

# FEDERAL REGISTER



THE NATIONAL ARCHIVES  
1934  
OF THE UNITED STATES

VOLUME 11 NUMBER 8

*Washington, Friday, January 11, 1946*

## Regulations

### TITLE 8—ALIENS AND NATIONALITY

#### Chapter I—Immigration and Naturalization Service

#### FINES AND PENALTIES AGAINST VESSELS; DETENTION EXPENSES

#### MISCELLANEOUS AMENDMENTS

DECEMBER 19, 1945.

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

#### PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

In § 60.25 (e) the last sentence, which reads: "On receipt in the Central Office of a case submitted by a district director under the provisions of paragraph (c) (4), the case shall be transmitted to the Board of Immigration Appeals for its action," is revoked.

#### PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

Section 90.17 (i) is amended to read as follows:

(i) To make recommendations concerning the institution of prosecutions or disposition of criminal cases arising under the immigration or nationality laws; and

#### PART 107—MANIFESTS

In § 107.11 the last sentence is amended to read as follows: "Such lists shall be deposited with the immigration officials before the departure of the vessel, except that in the case of vessels making regular trips to ports of the United States such lists may be delivered so as to reach the immigration officials at the port of departure within 10 days after departure of the vessel."

#### PART 116—CIVIL AIR REGULATIONS

Section 116.55 is amended to read as follows:

§ 116.55 *Deportation of aliens arriving by aircraft who are excluded.* Any alien excluded from admission to the United States shall be returned to the

country or area of the United States (except the mainland) whence he came, at the expense of the owner, agent, lessee, or operator of the aircraft by which the alien came; and such owner, agent, lessee, or operator shall be liable for the expenses of detention and other expenses referred to in sections 15 and 18 of the Immigration Act of 1917, as amended (39 Stat. 885, 887, 45 Stat. 1551, 58 Stat. 816; 8 U.S.C. 151, 154), to the same extent as if the aircraft were a vessel operating on water.

#### PART 155—DETENTION EXPENSES

In § 155.1 the parenthetical expression immediately following the words "Part 110" is amended to read as follows: "(excepting only in cases in which it is otherwise provided by sections 15 and 18 of the Immigration Act of 1917, as amended (39 Stat. 885, 887, 45 Stat. 1551, 58 Stat. 816; 8 U.S.C. 151, 154), or in which detention occurs under the terms of section 22 of said Act (39 Stat. 891; 8 U.S.C. 159))."

The first sentence of § 155.5 is amended by striking out the word "and" between the semicolon and "(c)", by substituting a semicolon for the period at the end of the first sentence, and by adding the following: "and (d) aliens who arrived in possession of unexpired visas issued by United States consuls within 60 days of the aliens' foreign embarkation if the sole cause of exclusion is one arising under section 13 (a) (1) or (3) of the Immigration Act of 1924, as amended (43 Stat. 161, 50 Stat. 165; 8 U.S.C. 213 (a))."

Section 155.5 is further amended by adding the following:

If a final order of exclusion be entered in the case of an alien in class (d) of this section and if the officer in charge at the port orders the transportation line to return the alien, the detention expenses contemplated in sections 15 and 18 of the Immigration Act of 1917, as amended (39 Stat. 885, 887, 45 Stat. 1551, 58 Stat. 816; 8 U.S.C. 151, 154), and all expenses incidental to detention shall continue to be borne by the Government only until the next departure of a vessel of the transportation line, which brought the alien to the United States, for the place where

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

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

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Book 2: Titles 11-32.

Book 3: Titles 33-50, including a general index and ancillary tables.

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<sup>2</sup> See Part 105, Title 22, Chapter I.

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the alien embarked for the United States. If the alien is not removed from the United States at the time of such departure, thereafter all expense of detention shall be borne by the transportation line.

#### PART 160—IMPOSITION AND COLLECTION OF FINES

Section 160.6 is amended to read as follows:

§ 160.6 *Liability for failure to supply manifest.* Where the master or commanding officer of a vessel bringing aliens into or carrying aliens out of the United States refuses or fails, in violation of section 14 of the Immigration Act of 1917 (39 Stat. 884; 8 U.S.C. 150), to deliver the accurate and full manifests or statements or information, required by section 12 of the Immigration Act of 1917 (39 Stat. 882; 8 U.S.C. 148), regarding aliens brought into or carried out of the United States, such masters or commanding officers shall pay to the collector of customs (under notice of in-

tention to fine) \$10 for each alien concerning whom proper manifest or statement or information is not furnished at the time of arrival with respect to incoming aliens and before the time of the departure of the vessel with respect to outgoing aliens, except that in the case of vessels making regular trips to ports of the United States such outgoing manifest or statement or information may be delivered so as to reach the immigration officials at the port of departure within 10 days after departure of the vessel. The notice of intention to fine required by this section shall be served on the master or commanding officer or person authorized by the master or commanding officer to receive such notice.

