conditions for an adjustment set forth in this paragraph (a) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Application for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28.

(4) *Prices for deliveries made pending disposition of the application.* A seller who has filed an application under this paragraph (a) may contract or agree that deliveries made during the

pendency of the application shall be at a specific price which is higher than the existing maximum price which the seller wants to have adjusted. However, no payment in excess of that existing maximum price may be received until final disposition is made of the application. Where the application is disposed of by an order issued under this section, the price received for deliveries made subsequent to the filing of the application may not exceed the maximum price as determined by OPA. Where the application is disposed of by an amendment of general applicability, payment in excess of the maximum price in effect at the time of delivery may be made for deliveries made pending disposition of the application, only as expressly authorized by order of the Price Administrator.

A seller who wishes to enter into such an arrangement must specifically state to the buyer the following:

(i) The maximum price for the product or service;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the OPA; and

(iii) The fact that the specific price quoted by him is subject to the approval of the OPA.

(5) *Definitions.*—(i) *Normal base period.* The term "normal base period" means the period 1936-1939. However, if the seller demonstrates to the satisfaction of the OPA either (a) that his entire industry was operating during the greater part of that period at an unusually depressed level, or (b) that because of conditions prevailing during that period, he was then operating at an unusually depressed level in comparison to other sellers in the industry, and if he demonstrates also that some other period before January 1, 1941, represents a proper "normal base period", such other period may be considered. The mere fact that the rate of production or supply has increased since 1936-1939 will not be deemed evidence that the seller was operating at an "unusually depressed level" during that period. If the seller was not in business before January 1, 1941, he shall state that fact in his application.

(ii) *Overall profits.* The term "overall profits" means net profit resulting from the operation of all divisions of the seller, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profits taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "overall profits" means the consolidated net profits of the parent corporation before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) *Subcontract.* The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(iv) *Total unit costs.* (a) In the case of a manufacturer, the term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services,

plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the production of the product. It does not include provisions for income or excess profits taxes. In evaluating total unit costs, the OPA will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(b) In the case of a reseller, the term "total unit costs" means the current price the seller is paying for the product plus the handling and administrative expense, normally applicable to handling of the product, properly allocable to the seller's total cost of doing business, but does not include provisions for income or excess profits taxes. In evaluating total unit costs, the OPA will determine whether the allocation of administrative and other expenses is based on a representative period of continuous, normal production.

(b) *Application based upon a compensating appropriate decrease of other prices*—(1) *Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only to an essential supplier of an essential product or service. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) *When adjustment may be granted.* The OPA may make an adjustment of the maximum price if:

(i) The seller agrees to make and (simultaneously with an increase in the maximum price that may be authorized under this paragraph (b)) actually does make a reduction in his selling prices which will equal or exceed the total dollar amount of the adjustment granted under this paragraph; and

(ii) One of the following conditions is met:

(a) The increases and decreases in price are made to restore normal price relationships;

(b) The increases and decreases in price are affected by changes in the prices charged different classes of purchasers for the same product or service; or

(c) The increases and decreases in price are made to change the seller's price list discount structure.

Note that an adjustment will not be granted under this paragraph where the increases in price are to be made to civilian purchasers and the decreases in price are to be made to governmental purchasers.

(3) *What an application under this paragraph must show.* An application for price adjustment under this paragraph (b) must show that if the proposed adjustment is granted, the gross dollar amount of sales of the products or services affected by the adjustment will not be greater than it would have been in the absence of the adjustment. Whenever the OPA grants such an adjustment, it may require appropriate reports relating to the products affected.

(4) *How the seller proceeds in applying for an adjustment.* An application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1. If the seller's total sales during the previous year exceeded \$500,000, the application shall

be filed with the National Office of the OPA, Washington 25, D. C. Otherwise, the application must be filed with the Regional Office of the OPA located in the same region in which the seller's business is located.

(5) *Adjustment of resellers' maximum prices.* The maximum prices for sales of products may be adjusted in an order issued under this paragraph (b). This adjustment for resellers will reflect the increases and decreases in the reseller's cost due to the adjustment granted his supplier. However, where it has been customary for resellers of a product to determine their maximum prices by reference to a price list issued by their supplier, the order adjusting the supplier's maximum prices may require resellers to determine their maximum prices by reference to the revised price list issued by the supplier in accordance with the order issued under this paragraph (b). In such case, the supplier must revise his price list in accordance with the order issued under this paragraph (b).

(c) *Application under a combination of paragraphs (a) and (b).* A seller who desires to apply for an adjustment under paragraph (b) may, at any time, also apply under paragraph (a), if the facts of his case warrant it. In such case, the office considering his application will give the adjustment under paragraph (a) before applying paragraph (b).

(d) *Procedural Regulation No. 6 superseded.* No application for adjustment filed under Procedural Regulation No. 6 with respect to products or services covered by this regulation, will be granted.

(e) *Amendment of general applicability.* Where the Price Administrator deems it appropriate, he may grant the necessary relief by issuing an amendment of general applicability.

SEC. 18. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the OPA.

SEC. 19. *Adjustable pricing.* If the seller wishes, he may agree with the buyer to charge a price that can be increased up to the maximum price in effect at the time of delivery. Where the seller has filed an application for adjustment under section 17 he may, in accordance with the provisions of that section, deliver at a price which will be adjusted upwards in accordance with the action taken by the OPA on his application. In all other cases, unless authorized by the OPA, the seller or lessor must not deliver at a price which is to be adjusted upwards in accordance with action taken by the OPA after delivery. This authorization will be given only where: (a) a request for a change in the applicable price is pending; (b) authorization is necessary to promote distribution or production; and (c) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the OPA having authority to act upon the pending request for a change in price. The authorization will be given by order.

SEC. 20. *Records.* Every person subject to the provisions of this regulation is required to keep certain records for inspection by the OPA, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are:

(a) *By a manufacturer.* Every manufacturer shall keep for inspection by the OPA complete and accurate records of the following:

(1) *Records of sales.* Complete and accurate records of each sale of a product or service showing:

(i) The date thereof;

(ii) The name and address of the buyer;

(iii) An identification of each product or service sold by reference to either a price list or a production record;

(iv) The quantity of each product or service sold;

(v) The net price; and

(vi) The maximum price and computations showing the method by which it was determined.

(2) *Price lists and discount sheets.* Published price lists and discount sheets in effect on the base date or published thereafter.

(3) *Prices charged.* The prices at which he contracted to sell each product or services during the period of six months prior to and including the base date.

(4) *Cost estimate sheets.* Detailed cost estimate sheets and other data showing the calculation of maximum prices for all products or services for which the manufacturer did not have a list or established price in effect on the base date.

(b) *By a reseller.* Every reseller shall keep for inspection by the OPA accurate records of the following:

(1) *Records of sales.* A record of each sale of a product showing:

(i) The date of sale;

(ii) The name and address of the purchaser;

(iii) An identification of each product sold.

(iv) The quantity of each product sold;

(v) The net price received; and

(vi) The maximum price and the method by which it was determined.

(2) *Records of purchases.* Records of purchases of the kind the reseller has customarily kept.

(3) *Price lists.* Published price lists and discount sheets in effect on the base date and published thereafter.

(4) *Prices charged.* The prices at which he contracted to sell each product during the period of six months prior to and including the base date.

(d) *By a seller of second-hand products.* Every seller of second-hand products shall keep for inspection by the OPA accurate records of each sale of a second-hand product showing:

(1) The name and address of the purchaser;

(2) The date of sale;

(3) An identification of each second-hand product sold.

(4) The quantity of each second-hand product sold;

(5) The net price received; and

(6) The maximum price and the method by which it was determined.

**Sec. 21. Reports.** On or before November 28, 1945, every person subject to this regulation shall file with the Machinery Branch, Office of Price Administration, Washington 25, D. C., if he has not already done so, all published price lists and discount sheets he had in effect on the base date, or published thereafter, for the sale of the products or services covered by this regulation.

**Sec. 22. Evasion—(a) In general.** The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of or relating to commodities or services covered by this regulation, alone or in conjunction with any other commodity or service, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

**(b) Specific practices.** The following are among the specific practices prohibited:

(1) Paying a purchase commission if the sum of the commission and the purchase price exceeds the maximum price.

(2) Requiring a customer to furnish material for processing not in accordance with previous practice.

(3) Entering into a joint venture with any other person subject to this regulation for cross-selling, cross-purchasing or cross-servicing.

(4) Reducing the period of any guaranty or warranty of performance in effect on the base date.

(5) Granting less than a reasonable allowance for commodities or real estate received in trade.

(6) Renting or leasing a new or second-hand product with an option to purchase, when the sum of the rental and the sale price exceeds the maximum price established by this regulation.

**Sec. 23. Violation—(a) Civil and criminal action.** Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

**(b) Record-keeping and filing violations: failure to establish maximum price.** If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a maximum price or to apply to the OPA for the establishment of a maximum price, if he is required to do so, the OPA may issue an order fixing maximum prices for products or services such person sells. Any maximum price fixed in this manner will be in line with maximum prices established by this regulation. The order fixing the maximum price may apply to all deliveries or transfers for which a maximum price was not established in accordance with the provisions of this regulation. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation, or of the various penalties for failure to do so.

**(c) License suspension.** The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. During the period of suspension, no sale for which the license has been suspended can be made.

**Sec. 24. Definitions.** (a) When used in this regulation, the term:

(1) "Manufacturer" means a supplier of services subject to this regulation or any of the following:

(i) Any person engaged in one or more operations in the fabrication, processing or assembly of the product being priced, including subcontractors.

(ii) Any person who sells a product which has been produced on his account from materials or parts owned by him.

(iii) Any person who sells a product which has been produced on his account from materials or parts owned by another.

(2) "OPA" means the Office of Price Administration.

(3) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any

of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(4) "Product" means any commodity covered by this regulation. Unless otherwise specified, this term means such a commodity in an unused and new condition.

(5) "Purchaser of the same class" and "class of purchaser" means a purchaser belonging to the same price class; that is, a group of purchasers to whom it was the seller's practice on the base date to sell the same product or service at a particular price. If, on the base date, the seller customarily sold, or offered to sell, the same product or service to all other purchasers, that purchaser is in a price class by himself.

If, on the base date, the seller had an established practice of charging the same price to certain customers on the basis of standards, such as the nature of the buyer (manufacturer, distributor, wholesaler, dealer, etc.), or the nature of the sale or lease (large, small, cash, credit, etc.), he must place a new purchaser of the same product or service in the proper price class in accordance with such standards. If the seller had no such standards, he must establish a price for the new purchaser under section 10, in the case of a manufacturer, and section 11, in the case of a reseller. For the purposes of this definition, a "new purchaser" means a purchaser to whom the seller did not sell, or offer to sell, the same type of product or service on the base date.

(6) "Reseller" means a seller who is not a manufacturer.

(7) "Service" means any service covered by this regulation.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used here.

**Sec. 25. Delegation of authority.** Any Regional Administrator and any District Director, who has been authorized to act by the Regional Administrator having jurisdiction over his district, may adjust maximum prices under section 17 of this regulation.

APPENDIX A

OPA FORM 694-2165  
(REV. 4-45)

Form Approved  
Budget Bureau No. 08-R1048.2  
Expires 6-30-46

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION

REPORT OF MAXIMUM PRICES  
FOR MODIFIED PRODUCTS

(Under Revised Maximum Price Regulation No. 136, Machines, Parts and Industrial Equipment) or Maximum Price Regulation 82 (Wire and Cable).

Name of Company.
Address—Number and Street.
City and State.
NOTE: Before filling in this form, read carefully the instructions on reverse side.

SCHEDULE A—SPECIFICATIONS

1	Designate and describe below the product in which the substantial change in design, specifications, or equipment is made (NOTE: If proposed price and catalog pages are attached which contain the answers to the following, you need not fill in the item.)
	Brand Name. <span style="float: right;">Model No.</span>
	Type and kind of product. <span style="float: right;">Proposed effective date of price list.</span>
2	Describe and explain in detail the changes in design, specifications, or equipment (If more space is needed, use additional sheet.)

SCHEDULE B—DETERMINATION OF TOTAL DECREASE OR INCREASE IN SHOP COST DUE EXCLUSIVELY TO THE MODIFICATION

Item	Cost before modification		Cost after modification	
	Amount	Date the rate or price used was in effect	Amount	Date the rate or price used was in effect
1 Shop labor	\$		\$	
2 Subcontracted services purchased				
3 Materials (except purchased parts and subassemblies)				
4 Purchased parts and subassemblies				
5 Shop overhead				
6 Other shop costs (specify)				
a				
b				
7 Total estimated shop cost				
Total decrease or increase in shop cost due to the change in design, specifications, or equipment				

SCHEDULE C—TABLE OF MAXIMUM PRICES

List price (if any) before modification	\$	Maximum new list price (see instructions)	\$
Class of customers			
		Base date discount (if any)	Maximum price before modification
		%	Maximum price after modification
1 Jobber			\$
2 Distributor			\$
3 Dealer			
4 Consumer			
5 Other (specify)			

I certify that the facts contained in this report are true and correct.

Sign here \_\_\_\_\_ (Signature of reporting officer) \_\_\_\_\_ (Official title) \_\_\_\_\_ (Date)

GENERAL INSTRUCTIONS

This form is applicable only to products for which the manufacturer had a published list price or established price in effect on the base date, or for which OPA has approved a list price after the base date. This form may be adapted to the manufacturer's cost-keeping methods.  
 If a substantial change in design, specifications, or equipment has been made in any such product and a maximum price has not been previously approved by the Office of Price Administration for the product as modified, you should complete this report and send it in duplicate to the Office of Price Administration, Machinery Branch, Wash-

ington 25, D. C. The manufacturer may not receive more than 75% of the proposed price, or the maximum price before modification, whichever is the lower, until it has been approved by the Office of Price Administration or until thirty days have elapsed after the receipt of the report (or any additional information that may be requested) without the Office of Price Administration disapproving the proposed price. Final settlement must be made in accordance with the action taken by the Office of Price Administration on the report.

INSTRUCTIONS FOR SCHEDULE B

- Shop Labor: Use current labor rates, not in excess of those approved by the National War Labor Board.
- Subcontracted Services Purchased: Use current prices, not in excess of your supplier's maximum price.
- Materials (except purchased parts and subassemblies in item 4): Use current prices, not in excess of your supplier's maximum price.
- Purchased Parts and Subassemblies: See instructions for item 3.
- Shop Overhead: Shop overhead charges shall be calculated by applying the lower of the following:
  - The actual rate or rates in effect in the manufacturer's plant in the month preceding the base date, or
  - The standard rate or rates, if any, consistently used by the manufacturer for price determining purposes in the month which includes the base date. Appendix A of Revised Maximum Price Regulation 136 lists four base dates for the products covered by the regulation. These are October 1, 1941, October 15, 1941, March 31, 1942, and April 1, 1943. The date that must be used in determining the maximum price of any product depends upon the base date listed in Appendix A for that product. Maximum Price Regulation 82 lists the applicable base dates in section 7.
- Other Shop Costs (Specify):

In general, other shop costs may include such shop costs as those for perishable tools, dies, molds, patterns, jigs, and workholding devices, provided they have not been included in shop overhead. The prices used shall be the actual prices paid, not in excess of the applicable maximum prices. In general, the manufacturer may include only those other shop costs which he used in determining his selling prices on the base date. These costs shall be amortized in accordance with the manufacturer's base date practice. If the manufacturer customarily uses machine-hour rates in determining shop costs, he may use such rates for the purpose of determining the maximum prices of modified products. However, the same rates must be used in determining the shop costs of the product, both before and after modification. Machine-hour rates used in such calculation must be based on labor or overhead rates which are not in excess of those specified in items 1 and 5 above.

7. Total Factory Cost: The sum of items 1 to 6b inclusive.  
 NOTE: The "date the rate or price used was in effect" must be filled in for each of items 1 to 6b inclusive which you report in computing your total decrease or increase in factory cost due to the change in design, specification or equipment.

(2) Whenever the manufacturer is required to use a price which does not exceed his supplier's maximum price, he may rely on his supplier's written certification, if the manufacturer has no reason to doubt the validity of that certification.

INSTRUCTIONS FOR SCHEDULE C

To your maximum price to the class of customers to whom you sell at the lowest net price add (or subtract if the modification of the product results in a lower factory cost) the amount shown in item 8 of Schedule B. This determines your maximum "new price after modification" to the class of customers who buy at the lowest net price.  
 Items sold on a list price basis:  
 (a) Compute your new maximum list price. Example: Assume the lowest net price after the modification is \$150.00 and applies to a jobber receiving a discount of 25 per cent from the list price. The new list price is \$150.00 divided by (100 per cent minus 25 per cent) .75. The maximum new list price is, therefore \$200.00 in this case.  
 (b) To your maximum new list price apply your established discounts to determine your maximum net selling prices after the modification to your various other classes of customers. Net selling prices must not exceed your computed new maximum net prices.  
 Items not sold on a list price basis:  
 (a) Determine your "new price after modification" to the class of customers who buy at the lowest net price.