CROSS REFERENCE: For information regarding form and preparation of manifests, see 8 CFR Part 107.

Section 160.10 is amended by substituting a colon for the period at the end of the section and by adding the following: "Provided, That such sums shall not be assessed or required for bringing into the United States any alien, if such alien holds an unexpired visa issued by a United States consul within 60 days of the alien's foreign embarkation."

The following is inserted in the parenthetical citation at the end of § 160.10: "58 Stat. 816".

Section 160.12 is amended by adding the following sentence: "Any such penalty in the case of a violation occurring subsequent to June 5, 1940, may upon application in writing therefor, be mitigated by the Attorney General to not less than \$200 for each seaman involved, upon such terms as the Attorney General in his discretion shall think proper."

Section 160.12 is also amended by inserting the words "as amended" after the words "Immigration Act of 1924" and by inserting in the parenthetical citation "58 Stat. 816".

Section 160.15 is amended by substituting in the first sentence the phrase "in §§ 160.6, 160.13, or 160.14" for the phrase "in §§ 160.13, 160.14" and the headline of § 160.15 is similarly amended by inserting "160.6," immediately before "160.13".

Section 160.17 is amended to read as follows:

§ 160.17 *Hearings; submission of evidence and report.* If, within 60 days after service of the notice of liability (Form I-79), the party against whom proceedings have been instituted under this part demands that he be heard in reference to the matter or if at any time the Commissioner or the Board of Immigration Appeals so directs, the party shall be given an opportunity to be heard by an immigrant inspector for the purpose of presenting evidence concerning the alleged violation and, where the particular section of law provides for mitigation or remission of penalty, evidence of any mitigating circumstances. The party may be represented by counsel at the hearing. All evidence pertinent to the case, including the testimony of any witnesses, shall be incorporated into the record of hearing. Regardless of whether a hearing is accorded, the record in every case shall consist of evidence which is pertinent and which is to be

considered by the Commissioner or, on appeal, the Board of Immigration Appeals in determining the case in behalf of the Attorney General. In every case the record should include such items as the medical certificate, if any; a copy of any record of hearing before a board of special inquiry where facts pertaining to liability for fine were developed as required by § 130.3 of this chapter; a copy of the notice of liability for fine (Form I-79); the evidence upon which such notice was based; the original duplicates of any notices to deliver, detain on board, or remove aliens (Form I-259); evidence as to whether any deposit was made or bond furnished in accordance with the requirements of this part; reports of any investigations conducted; the original of any protest or brief filed; and the application or evidence described in § 160.18 where that section is applicable. The complete record, with the recommendations and reasons therefor of the officer in charge of the port as to whether the fine should be imposed, as to whether any refund should be made, and as to whether any application, which has been filed, for mitigation or remission should be granted, shall be forwarded to the Commissioner either as soon as it is known that the proceeding will not be contested or, in any event, not later than 60 days after service of notice of liability or at the expiration of any authorized extension of that period. If no hearing has been accorded, only the original of the complete record shall be forwarded to the Commissioner, but if a hearing has been accorded, the original and a copy shall be forwarded.

Section 160.18 is amended to read as follows:

§ 160.18 *Mitigation or remission of fines—(a) Mentally afflicted or diseased alien seamen.* The fine prescribed by section 35 of the Immigration Act of 1917 (39 Stat. 896; 8 U.S.C. 169) for bringing to United States ports as employees of vessels aliens afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease may be mitigated or remitted only upon a clear and convincing showing to the effect that the imposition of the full penalty or of any part thereof would be unjust or inequitable under the circumstances of the particular case, including the submission of satisfactory evidence that the seamen were subjected to a competent medical examination before being signed on as members of the crew. Any application for such mitigation or remission shall be submitted in triplicate to the officer in charge at the port where the violation is alleged to have occurred and he shall forward the original and duplicate to the Commissioner.

(b) *Seamen not detained on board or deported.* The fine prescribed by section 20 (a) of the Immigration Act of 1924, as amended (43 Stat. 164, 58 Stat. 816; 8 U.S.C. 167 (a)), for failure to detain a seaman on board until inspection or for failure after inspection to carry out any order to detain and deport, may be mitigated in the discretion of the Attorney General. An application for such mitigation shall be submitted in tripli-

cate to the officer in charge at the port where the violation is alleged to have occurred and he shall forward the original and duplicate to the Commissioner. Such application shall include information as to what diligence was exercised in detaining the seaman in compliance with the requirements of said section 20 (a) and what efforts were made to apprehend and return him to the vessel, and any other information pertinent to a showing that imposition of the full penalty would be unjust or inequitable. The application may be submitted in conjunction with a protest. If a final order, including decision on the question of mitigation, has been entered by the Board of Immigration Appeals on or after August 1, 1945, on consideration of the appeal described in §§ 90.3 (a) (3) and 160.19 of this chapter, the application for mitigation must be submitted in connection with a motion to reopen the case as provided in §§ 90.9 and 90.10 of this chapter and the motion to reopen and the application shall be decided by the Board of Immigration Appeals. The Commissioner shall decide all other applications for mitigation.

(c) *Time limitation.* An application for mitigation may be filed in conjunction with an appeal but an application for mitigation shall not in itself be regarded as an appeal. With respect to violations occurring on or after February 1, 1946, any application for mitigation shall be made within a reasonable time not to exceed 90 days after notice of decision has been furnished in accordance with § 160.19.

In § 160.19 the third sentence, which reads "Any notice of appeal shall be filed in writing at the port and state whether oral argument is desired before the Board.", is amended to read "Any appeal shall be filed in writing at the port and state whether oral argument is desired before the Board."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U.S.C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; 8 CFR, 1943 Supp., 90.1. Additional authority with respect to amendment of 8 CFR 116.55: R.S. 161, secs. 7 (d) and 11 (b) and (c), 44 Stat. 572, 574, 575, 48 Stat. 1116, 52 Stat. 1029; 5 U.S.C. 22, 49 U.S.C. 177 (d), 181 (b) and (c).)

UGO CARUSI,  
Commissioner of  
Immigration and Naturalization.

Approved: January 9, 1946.

TOM C. CLARK,  
Attorney General.

[F. R. Doc. 46-521; Filed, Jan. 9, 1946;  
4:58 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 5305]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS TIPTX

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of*

product or service. In connection with the offering for sale, sale, and distribution of respondent's preparation designated as "Tiptex," or any other preparation of substantially similar composition or possessing substantially similar properties under whatever name or names sold, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that said preparation will cause the fingernails to be more pliable or more resistant to breaking; (b) that said preparation will prevent fingernail brittleness or prevent fingernails from splitting, chipping, or peeling; (c) that said preparation will produce long, strong, or break-resistant fingernails or make the fingernails supple or pliant; or (d) that said preparation penetrates to the nail matrix in any significant degree, or that if in any manner brought into contact with the matrix it will strengthen or lubricate such matrix; prohibited, (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Tiptex, Docket 5305, December 10, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of December, A. D. 1945.

*In the Matter of Olive L. Richards, an Individual Doing Business as Tiptex*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between respondent, Olive L. Potter (formerly Olive L. Richards), and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That respondent, Olive L. Potter, an individual, trading as Tiptex or under any other name, her representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of her preparation designated as "Tiptex," or any other preparation of substantially similar composition or possessing substantially similar properties under whatever name or names sold, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That said preparation will cause the fingernails to be more pliable or more resistant to breaking.

(b) That said preparation will prevent fingernail brittleness or prevent fingernails from splitting, chipping, or peeling.

(c) That said preparation will produce long, strong, or break-resistant fingernails or make the fingernails supple or pliant.

(d) That said preparation penetrates to the nail matrix in any significant degree, or that if in any manner brought into contact with the matrix it will strengthen or lubricate such matrix.

2. Disseminating, or causing to be disseminated, by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any representation prohibited in paragraph 1 hereof.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 46-549; Filed, Jan. 10, 1946;  
11:25 a. m.]

[Docket No. 5064]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

R. C. MILLER & CO., ETC.

§ 3.6 (m) *Advertising falsely or misleadingly—Nature—Product*: § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service*: § 3.6 (y) *Advertising falsely or misleadingly—Safety*: § 3.7 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety*. In connection with the offering for sale, sale, or distribution of respondent's medicinal preparation designated "Nonat", or any other preparation containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that respondent's preparation has any significant effect in reducing the swelling or stopping the pain resulting from insect bites or stings; (b) that said preparation will cure festers or heal festering cuts or wounds; (c) that said preparation will remove splinters or other foreign objects from the body; (d) that said preparation possesses any therapeutic value in the treatment of sciatica or rheumatism except insofar as it may afford temporary relief from the pains resulting from such conditions; (e) that said preparation is a cure for any bodily ailment; or, (f) that said preparation possesses any therapeutic properties other than those of a mild counter-irritant; or which advertisements fail to reveal that the use

of said preparation on open sores or wounds may result in lead poisoning; prohibited, subject to the provision, however, that such advertisements need contain only the statement, "Caution: Use only as directed", if and when the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, R. C. Miller & Company, etc., Docket 5064, December 3, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of December, A. D. 1945.