(b) To determine the "new price after modification" to any other class of customers multiply the "new price after modification" to that class of customers receiving the lowest net price by the percentage ratio of the corresponding net prices before the modification.

Example: Assume the following:  
 Jobber's net price before the modification ..... \$130.00  
 Dealer's net price before the modification ..... \$147.33  
 Jobber's net price after the modification ..... \$150.00  
 The dealer's net price after the modification is \$147.33 (1/3) divided by \$130.00 times \$150.00. The dealer's net price after the modification, therefore, is \$169.95.

NOTE: Since the maximum new prices may be used only for those products in which the modifications are actually made, manufacturers, in invoicing such modified products, are requested to include in such invoices after the model number or description the notation "revised" or any other explanation properly verifying the modification.

APPENDIX B

OPA FORM 694-2167  
(4-45)

Form Approved  
Budget Bureau No. 08-R800.2  
Expires 6-30-46

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION

REPORT OF MANUFACTURER'S PROPOSED LIST PRICE

(Under Section 9 of Revised Maximum Price Regulation 136, Machines, Parts and Industrial Equipment) or Section 10 of Maximum Price Regulation 82 (Wire and Cable)

Name of company
Address—Number and street
City, postal zone number, state

GENERAL INSTRUCTIONS

This form is applicable only to products for which the manufacturer did not have a published list price or an established price in effect on the base date. The term "established price" in effect on the "base date" is defined in Section 28 of Revised Maximum Price Regulation 136. If the manufacturer publishes or proposes to publish a list price or if he is required in writing by the Office of Price Administration to establish a list price for any such product, he must complete this report and send it in duplicate to the Office of Price Administration, Machinery Branch, Washington 25, D. C. The form may be adapted to the manufacturer's cost-keeping methods.

No more than 75 percent of the proposed price may be received until OPA approves the proposed price or until thirty days have elapsed after receipt of the report (or all

additional information that may be requested) without OPA disapproving the proposed price. Final settlement must be made in accordance with the action taken by OPA on the report.

BASE DATES

Appendix A of Revised Maximum Price Regulation 136 lists four base dates for the products covered by the regulation. These are October 1, 1941, October 15, 1941, March 31, 1942, and April 1, 1943. The date that must be used in determining the maximum price of any product depends upon the base date listed in Appendix A for that product.

SCHEDULE A—GENERAL

1	Designate and describe product for which list price is proposed: NOTE: If proposed price and catalog pages are attached which contain the answers to the following, you need not fill in this item.		
	Brand name	Model No.	Proposed effective date of price list
	Type and kind of product		
	Specifications commonly shown on price pages. (Attach additional sheet or use back of this form if more space is needed.)		
2	Describe in detail the price-determining method which you used for similar products on the base date. This should include the overhead rates, the machine hour rates, if any, rates for general administrative and selling expense, profit mark-up, discounts, and other bases of computation which were in use in your plant on the base date, for similar products. NOTE: If you have already filed your base date price-determining method with OPA, you need not fill in this item.		

SCHEDULE B—TERMS OF SALE

NOTE: The manufacturer need not fill in the following information if his proposed prices are net selling prices or if he has attached a price book page(s) which supplies the information asked in this schedule.

1	Trade discounts to be allowed to various classes of purchasers
2	Quantity discounts—specify quantities and discounts
3	Cash discounts—state amount and condition under which granted
4	Terms concerning freight charges
5	Charges for special services
6	Other terms, if any (specify)

GENERAL INSTRUCTIONS FOR SCHEDULE C

The manufacturer must use the price-determining method which was in use for similar products in his plant on the base date. This means that he must use the overhead rates, machine hour rates, if any, rates for general administrative and selling expense, profit mark-up, discounts, and other bases of computation which were in use in his plant on the base date.

If the manufacturer had no price-determining method for similar products in use

in his plant on the base date, a price-determining method must be established under Section 10 (b) of Revised Maximum Price Regulation 136.

Whenever the manufacturer is required to use a price which does not exceed his supplier's maximum price, he may rely on his supplier's written certification if the manufacturer had no reason to doubt the validity of that certification.

Specific instructions for Schedule C are on opposite page.

SCHEDULE C—COMPUTATION OF MAXIMUM LIST PRICE  
 Number of units on which following computation is based.....

	Item	Amount	Date the rate or price used was in effect
1	Shop labor	\$	
2	Subcontracted services purchased		
3	Materials (except purchased parts and subassemblies covered in item 4)		
4	Purchased parts and subassemblies (covered by RMPR 136, RPS 82, or MPR's 119, 147, 149 or 523)		
5	Shop overhead		
6	Other shop costs (specify):		
	a		
	b		
	c		
	d		
7	Total estimated shop cost (per unit)		
8	General administrative and selling expenses		
9	Other costs (specify):		
	a		
	b		
10	Total estimated cost (per unit)		
11	Profit mark-up		
12			
13			
14	Overtime labor		
15	Maximum discount (if any)		
16	Computed maximum list price (per unit)		
17	Proposed list price (per unit)		

I CERTIFY that the facts contained in this report are true and correct.

Sign here..... (Signature of reporting officer) (Official title) (Date)

SPECIFIC INSTRUCTIONS FOR SCHEDULE C

**1. Shop Labor:**  
 The manufacturer is required to use the straight-time labor rate that he paid each classification of labor on the base date, and to multiply such rates by the labor time estimated to be required to manufacture the product. The estimate of the number of clock hours required shall be based on previous production experience, if any. If, on the base date, the manufacturer used an average shop labor rate to cover all classifications of labor, he must apply such average rate.  
 If the manufacturer used machine hour rates on the base date, instead of shop labor rates, he may apply such machine hour rates. If he uses machine hour rates, he must explain the cost-factors which such rates are designed to cover.

**2. Subcontracted Services Purchased:**  
 If the manufacturer subcontracts services, he must use the actual prices paid, not in excess of his supplier's maximum prices for such subcontracted services.

**3. Materials (Except purchased parts and subassemblies covered by RMPR 136, RPS 82, or MPR's 119, 147, 149 or 523):**  
 In computing estimated costs for these materials the manufacturer is required to multiply the estimated quantity of each material to be used (based on previous production experience, if any) by the lower of the following prices:  
 1. The price which was or would have been paid by him on the base date.  
 2. The actual price paid, not in excess of his supplier's price for such material.  
 If the manufacturer is unable to determine by reasonable diligence the price that he would have paid for the material on the base date, he shall use the actual price paid by him, not in excess of the applicable maximum price.

**4. Purchased Parts and Subassemblies (Covered by RMPR 136, RPS 82, or MPR's 119, 147, 149 or 523):**  
 This item applies to purchased parts and subassemblies covered by Revised Maximum Price Regulation 136 and any products covered by Revised Price Schedule 82 (Wire, Cable and Cable Accessories), Maximum Price Regulation 119 (Original Equipment Tires and Tubes), Maximum Price Regulation 147 (Bolts, Nuts, Screws and Rivets), Maximum Price Regulation 149 (Mechanical Rubber Goods), or Maximum Price Regulation 523 (Plastics Products).  
 The price used for such purchased part or subassembly shall be the price paid, not in excess of the applicable maximum price.

**5. Shop Overhead:**  
 Shop overhead charges shall be calculated by using the rate or rates which the manufacturer used in calculating shop overhead on the base date.  
**6a, b, c, and d. Other Shop Costs:**  
 In general, other shop costs may include such shop costs as those for perishable tools, dies, molds, patterns, jigs, and work-holding devices, provided they have not been included in shop overhead. The prices used shall be the actual prices paid, not in excess

of the applicable maximum prices. In general, the manufacturer may include only those other shop costs which he used in determining his selling prices on the base date.  
 If the other shop costs include engineering and developmental costs, the manufacturer must determine such costs by using the same methods and the same rates, if any, which he used on the base date.  
 If, on the base date, the manufacturer used machine hour rates in determining prices, he must continue to use such rates.

**7. Total Estimated Shop Cost (per unit):**  
 The sum of items 1 to 6d, inclusive.

**8. General Administrative and Selling Expenses:**  
 The manufacturer shall calculate general administrative and selling expenses by using the same methods and the same rates that he used on the base date.  
**9a and 9b:**  
 Items 9a and 9b may be used for the recording of any other price-determining factors which were in use by the manufacturer on the base date. If used they must be explained.

**10. Total Estimated Cost (per unit):**  
 The sum of items 7 to 9b, inclusive.

**11. Profit Mark-up:**  
 The manufacturer must determine profit-mark-up by using the same methods and the same rates that he used on the base date.  
**12 and 13:**  
 Use these items for any factors not included above which you used, on the base date, in determining your selling prices. If such other factors are used they must be explained.

**14. Overtime Labor:**  
 If the estimated overtime labor exceeds that provided for in the base date overhead or machine hour rate, the premium paid for such overtime may be added in computing maximum list price. However, no mark-up, overhead, or profit shall be applied to that premium.

**15. Maximum Discount (if any):**  
 In determining the computed maximum list price the manufacturer shall include the maximum discount rate which he applied on the base date in the sale of similar products to any class of purchaser.

**16. Computed Maximum List Price (per unit):**  
 The sum of items 10 to 15, inclusive.

**17. Proposed New List Price (per unit):**  
 The proposed new list price must not exceed the computed maximum list price (item 16).

APPENDIX C

OPA FORM 694-2168  
(REV. 4-45)

Approval Waived by Budget Bureau

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES

Under Revised Maximum Price Regulation 136 or Maximum Price Regulation 82

Name of company	
Address—Number and street	
City and State	
Phone number	Date

GENERAL INSTRUCTIONS

This application should be filled out in duplicate. Schedules A and B call for information of a general nature relating to the company as a whole. Schedule C relates to an individual product for which a price increase is requested. In preparing the application please consider that the form is intended to cover a wide variety of products. Therefore, you may find that some of the questions do not apply to your product. Moreover, you may find that some point that is important in your case is not covered in the form. Adapt the form if this can be done or state the information on a separate sheet if that will be clearer. If any difficulty is experienced in completing this form,

you may take it to the nearest OPA District Office for assistance in its preparation. NOTE: A manufacturer should not use this form for a product which has been substantially modified since the base date of the regulation, unless he has first obtained approval of a maximum price under Section 8 of RMPR 136 (or MPR 82, section 9, for wire and cable). The following facts are furnished to the Office of Price Administration in support of this application.

SCHEDULE A

<p>1 General description of the company's business</p>	<p>4 Explain why you are requesting a price increase. (If more space is needed continue on back of this form.)</p>
<p>2 Designate and describe products for which price increase is requested. (If more space is needed continue on back of this form.)</p>	<p>5 If applicant has filed any other application(s) for price adjustment with the Office of Price Administration within the past year give OPA docket number(s) of application(s).</p>
<p>3 If resellers are used in distributing the product(s) to final users, explain fully the method(s) of distribution on the back of this form.</p>	<p>Docket number(s)</p>

SCHEDULE B

IMPORTANT: If you have submitted any of the following information on Office of Price Administration financial report forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, the financial data should be submitted for the parent corporation.

<p>1 Submit balance sheets and profit and loss statements for your last fiscal year, your most recent accounting period, and the base date year (1941, 1942, or 1943) established by the regulation for the product(s) for which you are requesting a price increase. NOTE: Each profit and loss statement must show separately direct labor, direct material, other factory expense, administrative expense, selling expense, and officers' salaries, including the number of officers. In addition, "other factory expense," administrative expense, and selling expense must be further broken down in the manner in which such breakdowns are customarily prepared for your own use.</p>	
<p>2 Submit balance sheets and profit and loss statements on OPA Form A, annual financial report, or your own prepared statements for the years 1936-1940. The filing of these data is optional, provided reports are available from the Bureau of Internal Revenue. Should the applicant prefer, this information will be requested by the Office of Price Administration directly from the Bureau of Internal Revenue. If your own prepared statements are presented the profit and loss statement should contain as a minimum the following items: Net sales, cost of goods sold broken down into direct labor, direct materials, other factory expense, administrative expense, selling expense, net operating profit and net profit before taxes.</p>	
<p>3 If this price application is based upon a wage application filed with the War Labor Board, submit here an estimate of the monthly dollar increase in direct and indirect labor costs which you anticipate as a result of the proposed wage increase. Monthly dollar increase in direct labor \$..... Monthly dollar increase in indirect labor \$.....</p>	

SCHEDULE C

NOTE: The information called for in this schedule relates to an individual product for which a price increase is requested. If more than one product is involved, fill out a separate sheet for each product or for each representative product(s) of a group which reflect the average cost-price relationship of the group.

1 DESIGNATION OF PRODUCT (or group of products, if this schedule relates to a representative product)		
2 Is this product (or group of products) being produced under a war contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If the answer is "Yes," give the percentage of total sales of the product (or group of products) currently being sold under war contract.		
If the answer is "No," list below names and addresses of principal competitors and their prices (if such prices are available)		
Competitor	Address	Competitor's price

SCHEDULE C—Continued

3 SALES DATA				
a	Period	Net sales of product		Dollar sales of group of products (when data refer to representative product)
		Units sold	Dollar volume of sales	
	Base date year		\$	\$
	Last full fiscal year		\$	\$
	Current year months ending: 194__		\$	\$
b	Dollar volume of unfilled orders			\$
	Anticipated dollar volume of new orders for the next:	3 months		\$
		6 months		\$
12 months			\$	

4 PRICE DATA			
Item	Price on base date of regulation	Current price	Requested price
Applicant's list price (check which) Gross price	\$	\$	\$
Less: Average discount (as determined in Item 5 below)	\$	\$	\$
Net realized price to applicant	\$	\$	\$

5 DISCOUNT DATA (Relating to recent representative period of not less than 3 months)		
Class of purchaser of product	Percentage of discount (or commission paid to agent or broker)	Dollar value of sales after discount for period ending: 194__
Sales to final users	%	\$
Sales to dealers	%	\$
Sales to jobbers	%	\$
Sales to others	%	\$
Sales to others	%	\$
Total sales	%	\$

6 UNIT COST DATA			
Instructions			
1. In presenting unit cost data be sure to include only costs actually incurred. In the case of a reseller, submit information only on the applicable items of cost. 2. Material cost must represent actual cost. State separately any charges added to the costs of materials. In the case of a reseller, direct material cost means the price at which the seller purchased the product. 3. Where standard costs are used, adjust costs for over-or-under absorption during the period to which the costs apply. 4. Under "Other expense" include only costs borne by the seller and not billed separately by the buyer.			
a	Item	Cost on base date 194__ (month)	Current costs
	Direct material	\$	\$
	Direct labor	\$	\$
	Factory overhead	\$	\$
	Administrative expense	\$	\$
	Selling expense (do not include discounts or commissions paid to agents or brokers)	\$	\$
	Other expense (specify)	\$	\$
	Total cost per unit	\$	\$
b	Indicate method used in allocating factory overhead (check one)		
	<input type="checkbox"/> Standard <input type="checkbox"/> Machine hours	<input type="checkbox"/> Actual <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Direct labor hours
Explain here if "Other," or combination of methods used.			
c	Explain on back of form any large increases in costs from the base date until the present time, substantiating with supporting data.		
d	Are your cost records tied in with your books of account?		<input type="checkbox"/> Yes <input type="checkbox"/> No

I certify that the facts submitted in this application are true and correct

Sign here \_\_\_\_\_ (Signature of officer) \_\_\_\_\_ (Title) \_\_\_\_\_ (Date)

APPENDIX D—BX OR ARMORED CABLE  
SCHEDULE OF MANUFACTURERS' PRICES TO JOBBERS  
(Net PRICE PER 1000 FEET Delivered to Jobbing Points. Shipments to other points made direct by factory are f. o. b. factory—One Order—One Destination)

SOLID WIRES—TWO CONDUCTORS					
Size	Feet per coil	Zone 1-A	Zone 1	Zone 2	Zone 3
14/2	250	\$30.60	\$31.70	\$33.90	\$36.40
14/2	100	31.20	32.30	34.50	37.10
14/2	50	31.80	32.90	35.10	37.60
14/2	25	33.00	34.10	36.30	38.80
14/2	15	33.60	34.70	36.90	39.40

SOLID WIRES—TWO CONDUCTORS					
Size	Feet per coil	Zone 1-A	Zone 1	Zone 2	Zone 3
12/2	250	\$39.10	\$40.40	\$42.90	\$45.70
12/2	100	39.60	40.90	43.50	46.20
12/2	50	40.30	41.60	44.10	46.90
12/2	25	41.40	42.70	45.20	48.00
12/2	15	42.90	44.20	46.80	49.50
10/2	250	58.20	59.70	62.70	66.00
8/2	150	96.60	99.20	104.60	110.60