*In the Matter of R. C. Miller, an Individual, Trading as R. C. Miller & Company, and Marie Leiblinger & Company*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner, and brief in support of the complaint (no brief having been filed on behalf of respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondent, R. C. Miller, individually and trading as R. C. Miller & Company and as Marie Leiblinger & Company, or trading under any other name, and her agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's medicinal preparation designated "Nonat", or any other preparation containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication:

(a) That respondent's preparation has any significant effect in reducing the swelling or stopping the pain resulting from insect bites or stings;

(b) That said preparation will cure festers or heal festering cuts or wounds;

(c) That said preparation will remove splinters or other foreign objects from the body;

(d) That said preparation possesses any therapeutic value in the treatment of sciatica or rheumatism except insofar as it may afford temporary relief from the pains resulting from such conditions;

(e) That said preparation is a cure for any bodily ailment;

(f) That said preparation possesses any therapeutic properties other than those of a mild counter-irritant.

2. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to reveal that the use of said preparation on open sores or wounds may result in lead poisoning: *Provided, however,* That such advertisement need contain only the statement, "Caution: Use only as directed," if and when the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect.

3. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 hereof, or which fails to comply with the affirmative requirements set forth in paragraph 2 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 46-550; Filed, Jan. 10, 1946;  
11:25 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

#### Subchapter B—The Foreign Service

[Foreign Service Reg. S-14]

#### PART 105—ACCOUNTS

##### MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in me by R. S. 161 (5 U.S.C. 22); by Executive Order 9452 of June 26, 1944 (3 CFR, 1944 Supp., 66), as amended by Executive Order 9514 of January 18, 1945 (10 F.R. 771); and by Executive Order 9521 of February 13, 1945 (10 F.R. 1991), §§ 105.27, 105.29, 105.31, 105.32, 105.33, 105.35, 105.36, 105.39, 105.40, 105.42, 105.44, 105.45, 105.53, 105.54, 105.56, and 105.57 are amended, § 105.48 is revoked, and §§ 105.58 and 105.59 are added, as follows:

§ 105.27 *Telegraph and telephone service.* (a) Discretion should be exercised in the use of telegraph or cable service or the telephone at Government expense, and ordinarily such use should be restricted to cases of urgency where delay would result in injury or be prejudicial to the public or legitimate private interests, or where the purpose cannot be accomplished by the use of ordinary or air mail services. (See § 106.2 of this chapter.)

(b) When an application for leave of absence is made by a diplomatic or consular officer or any employee by telegraph or telephone, the cost thereof

shall be borne by him personally, and if a reply to such an application is forwarded by telegraph or telephone the cost thereof shall also be charged to him: *Provided, however,* That the Secretary of State may in either case determine that the messages relate to official business.

(c) Canceled.

(d) Whenever the Secretary of State, in his discretion, procures information on behalf of corporations, firms, and individuals, the expense of cablegrams and telephone service involved may be charged against the respective appropriations for the service utilized, and reimbursement therefor shall be required from those for whom the information was procured, and, when made, be credited to the appropriation under which the expenditure was charged. (5 U.S.C. 169.) Such expenses should be incurred only upon prepayment by the interested party of all charges or satisfactory assurance of payment. (See § 106.2 of this chapter.)

(e) *Contracts for telephone service required.* Officers in charge must forward to the Department in accordance with § 105.26, original contracts or agreements for telephone service at their offices, if such contracts have been made or are obtainable. If it is not possible to obtain a written contract or agreement, the facts should be fully explained. A list of toll rates should be forwarded with the contract and a revised list should be forwarded for filing with that contract whenever changes in rates are made.

§ 105.29 *Ambassadors, ministers, ministers resident, commissioners and chargés d'affaires.* (a) *Ambassadors and ministers.* Ambassadors and ministers are entitled to compensation at the rate prescribed according to law. (See § 101.6 of this chapter.)

(b) *Ministers resident, commissioners and chargés d'affaires.* Unless otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of 75 per centum, and chargés d'affaires ad interim at the rate of 50 per centum, of the amounts allowed to ambassadors extraordinary and plenipotentiary and envoys extraordinary and ministers plenipotentiary to the respective countries. (See § 101.6 of this chapter.) (22 U.S.C. 19, 20, 32)

§ 105.31 *Vice consuls commissioned by the Secretary of State and officers of the Foreign Service assigned for special duty.*

(a) Vice consuls commissioned by the Secretary of State, other than those mentioned in § 105.35 shall receive compensation at the rates authorized by the Department of State, including salaries while under instruction in the United States and during transit to and from homes in the United States upon the beginning and after termination of their services, as provided by the applicable appropriation or other act. (See § 105.42.)

(b) Persons assigned for special duty as officers of the Foreign Service in accordance with section 10 (c) of the act of February 23, 1931, as amended, shall be paid their authorized salaries throughout the periods of such assign-

ment from the appropriations provided for the Department of State.

§ 105.32 *Administrative, fiscal and clerical personnel and Foreign Service Auxiliary personnel.* (a) Administrative, fiscal and clerical personnel of the Foreign Service who are not paid in accordance with local prevailing wage rates for the area in which employed shall receive compensation at the rates prescribed by section 1 of the act of February 23, 1931, as amended, or as fixed by the Department of State in accordance with the provisions § 101.6 of this chapter, including salaries while under instruction in the United States and during transit to and from homes in the United States upon the beginning and after termination of their services, as provided by the applicable appropriation or other act. Such personnel who are paid in accordance with local prevailing wage rates for the area in which employed shall receive compensation on the basis of the individual personnel actions at the rates fixed by the Secretary of State in accordance with law.

(b) *Foreign Service Auxiliary (non-career) officers and employees* who are not paid in accordance with local prevailing wage rates for the area in which employed shall receive compensation at the rates authorized by the Department of State, including salaries while under instruction in the United States and during transit to and from their homes in the United States upon the beginning and after termination of their services in the same manner and under the same conditions as other officers and employees of the Foreign Service of like rank and position, in accordance with the provisions of the applicable authority for the Foreign Service Auxiliary. Such personnel who are paid in accordance with local prevailing wage rates for the area in which employed shall receive compensation on the basis and at the rates fixed in accordance with law.

§ 105.33 *Miscellaneous employees.* Miscellaneous employees of the Foreign Service shall receive compensation at the rates authorized by the Department of State in accordance with the provision of § 101.6 of this chapter, including salaries while under instruction in the United States and during transit to and from their homes in the United States upon the beginning and after termination of their services in foreign countries, or as provided by the current appropriation act or other law. Such personnel who are paid in accordance with local prevailing wage rates for the area in which employed shall receive compensation on the basis and at the rates fixed in accordance with law.

§ 105.35 *Vice consuls who receive compensation while in charge only.* Vice consuls commissioned by the Secretary of State who receive compensation while in charge only shall receive compensation for such periods in the amount of one-half of the aggregate compensation of the last principal officer of the post. (See § 105.37.) (22 U.S.C. 20; 43 Stat. 1016; Dec. Comp. Gen. May 20, 1943, B-3442)

§ 105.36 *Salaries and allowances of deceased or incompetent officers and employees.* (a) When officers or employees die or become incompetent and there is any unpaid salary, allowance, or other amount due them, claim must be made therefor on forms specially prescribed for that purpose. (See § 105.56.) These amounts are not to be paid by officers of the Foreign Service unless claims therefor have been allowed by the Claims Division of the General Accounting Office and a copy of the settlement has been sent to the officer by the Department with instructions to make the payment.

(b) Canceled.

(c) When an officer or employee dies his salary or compensation ceases at the close of business on the date of death. However, compensation for all his accumulated and current accrued annual leave in a lump sum equal to the compensation that such employee would have received had he remained in the service until the expiration of the period of such leave is payable upon submission to the Department of a claim prepared in accordance with § 105.56, as follows:

First, to the beneficiary or beneficiaries, if any, lawfully designated by the employee under the retirement act applicable to his service;

Second, if there be no such designated beneficiary, to the estate of such deceased employee. (58 Stat. 845.)

Claims for lump-sum payments forwarded to the Department from offices abroad should be accompanied by a signed statement of the officer in charge showing all annual leave, sick leave and leave without pay used by the officer or employee during the present calendar year and the previous calendar year.

§ 105.39 *Allowance for living quarters, heat, fuel, light, gas and electricity.* (a) Allowances for living quarters, heat, fuel, light, gas and electricity may be granted at all posts to officers and employees who are American citizens within such appropriations as Congress may make for said purpose; *Provided*, That all such allowances shall be accounted for to the Secretary of State in such manner and under such rules and regulations as the President may prescribe, and the authorization and approval of such expenditures by the Secretary of State as complying with such rules and regulations shall be binding upon all officers of the Government. (59 Stat. 102, sections 3 and 8.)

(b) Subject to the provisions of the Regulations Governing the Occupation, Preservation, and Maintenance of Government-owned Foreign Service Properties prescribed by the Secretary of State under authority of § 104.8 of this chapter, and the standardized regulations to govern allowances for living quarters, heat, fuel, and light for civilian officers and employees of the Government stationed in foreign countries, issued by the Director of the Bureau of the Budget, and regulations issued thereunder by the Secretary of State, there may be furnished without cost to officers and employees in the Foreign Service living quarters, including heat, fuel, light, and household equipment in Government-owned or rented buildings, at places where, in the judgment of the Secretary of State, it is

in the public interest to do so, and where such quarters are not available officers and employees who are citizens of the United States may be granted an allowance for living quarters including heat, fuel, and light. Such rented quarters or allowances in lieu thereof may be furnished only within the limits of the appropriations made therefor. (5 U.S.C. 118a; 22 U.S.C. 291)