APPENDIX D—Continued  
SOLID WIRES—THREE CONDUCTORS

Size	Feet per coil	Zone 1-A	Zone 1	Zone 2	Zone 3
14/3	250	\$41.40	\$42.70	\$45.30	\$48.20
14/3	100	42.00	43.30	46.00	48.80
14/3	50	42.60	43.90	46.50	49.40
14/3	25	43.80	45.10	47.70	50.60
14/3	15	45.30	46.60	49.30	52.10
12/3	250	52.90	54.50	57.60	61.30
10/3	250	73.80	75.70	79.30	83.40
8/3	150	125.70	128.90	135.20	142.30

SOLID WIRES—FOUR CONDUCTORS					
Size	Feet per coil	Zone 1-A	Zone 1	Zone 2	Zone 3
14/4	250	\$71.50	\$73.00	\$76.10	\$79.50
12/4	250	87.80	89.70	93.30	97.50
10/4	150	110.40	113.10	118.40	124.30

STRANDED WIRES—TWO CONDUCTORS					
Size	Feet per coil	Zone 1-A	Zone 1	Zone 2	Zone 3
8/2	150	\$100.30	\$103.00	\$108.40	\$114.30
6/2	100	138.40	141.50	147.60	154.60
4/2	100	218.20	222.00	229.50	237.90
2/2	100	233.30	238.30	248.10	259.20

APPENDIX D—Continued  
STRANDED WIRES—THREE CONDUCTORS

Size	Feet per coil	Zone 1-A	Zone 1	Zone 2	Zone 3
8/3	150	\$134.40	\$137.60	\$144.10	\$151.40
6/3	100	170.60	174.40	181.80	190.30
4/3	100	289.20	294.30	304.40	315.80
2/3	100	316.90	323.30	336.10	350.50

STRANDED WIRES—FOUR CONDUCTORS					
Size	Feet per coil	Zone 1-A	Zone 1	Zone 2	Zone 3
8/4	100	\$168.70	\$172.90	\$181.30	\$190.70
6/4	100	220.70	225.30	234.50	244.90
4/4	100	322.30	328.60	341.20	355.30

SOLID WIRES—SINGLE CONDUCTOR					
Size	Feet per coil	Zone 1-A	Zone 1	Zone 2	Zone 3
8/1	250	\$42.50	\$43.70	\$46.00	\$48.00
6/1	250	54.90	56.30	59.10	62.30
8/1	250	32.40	33.70	35.40	37.10
6/1	250	67.10	68.60	71.80	75.30
4/1	250	115.20	117.20	121.10	125.60
2/1	250	134.20	136.70	141.60	147.10
1/1	100	162.00	165.80	173.30	181.60

APPENDIX D—Continued  
ARMORED LAMP CORD  
PLAIN TWISTED CONDUCTORS

Size	Feet per coil	Zone 1-A	Zone 1	Zone 2	Zone 3
18/2.....	250	\$40.00	\$40.90	\$42.70	\$44.70
16/2.....	250	45.90	46.80	48.60	50.80
14/2.....	250	60.00	61.20	63.60	66.20

ARMORED LEADED CABLE  
SOLID WIRES—TWO CONDUCTORS

14/2.....	250	\$62.40	\$64.40	\$68.30	\$72.70
12/2.....	150	62.40	64.40	68.30	72.70
12/2.....	150	75.90	78.00	82.30	87.00
10/2.....	100	93.60	96.80	102.40	109.10

STRANDED WIRES—TWO CONDUCTORS

8/2.....	100	\$153.00	\$157.50	\$166.40	\$170.60
6/2.....	100	190.90	196.40	207.20	219.50

SOLID WIRES—THREE CONDUCTORS

14/3.....	150	\$87.30	\$89.50	\$94.10	\$99.00
12/3.....	150	106.20	109.60	116.30	123.80
10/3.....	100	128.30	131.80	138.90	147.00

STRANDED WIRES—THREE CONDUCTORS

8/3.....	100	\$212.60	\$218.60	\$230.60	\$244.10
6/3.....	100	266.20	272.70	285.80	300.40
4/3.....	100	339.60	351.70	375.80	402.80

ARMORED LEADED CABLE

STRANDED WIRES—FOUR CONDUCTORS

14/4.....	150	\$147.80	\$150.40	\$155.60	\$161.40
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BARE ARMORED GROUND WIRE  
SOLID

8/1.....	250	\$32.12	\$32.90	\$34.00	\$35.53
6/1.....	250	42.24	43.34	45.10	47.10
4/1.....	250	60.30	61.71	64.02	66.90

STRANDED

8/1.....	250	\$35.20	36.00	\$37.20	\$38.94
6/1.....	250	46.20	47.41	49.10	51.20
4/1.....	250	67.32	68.80	71.10	73.81

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

This regulation shall become effective October 29, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19591; Filed, Oct. 23, 1945; 11:34 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 19]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

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.

Section 19 (f) of Revised Maximum Price Regulation 136 is revised and amended to read as follows:

(f) *Buff and polishing wheels*—(1) *Maximum prices.* The maximum prices for sales of buff and polishing wheels (except those covered by Maximum Price Regulation 316) shall be determined by increasing by 9% the maximum net price which the seller (manufacturer or reseller) had in effect to a purchaser of the same class on March 31, 1942, plus the additional amount determined pursuant to the following subdivisions (i) and (ii), whichever is applicable.

(i) *Manufacturers of buff and polishing wheels who buy cotton textiles.* The amount to be added by any manufacturer who buys the cotton textiles listed in the table below from which he makes buff and polishing wheels, shall be the dollar-and-cents amounts by which his costs of the respective cotton textiles which are comprised in such buff and polishing wheels have been increased as the result of the following provisions of Supplementary Order 131:

Supplementary Order 131  
(Section and paragraph)  
Commodity:  
Sheeting yarn fab- Section 4, paragraph rics. (f).  
Print cloth fabrics. Section 4, paragraph (p).  
Flannels Section 4, paragraph (w).  
Ducks (in the Such action as may be taken in any amendment to Supplementary Order 131. grey).

(ii) *Resellers.* The amount to be added by a reseller to his maximum price for the sale of any buff and polishing wheel shall be the dollars-and-cents amount by which his supplier's maximum price to him has been increased pursuant to this subparagraph (1). If the reseller's supplier has notified him of the amount of that increase in accordance with the next paragraph (2), and if the reseller has no reason to doubt the validity of the notification, the amount of which the seller has been so notified shall be deemed to be the proper amount to be added under this subdivision (ii).

(2) *Notification by sellers to purchasers for resale.* Every seller of buff and polishing wheels made of cotton textiles listed in subdivision (i), who sells such items to purchasers who buy for the purpose of resale, shall notify every such purchaser in writing of the amount by which the maximum price to the purchaser has been increased on each such item.

(3) *Reports; price lists and discount sheets.* Not later than December 1, 1945, every manufacturer or reseller of buff and polishing wheels made of cotton textiles listed in subdivision (i) above, who is affected by this paragraph (f) shall file with the Machinery Branch, Office of Price Administration, Washington, D. C., the maximum prices that were in effect just prior to October 23, 1945, and after recomputing his maximum prices as established by this section on October 23, 1945, shall file such new maximum prices with the Machinery Branch,

Office of Price Administration, Washington, D. C.

This amendment shall become effective October 23, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19592; Filed, Oct. 23, 1945; 11:34 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 478, Amdt. 8]

COATED AND COMBINED FABRICS

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 2 (b) of Maximum Price Regulation 478 is amended by adding subparagraph (3) to read as follows:

(3) *Japanning of pyroxylin or otherwise base coated fabrics to produce artificial patent leather.*

This amendment shall become effective October 29, 1945.

Issued this 23d of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19597; Filed, Oct. 23, 1945; 11:36 a. m.]

PART 1400—TEXTILE FABRIC: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 478, Amdt. 9]

COATED AND COMBINED FABRICS

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 478 is amended in the following respects:

1. Section 7 (c) of Maximum Price Regulation 478 is amended by adding subparagraph (3) to read as follows:

(3) *Alternative base price for certain fabrics.* For those rubber, pyroxylin or oil coated or combined fabric whose base period is March 1942 and which were also delivered or offered for delivery during October 1941, the manufacturer may use either the base price determined in accordance with subparagraphs (1) and (2) of this paragraph (c) or the base price determined in accordance with subparagraphs (1) (i), (ii) and (iii) and (2) above, excepting that the phrase, "October 1941", shall be substituted for the phrase, "base period", and increased by the following percentages:

	Percent
Rubber coated and combined fabrics.....	10
Pyroxylin coated and combined fabrics.....	12
Oil coated fabrics.....	15

2. Section 7 of Maximum Price Regulation 478 is amended by adding paragraph (g) to read as follows:

(g) *Alternative maximum prices for certain fabrics.* Notwithstanding any other provision of this section, for those rubber, pyroxylin or oil coated or combined fabrics whose base period is March 1942, and which were not delivered or offered for delivery by the manufacturer during October 1941, the manufacturer may use the maximum price computed in accordance with section 7 (b) or the maximum price determined as follows:

(1) Select a comparable fabric in accordance with section 8 (e) except that the fabric must have been delivered or offered for delivery during October 1941 as well as during March 1942.

(2) This comparable fabric has alternative maximum prices.

(i) One established by using a base price in effect during March 1942 (paragraph (c) (1) or (2)) and

(ii) A second established by using a base price in effect during October 1941, adjusted by certain percentages (paragraph (c) (3)). Establish these two maximum prices.

(3) Divide the maximum price reached under (2) (ii) above by that reached under (2) (i) above.

(4) Multiply the maximum price (determined in accordance with section 7 (b)) of the fabric being priced under this paragraph by the percentage determined in (3) above. The resulting figure is the alternative maximum price.

This amendment shall become effective October 29, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19598; Filed, Oct. 23, 1945; 11:36 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 15, Amdt. 4]

RICE RESTRICTION ORDER FOR PUERTO RICO

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

Restriction Order 15 is amended in the following respects:

1. Section 1.1 (b) is amended to read as follows:

(b) No retailer shall transfer or offer to transfer rice to any customer and no customer shall accept a transfer of rice from any retailer of more than  $\frac{1}{10}$  (40%) of the average weekly transfers of rice made to that customer during the period comprised from January 15, 1945, to March 17, 1945; *Provided:* That such transfer made by a retailer to a consumer shall not exceed one and one-fourth ( $1\frac{1}{4}$ ) pounds of rice a week per person. A customer may act as an agent of a family or other unit in the purchase of a quantity of rice not to exceed the allotment for all members of such unit who customarily eat the majority of the meals as member of such unit.

2. Sections 1.2 (d) and (e) are revoked.

<sup>1</sup> 10 F.R. 3815, 5908.

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

Issued this 23d day of October 1945.

SAM GILSTRAP,  
Territorial Director  
for Puerto Rico.

Approved:

JAMES P. DAVIS,  
Regional Administrator,  
Region IX.

[F. R. Doc. 45-19601; Filed, Oct. 23, 1945; 11:37 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS  
[2d Rev. MPR 183, Amdt. 12]

MISCELLANEOUS COMMODITIES IN PUERTO RICO

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 183 is amended in the following respects:

1. In section 2.6 a new size for "galvanized corrugated" steel sheets is added to read as follows:

Description of item	Size	U. S. S. G. or G. S. G. No.	Price at wholesale (per hundred lbs.)	Price at retail (per hundred lbs.)
Galvanized corrugated.....	26 x 112.....	25	\$6.00	\$8.25

2. In section 2.7 (c) a new item is added to read as follows:

Description of item	Price at wholesale (per dozen)	Retail price (per unit)
KsL (pick mattock); weight 5 lbs.	\$12.85	\$1.50

3. In section 4.4 the price of item numbered 50, under the column heading "To wholesaler," is deleted, and the prices for one item are revised to read as follows:

Commodity	Case of—	Price at wholesale	Price at retail (per unit)
29. Farina: Pillsbury.....	18/13/4#.....	\$3.75	\$0.25

4. In section 4.9 (e) the price for "Processed Cheddar and Cheddar Type" cheese under the column heading "Price to wholesaler" is deleted.

5. In section 4.9 (g) footnote 1 is amended to read as follows:

<sup>1</sup> No person may sell breeding poultry at prices higher than those fixed for live poultry unless such prices have been authorized by order of the Director.

<sup>1</sup> 10 F.R. 7635, 8933, 9223, 9227, 10224, 10976, 11666, 11811, 12555.

6. In section 4.10 (a) the column heading "Price to wholesaler" and the prices thereunder are deleted.

7. In section 4.11 (a), "Gulf food products, dried" under the heading "Shrimps" is deleted, and the wholesale price of one item is revised to read as follows:

Item and brand name	Case of—	Price at whole sale	Price at retail
Shrimps: Three Star, dried.	50-lb. wood-en container.	\$27.40	Lb. \$0.68

8. In section 4.11 (b) the column heading "Price to wholesaler" and the prices thereunder are deleted.

9. In section 4.14 (a) a new item under the heading "Cherries" is added to read as follows:

Item and brand name	Case of—	Price at whole sale	Price at retail (per unit)
Cherries: Sanitarium: Royal Anne, unsweetened.	24 No. 2 can.	\$8.55	\$0.47

10. In section 4.14 (a) the item "Sanitarium: Unsweetened" under the heading "Figs" is changed to read "Sanitarium: Kodota Unsweetened," the retail price thereof revised, and the retail prices of other items revised to read as follows:

Item and brand name	Case of—	Price at whole-sale	Price at retail (per unit)
Figs: Sanitarium: Kodota, unsweetened.	24 No. 2 can.	\$6.90	\$0.38
Fruit Cocktail: Sanitarium; unsweetened.....	do.....	7.00	.39
Peaches: Sanitarium: Unsweetened (halves).....	do.....	6.00	.33
Unsweetened (sliced).....	do.....	6.00	.33
Pears: Sanitarium: Bartlett, unsweetened (halves).	do.....	7.00	.39

11. In section 4.22 (a) the prices of one item are revised to read as follows:

Item and brand name	Case of—	Price at whole-sale	Retail price (per unit)
Tomato Catsup: Gibbs.	2 $\frac{1}{4}$ oz. glass...	\$4.05	\$0.21

12. In section 4.23 the item "Justice" under the heading "Spaghetti" is deleted, and the wholesale price of one item is revised to read as follows:

Item and brand name	Case of—	Price to whole-saler	Price at whole-sale	Price at retail (per unit)
Spaghetti: Prince Tufoli.	20/16 oz. pkg. ....	.....	\$2.70	\$0.17

13. In section 12.9 a new item is added to read as follows:

Item and brand name	Size	Price at wholesale	Price at retail
Sandura: Sandura, Inc.	6 x 9.....	Each \$3.25	Each \$4.35
	7½ x 9.....	4.00	5.40
	9 x 10½.....	5.40	7.25
	9 x 12.....	6.00	8.10

This amendment shall become effective as of October 29, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19595; Filed, Oct. 23, 1945; 11:35 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Supp. Service Reg. 63]

APPLICATION OF CERTAIN LEATHER FINISHES TO BASE COATED FABRICS

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

§ 1499.705 Application of certain leather finishes to base coated fabrics—  
(a) *Maximum prices for the application of leather finishes.* The maximum prices established by Revised Maximum Price Regulation No. 165, for the services of applying certain finishes to base coated fabrics to simulate leather are hereby modified and henceforth shall be the prices set forth in Appendix A.

(b) *Definitions.* As used in this supplementary service regulation the terms:

(1) "Base coated fabric" means any fabric coated with a nitro-cellulose solution or other comparable type of base coating;

(2) "Spraying to change base color" means the service of spraying the base coated fabric with a colored nitro-cellulose lacquer to produce a desired shade, e. g. matching leather for use as a trimming or obtaining a particular color for style purposes when the exact shade cannot be obtained in the process of coating the fabric;

(3) "Stencilling" means the service of spraying a lacquer over a stencil to produce such effects as artificial reptile markings, etc.;

(4) "Topping" means the service of applying colored lacquers to produce two tone effects or the service of applying clear lacquer to produce a high glaze effect;

(5) "Embossing" means the service of impressing a design on the fabric to produce a leather effect.

(c) *Notice requirements.* Within 30 days after the effective date of this supplementary service regulation, every supplier or seller of the services described in Appendix A shall notify each of its customers in writing of the maximum prices established herein.

(d) *Invoices.* Every supplier or seller of a service described in Appendix A must state in the invoice or bill accompanying

each sale the items of service supplied described in the terms used in this supplementary service regulation.

(e) *Elimination of individual adjustments.* On and after the effective date of this supplementary service regulation the provisions of section 16 (a) of Revised Maximum Price Regulation No. 165 shall no longer be available to suppliers or sellers covered by this regulation.

(f) *Less than maximum prices.* Lower prices than those established by this supplementary service regulation may be charged, demanded, paid, or offered.

(g) *Other services supplied in the application of leather finishes.* Services, not listed in Appendix A, of applying leather finishes to base coated fabrics shall be governed by Revised Maximum Price Regulation No. 165.

APPENDIX A—MAXIMUM PRICES

(1) *Rolls.* The maximum prices for the following services of applying finishes to simulate leather to rolls of base coated fabrics shall be as follows:

Service	Maximum price per linear yard (width)			
	26-30"	Over 30" but not exceeding 40"	Over 40" but not exceeding 48"	Over 48"
Spraying to change base color.....	\$0.17	\$0.19	\$0.24	\$0.28
Stencilling.....	.16	.18	.23	.25
Topping.....	.17	.19	.24	.28
Embossing.....	.05	.05	.05	.06

(2) *Cut sheets.* The maximum prices for the following services of applying finishes to simulate leather to cut sheets of base coated fabrics shall be as follows:

Service:	Maximum price per square foot
Cutting, scouring top of base coating and measuring.....	\$0.0073
Spraying to change base color.....	.0211
Topping.....	.0211
Embossing.....	.0055

This regulation shall become effective October 29, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19599; Filed, Oct. 23, 1945; 11:35 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Supp. Service Reg. 64]

ARTIFICIAL PATENT LEATHER

A statement of the considerations involved in the issuance of this Supplementary Service Regulation No. 64, issued simultaneously herewith, has been filed with the Division of the Federal Register.

§ 1499.704 *Japanning of pyroxylin or otherwise base coated fabrics to produce artificial patent leather.* (a) The maximum prices established by Revised Maximum Price Regulation 165 for japan-

<sup>1</sup> A "cut sheet" may not measure more than 24 square feet in area. A piece of base coated fabric measuring more than 24 square feet shall be considered to be a "roll".

ning of pyroxylin or otherwise base coated fabrics to produce artificial patent leather are modified and henceforth shall be as follows:

*Japanning of Pyroxylin or Otherwise Base Coated Fabrics to Produce Artificial Patent Leather*

Color:	Maximum price, per square foot
Black.....	\$0.075
Brown.....	.085
Pastels and white.....	.105
Metallic.....	.125
All other colors.....	.095

(b) Lower prices than those established by the regulation may be charged.

(c) The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

This Supplementary Service Regulation shall become effective October 29, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19600; Filed, Oct. 23, 1945; 11:35 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 25—CONTRACT SETTLEMENT ACT

AMENDMENT OF JOINT TERMINATION REGULATION

CROSS REFERENCE: For amendments and additions to the Joint Termination Regulation issued by the Secretary of War and Secretary of the Navy and filed with the Division of the Federal Register August 21, 1945 (10 F.R. 10793), see Title 10, Chapter VIII, *supra*.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels.

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—TRANSPORTATION OF MILITARY EXPLOSIVES ON BOARD VESSELS DURING PRESENT EMERGENCY

Correction

In Federal Register Document 45-16593, appearing at page 11589 of the issue for Tuesday, September 11, 1945, the paragraph in § 146.29-14 on page 11592 which begins "(g) Class 'C,' tear gas" should be headed "(3) Class 'C,' tear gas."

In § 146.29-16 (a) on page 11593 the seventh line should read "the vessel from shifting cargo caused by."

In § 146.29-44 (d) on page 11597 the third class of ammunition referred to in the second line of the paragraph should be designated "VI."

### Notices

#### CIVIL AERONAUTICS BOARD.

[Docket No. 2030]

#### AIR CARRIER SERVICES AT CLARKSBURG AND MORGANTOWN, W. VA.

##### NOTICE OF HEARING

In the matter of the suspension of service at Clarksburg, West Virginia and Morgantown, West Virginia by certain air carriers.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (k), 404 (a), 404 (b), 1001 and 1002 (b) of said Act, that a hearing in the above-entitled proceeding is assigned to be held on October 25, 1945, at 10:00 o'clock a. m., in Room 43, Smithsonian Institution, 10th Street and Constitution Avenue, N. W., Washington, D. C., before Examiners William J. Madden and Frank J. Trelease, Jr.

Dated Washington, D. C., October 23, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,  
Secretary.

[R. R. Doc. 45-19606; Filed, Oct. 23, 1945; 12:03 p. m.]

#### INTERSTATE COMMERCE COMMISSION.

[S. O. 358]

#### UNLOADING OF CLOTHING AT NORFOLK, VA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22nd day of October, A. D. 1945.

It appearing, that 10 cars of clothing and 2 cars of wool at Norfolk, Virginia, on the Norfolk and Western Railway Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission in an emergency exists requiring immediate action, it is ordered, that:

*Clothing and wool at Norfolk, Virginia be unloaded.* (a) The Norfolk and Western Railway Company, its agents or employees shall unload forthwith the following cars on hand at Norfolk, Virginia, consigned to U.N.R.R.A. for export:

C&O	9842	PRR	80652
ALTON	51022	NP	22249
PRR	93571	CB&Q	96212
BAE	65022	NP	9836
IGN	6326	CNJ	19170
ATSP	144599	NP	20475

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads have been completely unloaded in compliance with the requirements of paragraph (a). Upon the unloading and receipt of such notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Norfolk and Western Railway Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 45-19587; Filed, Oct. 23, 1945; 10:33 a. m.]

#### OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 94]

##### BRIGGS TRANSFER CO.

#### POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Briggs Transfer Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Briggs Transfer Company, Whitehall, Wisconsin, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 23, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 94."

Issued at Washington, D. C., this 22d day of October, 1945.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 45-19556; Filed, Oct. 22, 1945; 3:43 p. m.]

[Notice and Order of Termination 95]

##### MOLAND BROS. TRUCKING CO.

#### POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that

possession and control of the motor carrier transportation system of Moland Bros. Trucking Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Howard Moland, Clarence Moland, Lothard Moland, and H. T. Moland, doing business as Moland Bros. Trucking Company, 231 Commerce Street, Duluth, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 23, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 95."

Issued at Washington, D. C., this 22d day of October 1945.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 45-19557; Filed, Oct. 22, 1945; 3:43 p. m.]

[Notice and Order of Termination 96]

##### BOS FREIGHT LINES, INC.

#### POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Bos Freight Lines, Incorporated, by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Bos Freight Lines, Incorporated, 205 South 3rd Street, Marshalltown, Iowa, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 23, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 96."

Issued at Washington, D. C., this 22d day of October 1945.

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

[F. R. Doc. 45-19558; Filed, Oct. 22, 1945;  
3:43 p. m.]

[Notice and Order of Termination 97]

WATSON BROS. TRANSPORTATION CO., INC.  
POSSESSION, CONTROL AND OPERATION OF  
MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Watson Bros. Transportation Co., Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Watson Bros. Transportation Co., Inc., 802 South 14th Street, Omaha, Nebraska, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 23, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 97."

Issued at Washington, D. C., this 22d day of October, 1945.

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

[F. R. Doc. 45-19559; Filed, Oct. 22, 1945;  
3:43 p. m.]

[Notice and Order of Termination 98]

HART MOTOR EXPRESS

POSSESSION, CONTROL AND OPERATION OF  
MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Hart Motor Express by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of George Hart, doing business as Hart Motor Express, 2600 University Avenue, S. E., Minneapolis, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the

Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 23, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 98."

Issued at Washington, D. C., this 22d day of October 1945.

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

[F. R. Doc. 45-19560; Filed, Oct. 22, 1945;  
3:43 p. m.]

[Notice and Order of Termination 99]

DAKOTA TRANSFER & STORAGE CO.

POSSESSION, CONTROL AND OPERATION OF  
MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Dakota Transfer & Storage Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Dakota Transfer & Storage Company, 18 2d Street, N. E., Minot, North Dakota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 23, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 99."

Issued at Washington, D. C., this 22d day of October 1945.

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

[F. R. Doc. 45-19561; Filed, Oct. 22, 1945;  
3:43 p. m.]

[Notice and Order of Termination 100]

THIEL TRUCK SERVICE

POSSESSION, CONTROL AND OPERATION OF  
MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Thiel Truck Service by the United States is no longer

necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Robert J. Thiel, doing business as Thiel Truck Service, 1109 Pacific Avenue, Benson, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 23, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 100."

Issued at Washington, D. C., this 22d day of October 1945.

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

[F. R. Doc. 45-19562; Filed, Oct. 22, 1945;  
3:44 p. m.]

[Notice and Order of Termination 101]

GLENDENNING MOTORWAYS, INC.

POSSESSION, CONTROL AND OPERATION OF  
MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Glendenning Motorways, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Glendenning Motorways, Inc., 2400 University Avenue, St. Paul, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 a. m., October 23, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 101."

Issued at Washington, D. C., this 22d day of October 1945.

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

[F. R. Doc. 45-19563; Filed, Oct. 22, 1945;  
3:44 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[SR 15, Order 54]

LANCASTER SHOE CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 54 under § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation. Lancaster Shoe Company; Docket No. 6064-SR 15.75 (a) (10)-46.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, it is ordered:

(a) Maximum prices for sales of footwear by Lancaster Shoe Company. On and after October 20, 1945, the maximum prices at which Lancaster Shoe Company, Elizabethtown, Pa., may sell and deliver the footwear specified below shall be as follows:

Description	Size run	Adjusted maximum price per pair <sup>1</sup>			
		Sales to whole-salers (net)	Sales to department stores (less 5% 30 days)	Sales to chain stores (net)	Sales to all other retailers (less 5% 30 days)
Infants' plain toe boot and oxford.....	2½-6	\$1.36½	\$1.68	\$1.50	\$1.68
Infants' genuine buckskin plain toe boot and oxford.....	2½-6	1.68	1.94	1.73	1.94
Infants' plain toe boot, oxford and strap.....	6½-8	1.68	1.94	1.76	1.94
Infants' genuine buckskin plain toe boot, oxford and strap.....	6½-8	1.94	2.21	1.99½	2.21
Children's plain toe and tip oxford.....	8½-12	2.05	2.36	2.10	2.21
Children's genuine buckskin plain toe and tip oxford.....	8½-12	2.36	2.52	2.26	2.52
Misses' plain toe and tip oxford.....	12½-3	2.29	2.63	2.42	2.47
Misses' genuine buckskin plain toe and tip oxford.....	12½-3	2.47	2.89	2.46½	2.89
Growing girls' plain toe and tip oxford.....	3½-10	2.47	3.05	2.99½	3.05
Children's moccasin type oxford.....	8½-12	2.05	2.36	2.10	2.21
Misses' moccasin type oxford.....	12½-3	2.29	2.63	2.42	2.47
Growing girls' moccasin type oxford.....	3½-10	2.47	3.05	2.99½	3.05
Children's saddle type oxford.....	8½-12	2.05	2.36	2.10	2.21
Misses' saddle type oxford.....	12½-3	2.29	2.63	2.42	2.47
Growing girls' saddle type oxford.....	3½-10	2.47	3.05	2.84	3.05
Misses' loafer type oxford.....	12½-3	2.29	2.63	2.42	2.47
Growing girls' loafer type oxford.....	3½-10	2.47	3.05	2.84	3.05
Children's Wales type oxford.....	8½-12	2.05	2.36	2.10	2.21
Misses' Wales type oxford.....	12½-3	2.29	2.63	2.42	2.47
Growing girls' Wales type oxford.....	3½-10	2.47	3.05	2.99½	3.05
Children's center buckle and side buckle strap and pump.....	8½-12	2.05	2.36	2.10	2.21
Children's genuine buckskin center buckle and side buckle strap and pump.....	8½-12	2.36	2.52	2.26	2.52
Misses' center buckle and side buckle strap and pump.....	12½-3	2.29	2.63	2.42	2.47
Misses' genuine buckskin center buckle and side buckle strap and pump.....	12½-3	2.47	2.89	2.45½	2.89
Growing girls' center buckle and side buckle strap and pump.....	3½-10	2.47	3.05	2.99½	3.05

<sup>1</sup> These adjusted maximum prices apply only to footwear made with sheepskin quarter linings. The adjusted maximum prices for the styles listed above made with kid quarter linings shall be the adjusted maximum prices listed above increased as follows:

Sizes:	Increase per pair
2½-12	\$.10
12½-3	.12
3½-9	.15

(b) Adjustment of certain maximum prices for sales at wholesale. The maximum price for a sale at wholesale of any shoe listed in paragraph (a), above, shall be the wholesaler's maximum price previously established under the General Maximum Price Regulation increased by 5%. A wholesaler who has not previously established a maximum price under the General Maximum Price Regulation may increase his maximum price otherwise determined under § 1499.2 of the General Maximum Price Regulation by an amount equal to 5% of that price.

(c) Adjustment of certain maximum prices for sales at retail subject to the General Maximum Price Regulation. The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price previously established under the General Maximum Price Regulation increased by 5%. A retailer who has not previously established a maximum price therefor under the General Maximum Price Regulation may increase his maximum price otherwise determined under § 1499.2 of the General Maximum Price Regulation by an amount equal to 5% of that price.

(d) Notification to resellers. At the time of (or prior to) the first delivery of any shoe listed in paragraph (a),

above, to a purchaser for resale on and after the effective date of this order at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the applicable method established by paragraph (b) or (c), above, for determining maximum prices for resale of the footwear. This notice may be given in any convenient form.

(e) All requests not specifically granted by this order are hereby denied.

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

This order shall become effective October 20, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19454; Filed, Oct. 19, 1945; 4:44 p. m.]

[MPR 64, Order 196]

EDISON GENERAL ELECTRIC APPLIANCE 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 sections 3 and 11 of Maximum Price Regulation No. 64; it is ordered:

(a) This order establishes maximum prices for sales of the electric ranges, Models No. RB8, No. RB15, No. RB17, and No. RC8, manufactured by the Edison General Electric Appliance Co., Inc., 5600 West Taylor St., Chicago 44, Ill., as follows:

(1) For sales by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax, are those set forth below:

Model	Maximum price for sales by wholesale distributors to retail dealers—	
	In quantities of 1 to 4	In quantities of 5 or more
RB8.....	Each \$72.64	Each \$67.92
RB15.....	79.89	75.81
RB17.....	121.32	110.02
RC8.....	166.87	151.34

These prices are f. o. b. seller's city. When, however, shipment is made directly from the factory to the retail dealer pursuant to the wholesale distributor's order, the above prices are f. o. b. the retail dealer's place of business.

(2) For sales by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any local sales tax are those set forth below:

Maximum Prices for Sales to Ultimate Consumers by Retail Dealers

Model:	Each
RB8.....	\$106.25
RB15.....	116.95
RB17.....	177.75
RC8.....	244.50

These maximum prices include delivery, a one year warranty, and installation where the installation requires only that the range be connected to the electric facilities provided by the purchaser and such connection does not require any additional materials. If a range cord set (customarily referred to in the industry as a "pigtail") is required and is furnished by the retail dealer, he may add \$3.50 to the above OPA retail ceiling price. In all other respects these maximum 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 Edison General Electric Appliance Company Inc., 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 Edison General Electric Appliance Co. Inc., before shipping any range covered by this order to a purchaser for resale, shall attach securely to the outside panel of the oven door of each range a label which contains all the following information:

1. The model number of the range.
2. Its OPA retail ceiling price.
3. A statement that the ceiling price shown includes the Federal excise tax, delivery, a one year warranty and installation where the installation requires only that the range be connected to the electric facilities provided by the purchaser and such connection does not require any additional materials.
4. A statement that if the installation requires the use of a range cord set (customarily referred to in the industry as a "pigtail") and such a set is furnished by the retail dealer, he may add \$3.50 to the OPA retail ceiling price of the range.

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

(e) This order shall become effective on the 20th day of October 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19455; Filed, Oct. 19, 1945; 4:41 p. m.]

[MPR 64, Order 197]

ELECTROMASTER, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herein and filed with the Division of the Federal Register and pursuant to sections 7 and 11 of Maximum Price Regulation No. 64, it is ordered:

(a) *Maximum prices.* This order establishes maximum prices for sales of the Models No. 15-1S and No. T-41-1 electric ranges manufactured by Electromaster, Inc., Detroit, Michigan, as follows:

(1) For sales in each zone by wholesale distributors to retail dealers, the maximum prices including the Federal excise tax are those set forth below:

Model	Quantity	Maximum prices for sales to retail dealers—			
		Zone 1	Zone 2	Zone 3	Zone 4
15-1S	1 to 4	\$106.55	\$108.58	\$110.30	\$112.33
	5 or more	102.61	104.56	106.20	108.16
T-41-1	1 to 4	71.52	72.61	73.71	74.77
	5 or more	68.87	70.07	70.97	72.02

These prices are f. o. b. the seller's city and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices including the Federal excise tax but not including any local sales taxes are those set forth below:

Model	Maximum prices for sales to ultimate consumers—				
	Zone 1	Zone 2	Zone 3	Zone 4	
15-1S	Each	\$169.25	\$172.50	\$175.25	\$178.50
	T-41-1	114.75	116.50	118.25	119.95

These prices include delivery, a one year warranty, and installation where such installation requires the provisions of no materials other than a range cord set (customarily referred to in the industry as a "pigtail") and its connection to the electric outlet provided by the purchaser. If the retail dealer does not furnish a range cord set, either because it is not required or for any other reason, he must deduct \$3.50 from the retail ceiling price for the range as shown above. In all other respects these prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale the manufacturer 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) *Labelling.* The manufacturer prior to shipping any range covered by this order to a retail dealer shall cause to be affixed securely to the outside panel of the oven door of each range a label showing the name of the manufacturer, the model number of the range, its OPA retail ceiling price in each zone, and a list of the states included in each zone. The label shall also contain a statement that the retail price includes the the Federal excise tax, delivery, a one year warranty, and installation where such installation requires the provision of no material other than a range cord set (customarily referred to in the industry as a "pigtail") and its connection to the electric outlet provided by the purchaser. The label shall further state that if the retail dealer does not furnish a range cord set he must deduct \$3.50 from the retail ceiling price for the range. This label may not be removed until after the range has been sold to an ultimate consumer.