§ 105.40 *Representation and post (cost of living) allowances.* Within the limitations of such appropriations as may be made therefor, ambassadors, ministers, diplomatic, consular, and Foreign Service officers may be granted allowances for representation, and these officers and clerks and other employees of the Foreign Service who are American citizens may be granted post (cost of living) allowances wherever the cost of living may be proportionately so high that in the opinion of the Secretary of State such allowances are necessary to enable such officers or employees to carry on their work efficiently. All such allowances shall be accounted for to the Secretary of State in such manner and under such rules and regulations as the President may prescribe; and the authorization and approval of such expenditures by the Secretary of State, as complying with such rules and regulations, shall be binding upon all officers of the Government. (22 U.S.C. 12)

§ 105.42 *Limitations regarding payment.* In the payment of compensation the following directions are to be observed:

(a) *Absence from post.* No officer or employee of the Foreign Service shall receive salary for the time during which he is absent from his post, by leave or otherwise, in excess of periods of absence which are authorized by law to be taken with pay. (See § 104.11 of this chapter.) (22 U.S.C. 17, 17a, 124)

(b) *Recall for malfeasance.* (1) No officer of the Foreign Service shall be entitled to compensation in case he is recalled for malfeasance except to the date of the delivery of the notification of recall at the office to which he was last attached or, in the event of his absence therefrom, its delivery at his last known address; or if the officer resigns in anticipation of such recall, he is entitled to compensation only to the date of the acceptance of such resignation. In neither case will compensation be allowed for the time occupied in the transit to the United States. (22 U.S.C. 1, 121; 9 Op. Att. Gen. 89, 92)

(2) No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. (5 U.S.C. 82)

(3) There shall be no withholding or confiscation of the earned pay, salary, or emolument of any civil employee of the United States removed for cause: *Provided*, That if at the time of such removal any such employee is indebted to the United States, any salary, pay, or emolument accruing to such employee coming within the provisions of this section shall be applied in whole or in part to the satisfaction of any claim or in-

debtedness due to the United States. (5 U.S.C. 46a)

(c) *Excess travel time.* No Foreign Service officer or employee traveling under orders or on leave with permission to visit the United States is entitled to salary in transit for any time in excess of that actually and necessarily occupied in proceeding by direct route and generally adopted method of transport from his post to his place of residence or destination in the United States, or vice versa, and such time as may be necessarily occupied in awaiting sailing, except when complying with specific orders issued by the Department of State (§ 104.11 of this chapter.) (22 U.S.C. 17a)

(d) Canceled.

(e) *Extra compensation prohibited.* Except as otherwise provided by statute the compensation allowed by law to the various diplomatic and consular officers shall be in full for all the services rendered and personal expenses incurred by the persons respectively for whom such compensation is provided, of whatever kind such services or personal expenses may be, or by whatever treaty, law, or instructions they are required; and no allowance, other than such as is so provided, shall be made in any case for the outfit or return home of any such officer or person. (22 U.S.C. 125)

(f) *Allotment of pay by civilian personnel stationed abroad.* As provided by the act approved May 14, 1937 (5 U.S.C. 75c), and in accordance with the provisions of regulations issued by the Secretary of State, civilian officers and employees who are assigned for duty outside the continental limits of the United States may make allotments, in whole or in part, from their pay for the support of their families or relatives, for their own savings, or for other similar purposes.

§ 105.44 *Expenses allowable for transportation, per diem, and shipment of effects.* Officers and employees of the Foreign Service and other properly authorized persons traveling at Government expense, upon receipt of travel orders shall be allowed expenses in accordance with the Standardized Government Travel Regulations and, when applicable, regulations prescribed by the Secretary of State, as follows:

(a) Their actual and necessary transportation expenses and per diem;

(b) Transportation expenses and per diem of their families;

(c) Expenses of packing and transportation of their effects;

(d) Expenses for the preparation and transportation of the remains of officers and employees of the Foreign Service who have died or may die abroad or in the discharge of their official duties; and

(e) Expenses incurred in connection with the death, while in a travel status, of certain civilian officers and employees of the United States as authorized by the Act of July 8, 1940 and the regulations promulgated thereunder. (5 U.S.C. 103a and 103b)

*Emergency travel.* Whenever travel has been performed and expense incurred on account of an emergency, or without prior authority, the travel voucher must be approved by the head

of the Department or independent establishment, or by an official designated by him for this purpose, and such approval shall constitute the authority for the travel. All vouchers submitted on account of such travel must contain a satisfactory statement of the facts constituting the necessity therefor. (Standardized Government Travel Regulations, as amended, paragraph 7)

§ 105.45 *Disbursements for other departments and agencies of the government.* When authorized by the Department of State, officers and employees of the Foreign Service shall perform disbursing functions for other departments and agencies of the United States Government. Such disbursing functions may be authorized under either of the following procedures:

(a) By authorization and delegation of disbursing authority (see § 105.4) to disburse for the department or agency concerned against vouchers certified by an authorized certifying officer of such department or agency:

(1) From funds of such department or agency placed to the credit of the checking account of the disbursing officer with the Treasurer of the United States (when disbursing by checks drawn on the Treasurer of the United States); or

(2) From funds of such department or agency made available to the disbursing officer for cash disbursements (when disbursing by any means other than by checks drawn on the Treasurer of the United States).