(d) *Zones.* For purposes of this order Zones 1, 2, 3, and 4 include the following:

- Zone 1. Michigan, Indiana and Ohio.
- Zone 2. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Wisconsin, Illinois, Minnesota, Iowa, Missouri and Arkansas.
- Zone 3. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Montana, Wyoming, Colorado, New Mexico, and Florida.
- Zone 4. Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California.

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

(f) This order shall become effective on the 20th day of October 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19456; Filed, Oct. 19, 1945; 4:41 p. m.]

[MPR 120, Order 1498]

HARNISH COAL MINE

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

(a) The coals of the Harnish Mine of Mike Tafoya, d. b. a. Harnish Coal Mine, Aguilar, Colorado, are hereby classified in Subdistrict No. 6 for rail-shippments.

(b) Hand-loaded coals produced by Mike Tafoya, d. b. a. Harnish Coal Mine, at his Harnish Mine, Mine Index No. 444, located in Las Animas County, Colorado, in Subdistrict No. 6 in District No. 17 may be purchased and sold for the indicated uses and movements at per net ton prices in cents per net ton not exceeding the following:

	Size group Nos.								
	1	2	3	4	5	6	7	8	9
All methods of shipment (except truck or wagon) and for all uses	\$5.10	\$5.00	\$4.90	\$4.90	\$4.60	\$4.60	\$4.40		\$4.20
Truck or wagon shipments	5.50	5.50	5.50	5.50	5.00	5.00	5.00	\$4.50	4.50

  

	Size group Nos.									
	10	11	12	13	14	15	16	17	18	19
All methods of shipment (except truck or wagon) and for all uses	\$3.95			\$2.95	\$2.80	\$2.75	\$2.55	\$4.05	\$4.05	\$3.70
Truck or wagon shipments	4.50	\$3.60	\$3.60	2.95	2.95	2.95	2.45	4.00	4.40	

RAILROAD LOCOMOTIVE FUEL

Size group Nos.			
10	13	17, 18	19
\$3.95	\$2.95	\$4.25	\$3.90

(c) The prices established herein are f. o. b. the mine or preparation plant for

truck or wagon shipments, and f. o. b. the rail or river shipping point for rail or river shipments and for railroad fuel, all uses.

(d) All prayers of the applicant not granted herein are hereby denied.

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

(f) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120, governing the sale of bituminous coal shall remain in effect.

(g) The price classifications assigned herein are permanent, but the maximum prices may be changed by order or amendment.

This order shall become effective October 20, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19457; Filed, Oct. 19, 1945;  
4:43 p. m.]

[RMPR 136, Amdt. 1 to Order 508]

CATERPILLAR TRACTOR CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 508 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Caterpillar Tractor Company; Docket No. 6083-136.21-507.

For the reasons stated in the 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:*

Order No. 508 under Revised Maximum Price Regulation 136 is amended by amending the phrase "for its sales of industrial and marine diesel engines and diesel electric sets", wherever such phrase appears, to read as follows: "for its sales of industrial and marine diesel engines, diesel electric sets, and repair and replacement parts for such engines and sets".

This amendment shall become effective October 10, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19462; Filed, Oct. 19, 1945;  
4:42 p. m.]

[RMPR 136, Order 518]

BUFF AND POLISHING WHEELS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 23 of Revised Maximum Price Regulation 136, it is ordered:

(a) (1) *Applicability.* This order applies to the sale of any buff and polishing wheels subject to Revised Maximum Price Regulation 136 for which the seller (manufacturer or reseller) had a maximum price in effect pursuant to sections 7 and 19 (f) of Revised Maximum Price Regulation 136.

(2) *Authorization to price adjustably.* Any seller (manufacturer or reseller) of a commodity to which paragraph (1) above applies is authorized, subject to

agreement with his buyer, to deliver such commodity at a price which may be adjusted upwards in accordance with the actions to be taken by the Office of Price Administration upon the request of the buff and polishing wheels industries for a change in the applicable maximum prices of these commodities: *Provided, however,* That any price stated in such agreement shall not exceed the dollar and cents amounts of the increases in costs of certain cotton textiles which are comprised in such buff and polishing wheels, by action of the Office of Price Administration in the issuance of Revised Supplementary Order 114 and Amendments to Supplementary Order 131.

This order shall become effective October 19, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19463; Filed, Oct. 19, 1945;  
4:41 p. m.]

[MPR 188, Order 4588]

UNITED GAS & ELECTRIC SUPPLY 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 United Gas & Electric Supply Company, 158 W. 23d Street, New York City.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	for sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Wooden juvenile lamp with parchment shade 15" height.....	JL	\$1.91	\$2.25	\$4.05
Fluorescent bed lamp flopped in various colors, equipped with ballast and "starter".....	BLF	4.25	5.00	9.00
Fluorescent bed lamp flopped in various colors, equipped with ballast and without "starter".....	FBL	3.83	4.50	8.10
Fluorescent desk lamp with cast white metal base and end plates, crinkled brown reflector and equipped with ballast 15" height.....	DCL-15	5.20	6.50	11.70

These maximum prices are for the articles described in the manufacturer's application dated May 18, 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 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 20th day of October 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19466; Filed, Oct. 19, 1945;  
4:43 p. m.]

[MPR 188, Order 4589]

ANNETTE LAMP MANUFACTURING 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 Annette Lamp Manufacturing Company, 130 Greene Street, New York 12, 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	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Crystal table lamp.....	805	\$4.68	\$5.50	\$9.90
Crystal table lamp combined with 2 crystal plumes.....	323	8.08	9.50	17.10
Glass and wood cone table lamp.....	122	5.24	6.17	11.10
Wood and crystal table lamps.....	145	5.24	6.17	11.10
Crystal and metal table lamp with 3 plume decoration.....	810	8.47	9.96	17.95
Glass table lamp with glass feather combination.....	809	8.08	9.50	17.10

These maximum prices are for the articles described in the manufacturer's application dated February 26, 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 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 20th day of October 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19467; Filed, Oct. 19, 1945; 4:43 p. m.]

[MPR 188, Order 4590]

GLOBE LAMP AND ELECTRIC 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 Globe Lamp & Electric Company, 320 Ashland Place, 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	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal and glass pin up lamp.....	63B	\$1.28	\$1.50	\$2.70
Metal back and arms, pin up lamp, oven baked.....	63	1.28	1.50	2.70
Ivory and bronze sprayed metal bed lamp.....	65	1.02	1.20	2.15
Pottery table lamp 25".....	10	2.97	3.50	6.30
Glass column and base, 5 1/2" wide 23 1/2" high.....	80	2.55	3.00	5.40
Glass back, metal arm pin up lamp.....	63G	1.28	1.50	2.70
Metal shell column metal base, polished, table lamp, 5" wide, 22 1/2" high.....	85	2.76	3.25	5.85
Glass stem and base portable lamps.....	51	1.19	1.40	2.52

These maximum prices are for the articles described in the manufacturer's application dated August 1, 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 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 prices for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 20th day of October 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19468; Filed, Oct. 19, 1945; 4:42 p. m.]

[MPR 188, Order 4591]

I. NEIDORF

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 I. Neidorf, 2217 Brooklyn Avenue, Los Angeles 33, 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	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Pottery lamp and shade.....	2217	\$5.82	\$6.85	\$12.35

These maximum prices are for the articles described in the manufacturer's application dated August 17, 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 sale 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 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number-----  
OPA Retail Ceiling Price--\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 20th day of October 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19469; Filed, Oct. 19, 1945;  
4:42 p. m.]

[MPR 260, Order 1919]  
HARRY E. HERMAN

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) Harry E. Herman, Windsor, York County, Pa. (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
Maidwell-----	Perfecto-----	50	Per M \$56	Cents 7
Sirvanna-----	do-----	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 October 20, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19470; Filed, Oct. 19, 1945;  
4:44 p. m.]

[MPR 336, Amdt. 1 to Order 2]

MARYSVILLE, DUNSMUIR, LAKE TAHOE, YUBA CITY AND YUBA COUNTY, CALIF.

DESIGNATION AS DEFICIENCY AREAS WITH RESPECT TO RETAIL CEILING PRICES FOR PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

Order No. 2 under section 5 (b) (6) of Maximum Price Regulation No. 336 is

amended by extending the expiration date thereof from "October 15, 1945" to "January 15, 1946".

This amendment to Order No. 2 shall become effective as of October 15, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19460; Filed, Oct. 19, 1945;  
4:41 p. m.]

[MPR 336, Amdt. 1 to Order 6]

CALIFORNIA

DESIGNATION AS DEFICIENCY AREAS WITH RESPECT TO PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

Order No. 6 under section 5 (d) (3) of Maximum Price Regulation No. 336 is amended by extending the expiration date thereof from "October 15, 1945" to "January 15, 1946".

This amendment to Order No. 6 shall become effective as of October 15, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19461; Filed, Oct. 19, 1945;  
4:40 p. m.]

[MPR 355, Amdt. 1 to Order 2]

MARYSVILLE, YUBA CITY, DUNSMUIR, LAKE TAHOE, YUBA CITY AND YUBA COUNTY, CALIF.

DESIGNATION AS DEFICIENCY AREAS WITH RESPECT TO RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB, AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

Order No. 2 under section 5 (b) (6) of Maximum Price Regulation No. 355 is amended by extending the expiration date thereof from "October 15, 1945" to "January 15, 1946".

This amendment to Order No. 2 shall become effective as of October 15, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19458; Filed, Oct. 19, 1945;  
4:40 p. m.]

[MPR 355, Amdt. 1 to Order 6]

CALIFORNIA

DESIGNATION AS DEFICIENCY AREAS WITH RESPECT TO PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

Order No. 6 under section 5 (d) (3) of Maximum Price Regulation No. 355 is amended by extending the expiration date thereof from "October 15, 1945" to "January 15, 1946".

This amendment to Order No. 6 shall become effective as of October 15, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19459; Filed, Oct. 19, 1945;  
4:40 p. m.]

[MPR 591, Order 63]

ERNEST C. LUNDT, INC.

AUTHORIZATION OF MAXIMUM PRICES

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

(a) The maximum list prices, f. o. b. point of shipment, for sales by any person of the following gas conversion burners manufactured by Ernest C. Lundt, Inc., of 74 Grove Street, Montclair, New Jersey, and as described in the application dated September 11, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	Each
Model 1A-175	\$150.00
Model 1A-275	163.00

(b) The maximum list prices set forth in (a) above shall be subject to the following functional discounts:

	Percent
On sales to distributors and utility companies	50-10
On Sales to jobbers	50
On Sales to retailers	33 1/3

(c) The maximum net delivered prices for sales by any person to consumers of the following gas conversion burners manufactured by Ernest C. Lundt, Inc. shall be:

	Each
Model 1A-175	\$150.00
Model 1A-275	163.00

(d) The maximum prices established in (a) (b) and (c) above shall be subject to all other discounts and allowances, including transportation allowances and price differentials which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(e) Each seller covered by this order, except a retailer, 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, except retailers, upon resale.

(f) Ernest C. Lundt, Inc. shall attach a tag to the gas conversion burners priced by this order, indicating the maximum price to consumers established by this order. The tag shall contain the following:

OPA Maximum Retail Price—\$-----  
(Do Not Detach)

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

This order shall become effective October 20, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19464; Filed, Oct. 19, 1945; 4:42 p. m.]

[MPR 591, Order 64]

KEYSTONE FRICTION HINGE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 (b) (1) of Maximum Price Regulation No. 591, it is ordered:

(a) *Adjustment of maximum prices for the Keystone Friction Hinge Company of Williamsport, Pennsylvania.* (1) This order permits the Keystone Friction Hinge Company of Williamsport, Pennsylvania to increase its currently established maximum net prices for the following items by the amounts specified:

	Percent
Table locks	20
Drawer clips	25
Angle irons and shelf supports	25
Top fasts and guides	10
Mirror clips	20
Drawer stops	25
Miscellaneous furniture hardware	20
Items specified in company's 1942 catalogue (except door catches, costumer hooks, toilet screws and mirror supports)	20

(2) The maximum net prices set forth in (a) (1) above are subject to cash discounts and transportation allowances at least as favorable as those granted as a deduction from net prices to each class of customer during March 1942 on comparable sales of similar commodities.

(b) *Maximum Prices for Resellers.* All resellers except manufacturers, of the commodities for which adjustment is granted the Keystone Friction Hinge Company in (a) above may add the same percentage mark-up over their new cost, resulting from the increase granted the Keystone Friction Hinge Company by this order, that such sellers enjoyed on these items during March 1942.

(c) *Notification to all purchasers.* The Keystone Friction Hinge Company shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first billing after the adjustment is put into effect:

Order No. 64 under section 16 (b) (1) of Maximum Price Regulation No. 591 provides for certain percentage increases in net prices for sales of specified furniture hardware items manufactured by the Keystone Friction Hinge Company. Resellers except manufacturers may add the same percentage mark-ups to their new cost that they had in effect on these items during March 1942.

(d) All prayers of the application of the Keystone Friction Hinge Company not granted in this order are denied.

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

This order shall become effective October 20, 1945.

Issued this 19th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19465; Filed, Oct. 19, 1945; 4:41 p. m.]

[SO 119, Order 3]

S. W. FARBER, 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 section 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* S. W. Farber, Incorporated, 141-155 South Fifth Street, Brooklyn, New York, may increase its ceiling prices to each class of purchaser, in effect immediately prior to the effective date of this order, for all articles of the following product lines by the percentages set forth below opposite each product line:

	Percent
Stainless steel cooking ware	10.9
Small electrical appliances	13.6
Wrought aluminum ware	13.9
Chromium plated tableware	12.2

(b) *Ceiling prices of purchasers for resale.* Purchasers for resale, of articles which the manufacturer has sold at adjusted ceiling prices permitted by paragraph (a) above, shall determine their adjusted ceiling prices as follows:

(1) If the purchaser for resale has established his ceiling prices under the General Maximum Price Regulation for his resales of such an article prior to the issuance of this order, he may increase each such ceiling price by the percentage set forth, in paragraph (a) above, opposite the category to which the article belongs.

(2) If the purchaser for resale has not established his ceiling prices under the General Maximum Price Regulation for his resales of such an article, prior to the issuance of this order, he shall proceed to do so, and may increase the ceiling prices established under § 1499.2 of that regulation by the percentage set forth in paragraph (a) above, opposite the category to which the article belongs.

However, if the applicable pricing provision of the General Maximum Price Regulation is § 1499.3 (a) which requires that ceiling prices determined thereunder be determined on the basis of the seller's cost, the purchaser for resale shall use the actual invoice price to him as his cost and the ceiling prices so computed shall not be increased in any amount.

Ceiling prices hereafter established by order of the Office of Price Administration under § 1499.3 (c) of the General Maximum Price Regulation, when that is the applicable pricing provision; will be based on the supplier's ceiling prices at adjusted prices in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's customary terms, discounts, allowances and other price differentials on sales to each class of purchaser.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale showing a ceiling price adjusted in accordance with the terms of this order, the seller shall notify each purchaser in writing of the methods established in paragraph (b) for determining adjusted selling prices for resales of the articles covered by this order. This notice may be given in any convenient form.

(e) *Effective date.* This order shall become effective on October 23, 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19539; Filed, Oct. 22, 1945;  
11:43 a. m.]

[Gen. Order 69]

REGIONAL ENFORCEMENT EXECUTIVES

DELEGATION OF AUTHORITY

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Directive No. 41 of the Office of Economic Stabilization, the following order is prescribed:

Each Regional Enforcement Executive or Acting Regional Enforcement Executive is hereby authorized to exercise and to perform all of the functions, duties, powers, discretions and authority conferred upon the Price Administrator by section 7 (c) of Directive No. 41 of the Office of Economic Stabilization, which functions, duties, powers, discretions and authority relate to the investigation of, determination of and certification to Reconstruction Finance Corporation (Defense Supplies Corporation) all cases involving manipulated operations by applicants for livestock slaughter payments (subsidy).

Issued and effective this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19510; Filed, Oct. 22, 1945;  
11:43 a. m.]