(b) By authorization to disburse from funds of the Department of State on a reimbursable basis.

§ 105.53 *Special disbursing agents.* Special disbursing agents who disburse under a disbursing symbol shall render accounts for the periods, in the manner, and on the forms prescribed by these regulations or as specially instructed.

§ 105.54 *Drafts.* (a) Ambassadors and ministers when bonded, and Foreign Service officers, vice consuls commissioned by the Secretary of State and special disbursing agents when necessary (but no others), may draw drafts. When an officer is specifically directed by the Secretary of State to draw separate drafts and render separate accounts therefor strict compliance with such instructions is enjoined.

(b) Canceled.

(c) Salaries, allowances and other United States dollar obligations may be paid by separate drafts drawn on the Secretary of State to the order of the officer, employee or other payee. Drafts for other expenses should be drawn payable to the order of the drawing officer and endorsed by him before being negotiated through commercial channels. Other drafts should be drawn in accordance with other provisions of this part and special instructions.

(d) *How drawn.* Drafts shall be drawn on the Secretary of State, in the currency of the United States, payable five days after sight (unless otherwise authorized by the Secretary of State), acceptance waived, and endorsements by procurement excepted. They should be

made on the prescribed form and bear on the margin the symbol and title of the "State Account of Advances" or appropriation if not included in a "State Account of Advances", or a reference to the special deposit or other account to which the amounts are chargeable. One draft should ordinarily be drawn for all necessary funds. The amount drawn for should not exceed the contemplated requirements for disbursements during the accounting period. Drafts drawn at posts should bear the impression seal of the office. No draft shall be post dated.

(e) *Issuance of drafts in "First of Exchange" and "Second of Exchange".* Drafts may be issued in "First of Exchange" and "Second of Exchange" whenever requested by the payee, by striking out, on the official forms, the wording "Sole of Exchange" and inserting, with pen or typewriter on one copy "First of Exchange" and on the other copy, "Second of Exchange". Such drafts shall not be marked "Original" and "Duplicate".

(f) *Numbering drafts.* Each officer shall number his drafts in his separate series, beginning with number one on the first draft drawn by him and by continuing the series of numbers during his period of service, without reference to post or position.

(g) *Negotiating drafts.* In negotiating drafts drawn to obtain disbursing funds it is the duty of the officer to dispose of them at the most favorable rates obtainable, and to support the sale of the draft with an exchange voucher (Form No. 92) regardless of the kind of currency received. When a draft is drawn and given in payment of a United States dollar obligation an exchange voucher is not required.

(h) *Accounting required for every draft drawn.* Drafts drawn by officers of the Foreign Service will be considered an advance of public money to them for which they will be held accountable to the Government under their official bonds, and otherwise, until the sums drawn have been properly accounted for as required by law.

§ 105.56 *Claims.* Claims (for settlement by the General Accounting Office) should be submitted to the Department in duplicate over the handwritten signature and post office address of the claimant, with appropriate recommendations of the officer of the Foreign Service, for:

(a) All amounts which, if allowed, will be chargeable to lapsed appropriations;

(b) Refunds of amounts representing deductions for any retirement and disability fund;

(c) All amounts due deceased, incompetent, or insolvent persons including payees or bona fide holders of unpaid Government checks;

(d) All amounts claimed from the Government when questions of fact affect either the amount payable or the terms of payment, where for any reason settlement cannot or should not be effected at the Foreign Service office; and

(e) Amounts of checks, owned by living payees or bona fide holders, which have been covered into outstanding liabilities.

§ 105.57 *Acquisition and disposition of and accounting for United States gold coins and gold certificates.* United States gold coin and gold certificates received by officers of the Foreign Service in the course of their official duties shall be received only on the basis of the face amount thereof, and shall be forwarded as remittances to the Department of State for transmission to the Treasurer of the United States.

§ 105.58 *Office copies of accounts.* A complete copy of each voucher, form, document, certificate or other paper which is submitted to the Department with an account should be retained in the files of the office so that correspondence relating to the account may be answered without difficulty and to make it possible to reproduce any document which might be required.

§ 105.59 *Reopening of offices closed under emergency conditions; disposal of accounts, moneys and valuables—(a) Accounts.* Upon reopening an office which was closed under emergency conditions any accounts which were completed but not forwarded to the Department and any uncompleted accounts which may be found shall be forwarded immediately with such information relating thereto as may be available. However, if the office should be reopened by the accountable officer who is responsible for the transactions to be reported in the uncompleted accounts he shall complete and forward them without delay.