[MPR 188, Amdt. 1 to Rev. Order 4063]

LIBERTY METAL PRODUCTS 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,* That Revised Order No. 4063 issued under § 1499.158 of Maximum Price Regulation No. 188 be amended in the following respects:

1. Paragraph (a) (1) is amended to read as follows:

(1) For sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (Jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Electric hot plate, two burner, open element 6" cord, two switches, black crackle finish....	Each 7	Each \$3.70	Each \$4.37	Each \$4.71	Each \$7.00
Electric hot plate, one burner, open element 4" cord, and switch, black crackle finish....	8	1.13	1.98	1.46	2.25
Electric hot plate, one burner, open element pin type connection..	9	1.29	1.52	1.64	2.45

These maximum prices are for articles described in the manufacturer's application dated May 29, 1945.

2. All other provisions of Revised Order 4063 remain in effect.

This amendment may be revoked by the Price Administrator at any time.

This amendment shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19512; Filed, Oct. 22, 1945;  
11:44 a. m.]

[MPR 188, Order 4593]

ROYAL 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 Royal Corporation, 342 Madison Avenue, New York 13, 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	Model No.	Maximum prices for sales by any seller to—				
		Distributors	Wholesalers (Jobbers)	Retailers (12 units or more)	Retailers (less than 12 units)	Consumers
King oscillator razor, "gold plated," and so marked, includes 5 razor blades.....	None	Each \$2.25	Each \$2.50	Each \$3.00	Each \$3.84	Each \$5.00

These maximum prices are for the articles described in the manufacturer's application dated September 25, 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—\$5.00 each  
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 1st day of November 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19513; Filed, Oct. 22, 1945;  
11:44 a. m.]

[MPR 188, Order 4594]

CALPA PRODUCTS 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 Calpa Products Company, 1006 Vine Street, Philadelphia 7, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Six way, bronze plated floor lamp without shade.....	425	\$7.65	\$9.00	\$16.20
Junior bronze plated and crystal floor lamp with 8" square marble base, without shade.....	175	9.78	11.50	20.70
Special bronze plated Torchiera inset in white metal base with 6" Portugal onyx, without shade.....	3103	11.90	14.00	25.20
Special bronze plated Torchiera with 8" Portugal onyx inset in white metal base, without shade.....	3102	12.75	15.00	27.00
Special bronze plated Torchiera with 4" and 10" Portugal onyx insets in double decker white metal base without shade.....	3101	15.73	18.50	33.30

These maximum prices are for the articles described in the manufacturer's application dated August 13, 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 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19514; Filed, Oct. 22, 1945;  
11:45 a. m.]

[MPR 188, Order 4595]

BROOK PRODUCTS, 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 Brook Products, Incorporated, 28 West 22d Street, New York 10, 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	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Metal pin-up lamp with 5-inch base.	160-----	\$1.27	\$1.50	\$2.70
Metal bed lamp in bronze or ivory with deal.	K-----	1.60	1.88	3.40
Crystal lamp with pressed glass base and fount.	MO-Fount.	1.60	1.88	3.40
Crystal vanity lamp with pressed glass base and fount.	MO-115....	1.19	1.40	2.50

These maximum prices are for the articles described in the manufacturer's application dated July 20, 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 model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19515; Filed, Oct. 22, 1945;  
11:45 a. m.]

[MPR 188, Order 4596]

CREST LIGHTING FIXTURE 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 Crest Lighting Fixture Company, 2026 Lafontaine Avenue, Bronx, 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	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
14-watt chrome plated bracket equipped with ballast.	1142....	\$3.37	\$3.97	\$7.15
Metal fluorescent desk lamp, brown crackle outside finish, baked white enamel inside finish; equipped with ballast.	483....	5.52	6.50	11.70
Metal fluorescent bed lamp, brown or ivory finish outside; baked white enamel inside; equipped with ballast.	683M...	3.83	4.50	8.10
Metal fluorescent desk lamp; bankers bronze finish outside, baked white enamel inside and equipped with ballast.	583....	7.85	9.24	16.65
Metal three-light kitchen unit finished in baked white enamel equipped with ballast.	3201....	6.19	7.28	13.10
Metal two-light kitchen unit with glass ends and finished in baked white enamel, equipped with ballast.	3201G...	6.66	7.83	14.10
Metal two-light kitchen unit with glass ends and finished in baked white enamel, equipped with ballast.	2201G...	5.08	5.98	10.75
Metal two-light kitchen unit finished in baked white enamel, equipped with ballast.	2201....	4.67	5.49	9.90
Fluorescent bed lamp in frosted velour finish, baked white enamel inside and equipped with ballast.	683F...	3.83	4.50	8.10
Metal 20-watt fluorescent strip finished in baked white enamel and equipped with ballast.	1201 strip.	2.45	2.88	5.20

These maximum prices are for the articles described in the manufacturer's application dated July 13, 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. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19516; Filed, Oct. 22, 1945;  
11:45 a. m.]

[MPR 188, Order 4597]

HUBBARD & BARNES

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 Hubbard & Barnes, 305 North Avenue 50, Los Angeles 42, 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	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
22-inch white metal and onyx table lamp base with old English plated finish.....	100	\$2.98	\$3.50	Each \$6.30

These maximum prices are for the articles described in the manufacturer's application dated August 17, 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 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19517; Filed, Oct. 22, 1945;  
11:46 a. m.]

[MPR 188, Order 4598]

DECKER MFG. 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 Decker Manufacturing Company, 4801 South Main Street, Los Angeles, 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	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain, department and mail order	Other retailers	Consumers
Kitchen step stool, steel.	18 ga.	Each \$1.95	Each \$2.39	Each \$2.65	Each \$3.98

These maximum prices are for the article described in the manufacturer's application dated July 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. These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 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:

Model No. 18 ga.  
OPA Retail Ceiling Price—\$3.98 ea.  
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19518; Filed, Oct. 22, 1945;  
11:46 a. m.]

[MPR 188, Order 4599]

L. ROSEN CORNICIE WORKS

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 L. Rosen Cornicie Works, 1460-62 Central Avenue, Los Angeles 21, 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	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Cold roll steel frying pan, 12" diameter.....	20	Dozen \$2.76	Dozen \$3.24	Dozen \$3.60	Each \$0.45

These maximum prices are for the articles described in the manufacturer's application dated August 2, 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 in 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:

Model No. 20  
OPA Retail Ceiling Price—\$45 ea.  
Do Not Detach or Obliterate

No. 209—10

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19519; Filed, Oct. 22, 1945;  
11:46 a. m.]

Article	Model No.	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Direct accounts	Retailers (6 or more units)	Retailers (less than 6 units)	Consumers
Infra-red lamp.....	25-500	Each \$3.56	Each \$3.84	Each \$4.33	Each \$4.66	Each \$7.00
Electric heater.....	16-500	Each 2.94	Each 3.19	Each 3.68	Each 3.97	Each 5.95

These maximum prices are for the articles described in the manufacturer's application dated October 2, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. These prices include the Federal Excise Tax. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale 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 either of the following statements with the correct order number, model number and retail price properly filled in:

Order No. 4600  
Model No. ....  
OPA Retail Ceiling Price \$.....  
Federal Excise Tax included  
Do not detach or obliterate

or

Knapp Monarch Company  
Bent & Potomac Streets  
St. Louis 16, Missouri  
Model No. ....  
OPA Retail Ceiling Price \$.....  
Federal Excise Tax included  
Do not detach or obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify

Article	Model No.	Maximum prices for sales by any seller to—					
		Distributors	Wholesalers (jobbers)	Dropship jobbers	Retailers, chain and department stores, mail order	Other retailers	Consumers
Nail clipper.....	2½ x ½.....	Dozen \$1.85	Dozen \$2.03	Dozen \$2.11	Dozen \$2.45	Dozen \$2.80	Each \$0.35

[MPR 188, Order 4600]

KNAPP MONARCH 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 § 1499.157 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 electric lamps and heaters manufactured by Knapp Monarch Company, Bent & Potomac Streets, St. Louis 18, Mo.

(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:

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 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19520; Filed, Oct. 22, 1945;  
11:46 a. m.]

[MPR 188, Order 4601]

N U MANUFACTURING 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 N U Manufacturing Company, New Brunswick Avenue and Stelton Road, New Market, N. J.

(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:

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. These prices are f. o. b. factory, and 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. These 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 or Obliterate

Article	Model No.	Maximum prices for sales by any seller to—				
		Distributors	Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Winray cleaner.....	6 7/8" x 3' x 1/38"	Each \$0.94	Each \$1.03	Each \$1.26	Each \$1.37	Each \$2.05

These maximum prices are for the articles described in the manufacturer's application dated July 2, 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 subject to a cash discount of 2% for payment in 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

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19521; Filed, Oct. 22, 1945; 11:46 a. m.]

[MPR 188, Order 4602]

CLARK & YOUNG DISTRIBUTING 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 Clark & Young Distributing Company, 3035 Mountair Drive, Salt Lake City 5, Utah.

(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:

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 Garry Electric Company, 733 North Miami Avenue, Miami, Fla.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Exhaust fan...	Air circulator.	Each \$4.81	Each \$5.68	Each \$6.12	Each \$9.18

These maximum prices are for the articles described in the manufacturer's application dated June 20, 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 include the Federal Excise Tax. These prices 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 either of the following statements with the correct order number, model number and retail price properly filled in:

Order No. 4603  
Model No. ....  
OPA Retail Ceiling Price—\$.....  
Federal Excise Tax Included  
Do Not Detach or Obliterate

OR

Garry Electric Company  
733 North Miami Avenue  
Miami, Florida  
Model No. ....  
OPA Retail Ceiling Price—\$.....  
Federal Excise Tax Included  
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall

established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$2.05 each  
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19522; Filed, Oct. 22, 1945; 11:47 a. m.]

[MPR 188, Order 4603]

GARRY ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

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 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19523; Filed, Oct. 22, 1945;  
11:47 a. m.]

[MPR 188, Order 4604]

MIMI

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 Mimi, 142, S. Fairfax, Los Angeles, 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	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Custom made lamp shade of celanese taffeta and lace net fluted in petticoat style, 10" wide.....	M-10	\$5.70	\$6.70	\$12.05
Custom made lamp shade of faille taffeta, celanese taffeta and crinoline fluted in petticoat style, 24" wide.....	M-24	19.18	22.56	40.60
Custom made lamp shade of faille and celanese taffeta and crinoline fluted in petticoat style, 18" wide.....	M-18	12.47	14.67	26.40
Custom made lamp shade of celanese and faille taffeta with scalloped swag trim top and bottom 14" wide.....	M-14	6.80	8.00	14.40

These maximum prices are for the articles described in the manufacturer's application dated July 20, 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. 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 25, 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 model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19524; Filed, Oct. 22, 1945;  
11:47 a. m.]

[MPR 188, Order 4605]

GREAT LAKES SPECIALTY 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 Great Lakes Specialty Products, 4554 Broadway, Chicago 40, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Cast white metal figurine lamps with base and shade.	704.....	\$2.96	\$3.48	\$6.25
Cast white metal lamps with shades.	700, 701, 702..	5.05	5.94	10.70
Cast white metal lamp with onyx trim and cast base.	703.....	5.05	5.94	10.70

These maximum prices are for the articles described in the manufacturer's application dated July 19, 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, 1% 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 model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19525; Filed, Oct. 22, 1945;  
11:48 a. m.]

[MPR 188, Order 4606]

KAY-DEE LAMP & SHADE 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 Kay-Dee Lamp & Shade Corporation, 144-15 Jamaica Avenue, Queens, 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	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
8½" boudoir lamp, shade of rayon gathered and pleated at top and bottom.....	100	\$0.85	\$1.00	\$1.80

These maximum prices are for the articles described in the manufacturer's application dated June 1, 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 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19526; Filed, Oct. 22, 1945; 11:48 a. m.]

[MPR 188, Order 4607]

DIMICK CASTINGS 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 Dimick Castings Company, 2215 3rd Avenue North, Birmingham 3, Ala.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Wholesalers (jobbers)	Dropship jobbers	Chain and Department stores	Other retailers	Consumers
Cast iron skillet.	T	Each \$0.55	Each \$0.57	Each \$0.66	Each \$0.73	Each \$1.10

These maximum prices are for the articles described in the manufacturer's application dated September 27, 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 subject to a cash discount of 2% for payment in 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—\$1.10 Each  
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19527; Filed, Oct. 22, 1945; 11:48 a. m.]

[MPR 188, Order 4608]

GREAT NORTHERN PROCESSING 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 the Great Northern Processing Company, 70 Lansdowne Street, Boston 15, Mass.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—				
		Distributors	Wholesalers (jobbers)	Retailers (6 units or more)	Retailers (less than 6 units)	Consumers
Two-burner 3-heat electric hot plate, 18-gauge, 7¼ x 5¼.....	1000	Each \$4.98	Each \$5.48	Each \$6.47	Each \$6.97	Each \$10.45

These maximum prices are for the articles described in the manufacturer's application dated September 27, 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 subject to cash discount of 2% for payment in 10 days, net 30 days. These prices include 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

maximum price for sale to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail price filled in:

Great Northern Processing Co.  
70 Lansdowne St.  
Boston 15, Mass.  
Model No. -----

OPA Retail Ceiling Price—\$-----  
Federal Excise Tax Included  
Do Not Detach or Obliterate

OR

Order No. 4608 under MPR 188  
Model No. -----

OPA Retail Ceiling Price—\$-----  
Federal Excise Tax Included  
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19528; Filed, Oct. 22, 1945;  
11:49 a. m.]

[MPR 188, Order 4609]

E. O. GUFFEY

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 E. O. Guffey, 1400 Santee Street, Los Angeles, 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	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Re-tailers	
Rayon lamp shade, lined, and with top and bottom ruching.	A	\$2.55	\$3.00	\$5.40
	B	5.52	6.50	11.70
	C	7.22	8.50	15.30

These maximum prices are for the articles described in the manufacturer's application dated May 15, 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. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19529; Filed, Oct. 22, 1945;  
11:42 a. m.]

[MPR 188, Order 4610]

CRAQLE LAMP SHADE STUDIO

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 Craque Lampshade Studio, 3843 Garden Ave., Western Springs, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers	
		Jobbers	Re-tailers		
Hand lacquered and decorated crackle parchment shade, hand lined:		Each	Each	Each	
	13" x 15".....	15	\$3.27	\$3.85	\$6.95
	11" x 13".....	13	2.55	3.00	5.40
	16" x 18".....	18	3.83	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated July 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 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19530; Filed, Oct. 22, 1945;  
11:49 a. m.]

[MPR 200, Order 9]

## LITHOX CORP.

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1315.1405b of Maximum Price Regulation 200; it is ordered:

(a) *What this order does.* This order establishes maximum prices for the manufacturer's, wholesalers' and shoe repairmen's sales in the shoe repair trade of a men's size, combination cord whole heel and wedgie arch support molded in one piece, bearing the brand name Lithox Archie and manufactured by The Lithox Corporation of Wapakoneta, Ohio. The shoe repairmen's maximum prices for sales of these Lithox Arches attached are also established by this order.

(b) *Maximum prices.* The manufacturer's and wholesalers' maximum prices for sales in the shoe repair trade of the Lithox Archie combination cord whole heels and wedgie arch supports described in paragraph (a) of this order, and for shoe repairmen's sales of these Lithox Arches attached and unattached are as follows:

	Sales by shoe repairmen to consumers		Sales to shoe repairmen (per dozen pair)	Sales to wholesalers (per dozen pair)
	Attached per pair	Unattached per pair		
Men's size, Lithox Archie.....	\$0.85	\$0.34	\$4.00	\$3.00

The above maximum prices for sales to shoe repairmen shall be reduced by any cash discounts given by the seller to shoe repairmen of the same class during March 1942.

The above maximum prices for sales to wholesalers shall be decreased by 5 percent if the purchaser pays cash within thirty days after delivery.

All other discounts, allowances, and trade practices of sellers which were in effect during March 1942, shall apply to sales covered by this order.

(c) *Notification of maximum prices.* With or prior to the first delivery to a wholesaler or a shoe repairman of any of the Lithox Arches covered by this order, the seller shall notify the purchaser in writing of the maximum price for sales by the shoe repairman of the unattached Lithox Arches as established by paragraph (b) of this order. If the purchaser is a wholesaler, the notification shall include the maximum price applicable to the wholesaler's resales to wholesalers and to shoe repairmen, and a statement that such purchaser is required by this order to notify any shoe repairman to whom he sells of the maximum prices for sales by shoe repairmen of the Lithox Arches, attached and unattached as established by paragraph (b) of this order.

(d) All provisions of Maximum Price Regulation 200 not inconsistent with this order shall apply to sales covered by this order.

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

This order shall become effective October 23, 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19531; Filed, Oct. 22, 1945; 11:44 a. m.]

Heater model No.	Steam pressure at heater location (pounds)—						
	40	50	60	70	80	90	100
6 x 10.....	529.50	512.00	512.00	496.10	496.10	496.10	496.10
6 x 25.....	663.60	625.10	625.10	588.00	570.50	570.50	570.50
6 x 50.....	796.10	739.50	739.50	700.90	700.90	700.90	700.90
6 x 75.....	1,073.50	904.00	847.40	847.40	847.40	832.00	832.00
6 x 100.....	1,185.10	1,128.10	1,016.80	1,016.80	974.40	974.40	974.40
6 x 150.....	1,367.50	1,365.10	1,308.00	1,308.10	1,196.10	1,196.10	1,196.10
6 x 200.....	1,551.90	1,551.90	1,549.20	1,492.20	1,492.20	1,460.10	1,460.10

(b) The maximum net prices, f. o. b. point of shipment for sales by any person to jobbers of the following water heaters manufactured by the Pick Manufacturing Company of West Bend, Wisconsin shall be the prices specified in (a) above less a discount of 25%.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

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

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

This order shall become effective October 23, 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19533; Filed, Oct. 22, 1945; 11:49 a. m.]

[MPR 591, Order 66]

## BILT-RITE REFRIGERATION PRODUCTS CORP.

## AUTHORIZATION OF MAXIMUM PRICES

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

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following farm freezers man-

[MPR 591, Order 65]

## PICK 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 section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment for sales by any person to industrial users of the following water heaters manufactured by the Pick Manufacturing Company of West Bend, Wis., and described in its application dated April 15, 1945 shall be:

Heater model No.	Steam pressure at heater location (pounds)—						
	40	50	60	70	80	90	100
6 x 10.....	529.50	512.00	512.00	496.10	496.10	496.10	496.10
6 x 25.....	663.60	625.10	625.10	588.00	570.50	570.50	570.50
6 x 50.....	796.10	739.50	739.50	700.90	700.90	700.90	700.90
6 x 75.....	1,073.50	904.00	847.40	847.40	847.40	832.00	832.00
6 x 100.....	1,185.10	1,128.10	1,016.80	1,016.80	974.40	974.40	974.40
6 x 150.....	1,367.50	1,365.10	1,308.00	1,308.10	1,196.10	1,196.10	1,196.10
6 x 200.....	1,551.90	1,551.90	1,549.20	1,492.20	1,492.20	1,460.10	1,460.10

ufactured by the Bilt-Rite Refrigeration Products Corp., and as described in the application dated August 27, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to distributors	On sales to dealers	On sales to consumers
Stainless steel exterior top and side:			
8 cu. ft., 1/4 hp., compressor.....	\$200	\$240	\$400
12 cu. ft., 1/4 hp., compressor.....	250	300	500
20 cu. ft., 1/4 hp., compressor.....	368	442	736
25 cu. ft., 1/4 hp., compressor.....	414	497	828
Stainless steel top and door, baked side:			
8 cu. ft., 1/4 hp., compressor.....	171	205	342
12 cu. ft., 1/4 hp., compressor.....	222	267	444
20 cu. ft., 1/4 hp., compressor.....	330	396	660
25 cu. ft., 1/4 hp., compressor.....	371	446	742

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

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

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the

effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except retailers, including allowable transportation and crating charges.

(f) The Bilt-Rite Refrigeration Products Corporation shall stencil on the inside of lid or cover of the farm freezers covered by this order, substantially the following:

OPA Maximum Retail Price—\$-----

Plus freight and crating as provided in Order No. 66 under Maximum Price Regulation No. 591.

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

This order shall become effective October 23, 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19534; Filed, Oct. 22, 1945; 11:49 a. m.]

[RMPR 208, Amdt. 2 to Order 39]

TRENTON SHIRT MFG. CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 5.9 (b) of Revised Maximum Price Regulation 208; *It is ordered*, That the table in paragraph (a) (1) of Order No. 39 be, and it hereby is, amended to read as follows:

Col. 1 Lot No.	Col. 2 Body material	Col. 3 Yardage	Col. 4 Adjusted ceiling price (per dozen)
523	3.90 mill finish chambray.....	29½	\$9.80
130	3.90 mill finish covert.....	29½	9.95
202	3.60 sanforized chambray.....	29½	10.70
215	3.60 sanforized covert.....	29½	10.85
242	2.85 sanforized covert.....	29½	11.00
384	2.85 sanforized covert.....	29½	11.00
282	2.85 mill finish khaki jean.....	30	12.02½
272	2.85 mill finish suntan jean.....	30	12.67½

This amendment shall become effective October 23, 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19532; Filed, Oct. 22, 1945; 11:43 a. m.]

[MPR 591, Order 67]

AMERICAN REFRIGERATOR AND MACHINE, INC.  
AUTHORIZATION OF MAXIMUM PRICES

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

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following farm freezers, manufactured by the American Refrigerator and Machine, Inc., 615 Third Street North, Minneapolis, Minn., and as described in the application dated Sep-

tember 13, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Farm and home freezers	On sales to distributors	On sales to dealers	On sales to consumers
8 cu. ft., ¼ h. p., condensing unit.....	\$180	\$216	\$360
22 cu. ft., ½ h. p., condensing unit.....	360	432	720
30 cu. ft., ½ h. p., condensing unit.....	400	588	980

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

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

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

(f) The American Refrigerator and Machine, Inc., Minneapolis, Minnesota, shall stencil on the inside of the lid or cover of the farm freezers covered by this order, substantially the following:

OPA Maximum Retail Price—\$-----

Plus freight and crating as provided in Order No. 67 under Maximum Price Regulation No. 591.

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

This order shall become effective October 23, 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19535; Filed, Oct. 22, 1945; 11:50 a. m.]

[MPR 591, Order 68]

SERVEL, 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 § 16 (b) (1) of Maxi-

mum Price Regulation No. 591, it is ordered:

(a) *Adjustment of maximum prices for Servel, Incorporated, Evansville, Indiana.* (1) This order permits Servel, Incorporated of Evansville, Indiana, to increase its maximum net prices to each class of customer of its refrigeration products, as described in its application of June 16, 1945, by 10 percent.

(2) The maximum net prices enumerated in (a) (1) above are subject to cash discounts and transportation allowances at least as favorable as those granted as a deduction from net prices to each class of customer during March 1942 on comparable sales of similar commodities.

(b) *Maximum prices for resellers.* All resellers of the refrigeration products of which adjustment is granted Servel, Incorporated, except manufacturers who purchase such items for use in the manufacture of other refrigeration items, may add the same percentage markup to their new cost as in effect on these items during March 1942.

(c) *Notification to all purchasers.* Servel, Incorporated shall send the following notice to every purchaser of the commodities adjusted by this order at or before the time of the first billing after the effective date of this order.

Order No. 68 under section 16 (b) (1) of Maximum Price Regulation No. 591 provides for a 10 percent increase in net prices for sales of refrigeration products manufactured by Servel, Incorporated. Resellers, except manufacturers who purchase such items for use in the manufacture of other refrigeration items, may add the same percentage markup to their new cost as in effect on these items during March 1942.

(d) All prayers of the application of Servel, Incorporated not granted in this order are denied.

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

This order shall become effective October 23, 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19536; Filed, Oct. 22, 1945; 11:50 a. m.]

[MPR 598, Order 1]

GENERAL MOTORS 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 sections 13 and 21 of Maximum Price Regulation No. 598, *It is ordered*:

(a) This order establishes maximum prices for sales by distributors to dealers of the refrigerator models listed below manufactured by the Frigidaire Division, General Motors Corporation, Dayton, Ohio, as follows:

Model:	Maximum prices (each)
SI-7	\$104.84
MI-7	114.76
MPI-7	130.83
DI-7	126.34
BPI-7	140.82

Model—Continued.	Maximum prices (each)
DI-9	\$156.53
DPI-9	172.06
COI-7	171.90
CPDI-7	187.73
COI-9	195.95
CPDI-9	212.07
CPDI-13	332.33
AHI-4	97.93
AHI-6	100.39

These prices include delivery to the purchaser, the Federal excise tax and the charge for the protection plan. In all other respects they 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 distributor the manufacturer shall notify each distributor of the maximum prices established by this order for his resales. This notice may be given in any convenient form.

(c) All the provisions of Maximum Price Regulation No. 598 continue to apply to all sales and deliveries of refrigerators covered by this order except to the extent that those provisions are modified by this order.

(d) Unless the context otherwise requires the definitions set forth in Maximum Price Regulation No. 598 shall apply to the terms used herein.

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

(f) This order shall become effective on the 22d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19566; Filed, Oct. 22, 1945; 4:35 p. m.]

[MPR 188, Order 4613]

PACIFIC SOUND EQUIPMENT 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 The Pacific Sound Equipment Company, 130 North Beaudry Avenue, Los Angeles 12, California. The article for which prices are hereby established is a hand wound table style phonocone, Model #16S of their manufacture.

(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:

Regular jobber	Maximum prices to—		
	Dropship jobber or mail order purchaser	Retailer	Consumer
\$7.68	\$8.45	\$9.06	\$13.95

The above maximum prices include Federal Excise tax. The jobber or mail order price is f. o. b. manufacturers plant and subject to a cash discount of 2% in ten days or net thirty days.

These maximum prices are for the articles described in the manufacturer's application dated June 13, 1945 and completed September 12, 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.

(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—\$13.95 including Federal Excise tax

Order No. 4613

Manufactured by: Pacific Sound Equipment Company, Los Angeles 12, California

(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 23d day of October 1945.

Issued this 22d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19565; Filed, Oct. 22, 1945; 4:35 p. m.]

[Supp. Order 94, Order 82]

UNITED STATES DEPARTMENT OF COMMERCE  
SPECIAL MAXIMUM PRICES FOR CERTAIN INDUSTRIAL HAND TRUCKS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which new industrial hand trucks hereinafter

described may be sold and delivered by the United States Department of Commerce and the herein designated subsequent resellers.

(b) *Maximum prices.* Maximum prices of the hereinafter described new industrial hand trucks manufactured by Fairbanks-Morse Company, and of articles of the same or similar specifications made by other manufacturers, shall be as follows:

Description	Price for all sales to wholesalers or jobbers	Price for all sales to retailers or industrial users
2-wheel industrial hand truck, steel wheels, Army Specifications QM-JDQ-345A, Federal Stock No. 69-T-904	\$9.25	\$12.50
2-wheel industrial hand truck, rubber tired wheels, Army Specifications QM-JDQ-345A, Federal Stock No. 69-T-900	12.50	16.75

All of the aforesaid maximum prices are f. o. b. shipping point.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Relation to other regulations and orders.* This order with respect to the sales it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(e) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19602; Filed, Oct. 23, 1945; 11:37 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register October 18, 1945.

REGION I

Concord Order 1-D, Amendment 1, covering butter and cheese in the state of New Hampshire. Filed 10:09 a. m.

Concord Order 9-F, Amendment 23, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:09 a. m.

Concord Order 10-F, Amendment 6, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:09 a. m.

Concord Order 11-F, Amendment 6, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:09 a. m.

Concord Order 12-F, Amendment 6, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 10:09 a. m.

Rhode Island Order 1-M, covering butter and cheese in the entire state of Rhode Island except New Shoreham. Filed 10:10 a. m.

REGION II

Albany Order 10-F, Amendment 18, covering fresh fruits and vegetables in certain areas in New York. Filed 10:10 a. m.

Binghamton Order 2-F, Amendment 53, covering fresh fruits and vegetables in certain counties in New York. Filed 10:10 a. m.

Camden Order 3-F, Amendment 53, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 10:22 a. m.

Camden Order 4-F, Amendment 53, covering fresh fruits and vegetables in Atlantic and Cape May Counties, New Jersey. Filed 10:22 a. m.

District of Columbia Order 5-F, Amendment 30, covering fresh fruits and vegetables in certain areas in Region II. Filed 10:23 a. m.

Harrisburg Order 2-F, Amendment 45, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:10 a. m.

Harrisburg Order 2-F, Amendment 46, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:11 a. m.

New York Order 9-F, Amendment 35, covering fresh fruits and vegetables in the five boroughs of New York City. Filed 10:23 a. m.

New York Order 10-F, Amendment 34, covering fresh fruits and vegetables in Nassau and Westchester Counties, New York. Filed 10:23 a. m.

New York Order 13-F, Amendment 6, covering fresh fruits and vegetables in certain counties in New York. Filed 10:23 a. m.

Pittsburgh Order 1-C, Amendment 3, covering poultry. Filed 10:12 a. m.

Pittsburgh Order 1-C, Amendment 4, covering poultry. Filed 10:12 a. m.

Pittsburgh Order 1-C, Amendment 5, covering poultry. Filed 10:13 a. m.

Pittsburgh Order 2-C, Amendment 3, covering poultry. Filed 10:13 a. m.

Pittsburgh Order 2-C, Amendment 4, covering poultry. Filed 10:15 a. m.

Pittsburgh Order 1-C, Amendment 6, covering poultry. Filed 10:13 a. m.

Pittsburgh Order 16, Amendment 1, covering dry groceries in certain counties in Pennsylvania. Filed 10:11 a. m.

Pittsburgh Order 17, Amendment 1, covering dry groceries in certain counties in Pennsylvania. Filed 10:12 a. m.

Pittsburgh Order 18, Amendment 1, covering dry groceries in certain counties in Pennsylvania. Filed 10:12 a. m.

Syracuse Order 3-F, Amendment 51, covering fresh fruits and vegetables in certain areas in New York. Filed 10:15 a. m.

Syracuse Order 4-F, Amendment 38, covering fresh fruits and vegetables in certain areas in New York. Filed 10:16 a. m.

Wilmington Order P-1, Amendment 8, covering fresh fish and seafood in certain areas in Delaware. Filed 10:24 a. m.

#### REGION III

Charleston Order 7-F, Amendment 33, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 10:24 a. m.

Cincinnati Order 1-D, covering butter and cheese in certain areas in Ohio. Filed 10:11 a. m.

Cincinnati Order 1-P, Amendment 8, covering fresh fish and seafood. Filed 10:11 a. m.

Cleveland Order F-1, Amendment 61, covering fresh fruits and vegetables in Cuyahoga County, Ohio. Filed 10:08 a. m.

Cleveland Order 3-F, Amendment 61, covering fresh fruits and vegetables in the Mahoning and Trumbull Counties, Ohio. Filed 10:07 a. m.

Cleveland Order 4-F, Amendment 61, covering fresh fruits and vegetables in the Stark and Summit Counties, Ohio. Filed 10:08 a. m.

Columbus Order 1-D, covering butter and cheese in the Columbus Area. Filed 10:24 a. m.

Columbus Order 2-C, covering poultry in the Columbus Area. Filed 10:08 a. m.

Columbus Order 2-D, covering butter and cheese in the Columbus Area. Filed 10:24 a. m.

Columbus Order 2-O, covering eggs in the Columbus Area. Filed 10:24 a. m.

Columbus Order 3-C, covering poultry in the Columbus Area. Filed 10:08 a. m.

Columbus Order 3-O, covering eggs in the Columbus Area. Filed 10:07 a. m.

Columbus Order 10-F, Amendment 14, covering fresh fruits and vegetables in the Franklin, Logan and Muskingum Counties, Ohio. Filed 10:08 a. m.

Columbus Order 11-F, Amendment 14, covering fresh fruits and vegetables in certain areas in Ohio. Filed 10:08 a. m.

Detroit Order 5-F (appendix A), Amendment 37, covering fresh fruits and vegetables in Wayne and Macomb Counties, Michigan. Filed 10:07 a. m.

Lexington Order 7-F, Amendment 28, covering fresh fruits and vegetables in Boyd County, Kentucky. Filed 10:01 a. m.

#### REGION IV

Atlanta Order 31-C, Amendment 3, covering poultry in certain areas in Georgia. Filed 10:01 a. m.

Atlanta Order 33-C, Amendment 3, covering poultry in certain counties in Georgia. Filed 10:01 a. m.

Atlanta Order 34-C, Amendment 3, covering poultry in certain counties in Georgia. Filed 10:01 a. m.

Atlanta Order 35-C, Amendment 3, covering poultry in certain counties in Georgia. Filed 10:02 a. m.

Miami Order 1-F, Amendment 33, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:04 a. m.

Miami Order 3-W, covering dry groceries in the Miami Area. Filed 10:05 a. m.

Miami Order 4-W, covering dry groceries in the Miami Area. Filed 10:06 a. m.

Miami Order 5, covering dry groceries in the Miami Area. Filed 10:04 a. m.

Miami Order 6, covering dry groceries in the Miami Area. Filed 10:05 a. m.

#### REGION V

Dallas Order 4-F, covering fresh fruits and vegetables in Dallas County, Texas. Filed 10:06 a. m.

New Orleans Order 3-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 10:07 a. m.

New Orleans Order 5-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 10:07 a. m.

New Orleans Order 6-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 10:07 a. m.

Wichita Order 6-W, covering dry groceries in certain counties in Kansas. Filed 10:18 a. m.

Wichita Order 7-F, covering fresh fruits and vegetables in Sedgwick County, Kansas. Filed 10:16 a. m.

Wichita Order 7-W, covering dry groceries in certain counties in Kansas. Filed 10:19 a. m.

Wichita Order 8-F, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:17 a. m.

Wichita Order 9-F, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:17 a. m.

Wichita Order 10-F, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:17 a. m.

Wichita Order 11-F, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:17 a. m.

Wichita Order 32, covering dry groceries in certain areas in Kansas. Filed 10:17 a. m.

Wichita Order 33, covering dry groceries in certain areas in Kansas. Filed 10:18 a. m.

#### REGION VII

Helena Order 98 and 10-W, covering dry groceries in Billings, Butte and Great Falls. Filed 10:19 a. m.

Helena Order 98, Amendment 1 and Order 10-W, Amendment 1, covering dry groceries in Billings, Butte and Great Falls Areas. Filed 10:19 a. m.

Helena Order 99, covering dry groceries in certain areas in Montana. Filed 10:19 a. m.

Helena Order 99, Amendment 1, covering dry groceries in certain areas in Montana. Filed 10:20 a. m.

Helena Order 100, and Order 11-W, covering dry groceries in Havre, Chinook and Glasgow Areas. Filed 10:20 a. m.

Helena Order 101, covering dry groceries in certain areas in Montana. Filed 10:20 a. m.

Helena Order 102 and Order 12-W, covering dry groceries in Glendive, Miles City, Lewistown and Sidney Areas. Filed 10:20 a. m.

Helena Order 102, Amendment 1, and Order 12-W, Amendment 1, covering dry groceries in Glendive, Miles City, Lewistown and Sidney Areas. Filed 10:20 a. m.

Helena Order 103, Amendment 2, covering dry groceries in certain areas in Montana. Filed 10:21 a. m.

Helena Order 106 and Order 14-W, covering dry groceries in Bozeman, Helena and East Helena and Livingston Areas. Filed 10:21 a. m.

Helena Order 106, Amendment 1 and Order 14-W, Amendment 1, covering dry groceries in Bozeman, Helena and East Helena and Livingston Area. Filed 10:21 a. m.

Helena Order 107, covering dry groceries in certain areas in Montana. Filed 10:21 a. m.

Helena Order 107, Amendment 1, covering dry groceries in certain counties in Montana. Filed 10:21 a. m.

Salt Lake City Order 2-C, Amendment 5, covering poultry in the state of Utah. Filed 10:22 a. m.

Salt Lake City Order 11-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:22 a. m.

Salt Lake City Order 12-F, Amendment 14, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:22 a. m.

Salt Lake City Order 13-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Utah. Filed 10:22 a. m.

Copies of any these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 45-19564; Filed, Oct. 22, 1945;  
4:35 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-394]

ATLAS CORP. AND BONWIT TELLER, 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 19th day of October, A. D. 1945.

Atlas Corporation, a registered management investment company, and Bonwit Teller, Inc., affiliated persons of each other, have filed a joint application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act the proposed redemption by Bonwit Teller, Inc., of all of its outstanding 5½% Cumulative Convertible Preferred Stock at the call price of \$52.50 plus accrued dividends to the extent that the shares of such stock so to

be redeemed shall include shares held by Atlas Corporation.

*It is ordered.* Pursuant to section 40 (a) of said act that a hearing on the aforesaid application be held on October 29, 1945 at 10:00 a. m., e. s. t. in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

*It is further ordered.* That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at 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 Atlas Corporation and Bonwit Teller, Inc. and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19579; Filed, Oct. 23, 1945;  
9:46 a. m.]

[File No. 70-736]

FEDERAL WATER AND GAS CORP. AND ALABAMA WATER SERVICE CO.

SUPPLEMENTAL ORDER PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of October A. D., 1945.

Federal Water and Gas Corporation ("Federal"), a registered holding company, and Alabama Water Service Company ("Alabama"), a subsidiary of Federal, have filed a joint declaration with this Commission pursuant to section 12 (f) of the Public Utility Holding Company Act of 1935, as part of Amendments Nos. 9, 9-A and 9-B in the above captioned proceeding. This declaration is concerned with a proposal by Alabama to sell its water distribution system located in the City of Greensboro, Alabama, and territory contiguous thereto in Hale County, Alabama, for \$25,000 in cash, to Greensboro Water Company, a company organized on June 13, 1945, under the laws of Alabama. All of the capital stock of Greensboro Water Company is owned in equal portions by W. E. Matthews III, president of Alabama, and W. C. Christian, an employee of Alabama. This proposed sale by Alabama and the proposed purchase by Greensboro Water Company have been approved by the Alabama Public Service Commission.

Federal and Alabama have requested that this Commission find that the proposed sale is necessary or appropriate to the integration or simplification of the holding company system of which Federal and Alabama are members, and

that our order to issue herein conform to the requirements of sections 371 (b), 371 (d), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals and specifications described therein.

Notice of filing of said joint declaration having been given in the form and manner prescribed in Rule U-23 under the act and the Commission not having received a request for hearing with respect to said joint declaration within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; the Commission deeming that no adverse findings herein under the applicable sections of the act and the rules promulgated thereunder are necessary and finding it appropriate in the public interest and in the interests of investors and consumers to permit said joint declaration to become effective; and it appearing that the proposed sale is a step in the consummation by Federal of its program for the divestment of its interests in the business and properties of Alabama and is necessary and appropriate to the integration or simplification of the holding company system of which Federal and Alabama are members and to effectuate the requirements of section 11 (b) of the act;

*It is hereby ordered.* Pursuant to Rule U-23 and the applicable provisions of said act and the rules promulgated thereunder and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid joint declaration be, and the same hereby is, permitted to become effective forthwith;

*It is ordered and recited.* That the sale by Alabama Water Service Company to Greensboro Water Company for \$25,000 in cash of the properties specified, itemized and described in a certain document entitled "Specification and Itemization of Properties of Alabama Water Service Company to be Sold" marked Exhibit H-4 to Amendment No. 9-B and filed with the Securities and Exchange Commission as part of the record in this proceeding, which document is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if fully set forth herein, is necessary and appropriate to the integration or simplification of the Federal Water and Gas Corporation holding company system of which Alabama Water Service Company is a member and is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

*It is further ordered.* That the sale of said properties be completed within sixty days from the date of this order and that jurisdiction be, and it is hereby, reserved with respect to the application of the proceeds of said sale.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19580; Filed, Oct. 23, 1945;  
9:46 a. m.]

[File Nos. 59-39, 54-50, 59-10, 54-82]

NORTH AMERICAN LIGHT & POWER CO.  
ET AL.

ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of October 1945.

In the matter of North American Light & Power Company holding-company system and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; The North American Company, et al., File No. 59-10; The North American Company, File No. 54-82.

Illinois Power Company having filed herein, on September 12, 1945, a motion for leave to amend its Statement of Claims heretofore filed in these proceedings and having filed with said motion a verified Second Amendment to Statement, and having also filed herein, on September 14, 1945, a motion for leave to file a Statement of Claim against The North American Company and having filed with said motion a verified Statement of Claim; and

Certain preferred stockholders of North American Light & Power Company (known as the Walters Group), having filed herein, on September 21, 1945, a motion for an order directing, among other things, that their attorney file a Supplemental Statement of Claims on behalf of North American Light & Power Company against The North American Company; and

The Commission having considered said motions and the memoranda filed in opposition thereto and being fully advised in the premises:

*It is ordered.* That Illinois Power Company be and is hereby granted leave to file its Second Amendment to Statement and to file its Statement of Claim against The North American Company forthwith;

*It is further ordered.* That North American Light & Power Company and The North American Company file herein on or before October 29, 1945, an answer either admitting or denying each material allegation contained in said Second Amendment to Statement and asserting any additional matters by way of defense or counterclaim, and that The North American Company file herein on or before October 29, 1945, an answer either admitting or denying each material allegation contained in said Statement of Claim against The North American Company and asserting any additional matters by way of defense or counterclaim; and

The Commission deeming it inappropriate to direct that the attorney for the Walters Group take the action as set forth in its motion, but deeming it appropriate that leave be granted for the taking of such action;

*It is further ordered.* That the Walters Group be and is hereby granted leave to amend the Statement of Claim-Over filed on behalf of Illinois Traction Company and North American Light & Power Company against The North American Company with respect to the

claims filed by Illinois Power Company to include therein the transaction set forth in the Second Amendment to Statement, referred to above, and to file a Supplemental Statement of Claims on behalf of North American Light & Power Company against The North American Company;

*It is further ordered*, That the amendment to the Statement of Claim-Over filed pursuant to the leave granted in the next preceding paragraph shall be filed within five days after the entry of this order and that The North American Company shall file within ten days after service upon it of the Amendment to the Statement of Claim-Over an answer either admitting or denying each material allegation contained therein and asserting any additional matters by way of defense or counterclaim;

*It is further ordered*, That the Supplemental Statement of Claims on behalf of North American Light & Power Company against The North American Company filed pursuant to the leave granted in the second preceding paragraph shall be filed within five days after the entry of this order and that The North American Company shall file within ten days after service upon it of the Supplemental Statement of Claims on behalf of North American Light & Power Company objections thereto or, in lieu thereof, an answer either admitting or denying each material allegation contained therein and asserting any additional matters by way of defense or counterclaim;

*It is further ordered*, That the hearings herein be reconvened on October 30, 1945, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, for the purpose of receiving evidence in support of the claims and answers above mentioned, and that all the evidence heretofore received in these proceedings be considered as evidence with respect thereto subject to the rulings of the trial examiner on such objections to the consideration of said evidence as may be raised by any of the participants in the proceedings.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19581; Filed, Oct. 23, 1945;  
9:46 a. m.]

[File No. 70-1139]

PENNSYLVANIA POWER CO. AND OHIO  
EDISON 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 17th day of October, A. D. 1945.

Ohio Edison Company ("Ohio Edison"), a registered holding company and a subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, and Pennsylvania Power Company ("Pennsylvania

Power"), a subsidiary of Ohio Edison, having filed with this Commission a joint application and declaration and amendments thereto pursuant to sections 6, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules thereunder, regarding:

(1) The issue and sale by Pennsylvania Power pursuant to the competitive bidding provisions of Rule U-50 of \$9,793,000 principal amount of First Mortgage Bonds, —% Series of 1945, due 1975;

(2) The issue and private sale by Pennsylvania Power to banks of \$800,000 principal amount of installment promissory notes bearing interest at the rate of 1¾% per annum, and payable in 16 equal semiannual installments;

(3) The issue of not more than 42,000 shares of 4.25% Preferred Stock with a par value of \$100 per share to be offered in exchange to the holders of Pennsylvania Power's outstanding 42,000 shares of \$5 Preferred Stock without par value on a share for share basis plus a dividend adjustment;

(4) The change and conversion of Pennsylvania Power's presently outstanding 110,000 shares of common stock without par value (after increasing the common stock capital represented thereby) into 150,000 shares of common stock with a par value of \$30 per share;

(5) The contribution by Ohio Edison of \$600,000 in cash to Pennsylvania Power;

(6) The increase by Pennsylvania Power of the stated capital representing its common stock from \$3,300,000 to \$4,500,000 reflecting the transfer of \$600,000 from earned surplus and the contribution of \$600,000 by Ohio Edison; and

Pennsylvania Power having requested an exemption from the competitive bidding provisions of Rule U-50 in connection with the issue of the 4.25% preferred stock; and

A public hearing having been held on said amended application and declaration after appropriate notice, and the Commission having examined the record and made and filed its findings and opinions herein:

*It is ordered*, That said amended application and declaration be, and the same hereby is, granted and permitted to become effective subject to the terms and conditions prescribed in Rule U-24, to the condition that the proposed issuance and sale of the First Mortgage Bonds, —% Series of 1945 shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose, and to the further condition that, so long as any of Pennsylvania Power's new bonds or shares of its new preferred stock are outstanding, Pennsylvania Power will not declare or pay any dividends on its common stock (other than dividends payable in common stock) or

make any distribution of assets to holders of common stock by purchase of shares or otherwise, in an amount which, when added to the aggregate of all such dividends and distributions subsequent to the last day of the month in which the new bonds are issued (referred to below as "said date"), would exceed 75% of the net income of the company earned subsequent to said date, if, after the payment of any such dividend or the making of any such distribution, the aggregate of the par value of, or stated capital represented by, the outstanding shares of common stock of the company and of the surplus of the company would be less than an amount equal to 25% of the total capitalization and surplus of the company as defined in the application and declaration, as amended, filed in this proceeding; and

*It is further ordered*, That the proposed issuance of the 4.25% preferred stock by Pennsylvania Power be, and hereby is, exempted from the provisions of Rule U-50 and that Pennsylvania Power's request for shortening of the 10-day period required by Rule U-50 (b) be, and the same is hereby granted and that such period is shortened to not less than 6 days.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19582; Filed, Oct. 23, 1945;  
9:47 a. m.]

[File Nos. 54-97, 59-73, 59-38, 70-1110]

UNITED PUBLIC UTILITIES CORP. ET AL.

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 18th day of October, A. D., 1945.

In the matter of United Public Utilities Corporation, Applicant, File No. 54-97; United Public Utilities Corporation and Its Subsidiary Companies, Respondents, File No. 59-73; United Public Utilities Corporation and Its Subsidiary Companies, Respondents, File No. 59-38; United Public Utilities Corporation, File No. 70-1110.

United Public Utilities Corporation ("UPU"), a registered holding company, having filed an application and declaration and an amendment thereto, pursuant to sections 11 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-44 and U-50, regarding:

(1) The sale by UPU to Montana-Dakota Utilities Co. of UPU's investment in Dakota Public Service Company ("Dakota") and Knife River Coal Mining Company ("Knife River"), subsidiaries of UPU, consisting of the following securities at the prices stated:

(a) All of the outstanding securities of Dakota consisting of \$1,000,000 principal amount of 6% First and Refunding Mortgage Bonds, due October 1, 1946, a 6% note in the principal amount of \$2,500,000, due July 1, 1949, a 6% income note in the principal amount of \$1,335,-

794, due July 1, 1949 and 8,370 shares of common stock without par value for the sum of \$6,521,061 plus an amount equal to the net income of Dakota from April 30, 1945 to and including the date of closing;

(b) All of the outstanding securities of Knife River consisting of 6% and 7% notes in the principal amount of \$112,746 and \$93,000 respectively, due January 1, 1945, and 673 shares of common stock of \$100 par value per share for the sum of \$547,462 plus an amount equal to the net income of Knife River from April 30, 1945 to and including the date of closing;

(2) The use of \$3,750,000 of the proceeds from the foregoing transactions to prepay its 2% notes in the principal amount of \$3,750,000; and

UPU having requested the Commission to issue an order exempting the sale of the securities of Dakota and Knife River from the competitive bidding requirements of Rule U-50 pursuant to paragraph (a) (5) thereof and having also requested the Commission to issue an appropriate order and findings in connection with said proposed sale of securities conforming to the requirements of sections 373 (a) and 1808 (f) of the Internal Revenue Code, as amended; and

A public hearing having been held after appropriate notice, and the Commission having filed its findings and opinion herein;

The Commission having found that the sale of the securities of Dakota and Knife River is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

It is ordered, That said application and declaration, as amended be, and the same hereby is granted and permitted to become effective subject to the terms and conditions prescribed in Rule U-24 and to a reservation of jurisdiction with respect to the use of the balance of the proceeds obtained by UPU from the sale of the securities of Dakota and Knife River:

It is further ordered, That the sale by UPU of the securities of Dakota consisting of \$1,000,000 principal amount of 6% First and Refunding Mortgage Bonds, due October 1, 1946, a 6% note in the principal amount of \$2,500,000, due July 1, 1949, a 6% income note in the principal amount of \$1,335,794, due July 1, 1949, and 8,370 shares of common stock

without par value, and of the securities of Knife River consisting of 6% and 7% notes in the principal amount of \$112,746 and \$93,000 respectively, due January 1, 1945, and 673 shares of common stock of \$100 par value per share is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 45-19583; Filed, Oct. 23, 1945;  
9:47 a. m.]

#### WAR PRODUCTION BOARD.

[C-253, Amdt. 2]

DEERING, MILLIKIN & Co., INC.  
CONSENT ORDER

Consent Order C-253 was issued on January 19, 1945 against Deering, Millikin & Co., Inc. By consent of Deering, Millikin & Co., Inc., the Regional Compliance Manager, the Regional Attorney, and upon approval of the Compliance Commissioner: it is hereby ordered, That: *Consent Order C-253* be amended by deleting the following words in lines 8, 9 and 10 of paragraph (a): "upon purchase orders bearing preference ratings lower than AA-3" and substituting therefor the following words: "except upon purchase orders bearing preference ratings of AAA, MM or CC,".

Issued this 23d day of October 1945.

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

[F. R. Doc. 45-19605; Filed, Oct. 23, 1945;  
11:41 a. m.]

#### WAR SHIPPING ADMINISTRATION.

"AWA"

##### DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17-78th Congress).

Whereas on December 15, 1941 title to the vessel "AWA" (239535) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to

section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner.

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: October 22, 1945.

[SEAL] E. S. LAND,  
Administrator.

[F. R. Doc. 45-19586; Filed, Oct. 23, 1945;  
10:21 a. m.]