(b) *Moneys and valuables.* The reopening and inventorying of a safe in an office closed under emergency conditions shall be witnessed by another responsible officer if possible but any responsible employee may be called upon to act as witness if an officer is not available. In so far as possible all unofficial moneys found in the safe should be recorded on Foreign Service Form 334 and reported to the Department for instructions concerning the proper disposition to be made thereof. Such reports shall contain all available information which will help to identify the owner and the purpose for which the money was received. The valuables shall also be reported to the Department with a request for appropriate instructions.

Section 105.48 shall be deemed to be superseded by the present regulation.

In accordance with Executive Order 9521 of February 13, 1945 (10 F.R. 1991), it is found that the subject matter of that part of Executive Order 7968 of September 3, 1938 (3 Cum. Supp., 394) establishing §§ 105.27, 105.29, 105.31, 105.32, 105.33, 105.35, 105.36, 105.39, 105.40, 105.42, 105.44, 105.45, 105.48, 105.53, 105.54, 105.56 and 105.57, and the subject matter of that part of Executive Order 8297 of December 4, 1939 (3 Cum. Supp., 596), amending §§ 105.32, 105.39, and 105.42 and the subject matter of that part of Executive Order 9303 of February 11, 1943 (3 Cum. Supp., 1254) amending § 105.54 are covered by the present regulation which is designed and intended to supersede the above-mentioned parts of Executive Order 7968 of September 3, 1938, of Executive Order 8297 of December 4, 1939, and of Executive Order 9303.

of February 11, 1943. In consequence whereof, said part of Executive Order 7968, said part of Executive Order 8297 and said part of Executive Order 9303 have no further force and effect.

This regulation shall become effective immediately upon registration in the Division of the Federal Register.

Issued: January 8, 1946.

For the Secretary of State.

[SEAL]

DONALD RUSSELL,  
Assistant Secretary.

[F. R. Doc. 46-508; Filed, Jan. 9, 1946;  
12:34 p. m.]

## TITLE 24—HOUSING CREDIT

### Chapter V—Federal Housing Administration

#### Subchapter C—Mutual Mortgage Insurance

#### PART 521—ADMINISTRATIVE RULES FOR MUTUAL MORTGAGE INSURANCE UNDER SECTION 203 OF THE NATIONAL HOUSING ACT

##### APPROVAL OF APPLICATION

Section 521.12 is amended by the addition of a new paragraph as follows:

If the application is made on behalf of a veteran of World War II, for the insurance of a mortgage to refinance an existing insured mortgage which is in default, by reason of his military service, the fee herein provided may be waived by the Commissioner if he finds that the collection of such fee would be inequitable under the particular circumstances of the transaction.

Issued at Washington, D. C. this 9th day of January 1946, and effective January 15, 1946.

RAYMOND M. FOLEY,  
Federal Housing Commissioner.

[F. R. Doc. 46-506; Filed, Jan. 9, 1946;  
12:24 p. m.]

#### Subchapter H—War Housing Insurance

#### PART 576—ADMINISTRATIVE RULES FOR WAR HOUSING INSURANCE

##### FEE TO ACCOMPANY APPLICATION

Section 576.14 is amended by the addition of a new paragraph as follows:

If the application is made on behalf of a veteran of World War II, for the insurance of a mortgage to refinance an existing insured mortgage which is in default, by reason of his military service, the fee herein provided may be waived by the Commissioner if he finds that the collection of such fee would be inequitable under the particular circumstances of the transaction.

Issued at Washington, D. C. this 9th day of January 1946, and effective January 15, 1946.

RAYMOND M. FOLEY,  
Federal Housing Commissioner.

[F. R. Doc. 46-507; Filed, Jan. 9, 1946;  
12:24 p. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs, Department of the Interior

#### Subchapter E—Credit to Indians

#### PART 30—AUTHORITY OF COMMISSIONER AND SUPERINTENDENT

- Sec.  
30.1 Authority of Commissioner.  
30.2 Authority of Superintendent.  
30.3 Form of assignment.  
30.4 Liens, filing.

AUTHORITY: §§ 30.1 to 30.4, inclusive, issued under 5 U.S.C. 22.

§ 30.1 *Authority of Commissioner.* The Commissioner of Indian Affairs is authorized to approve authorities to sell restricted Indian land on form approved by the Secretary of the Interior when executed in favor of Indian chartered corporations or unincorporated tribes. All sales of such land shall require approval of the Secretary.

§ 30.2 *Authority of superintendent.* Superintendents of Indian Agencies are authorized:

(a) To approve mortgages of trust chattels and crops on trust or restricted land of an Indian as security for a loan by any lender.

(b) To approve assignments of income from trust or restricted land of an Indian, except income from allotted land inherited by a full-blood Indian of the Five Civilized Tribes, Oklahoma, as security for a loan by any lender.

(c) To approve assignments of any trust property of an Indian, except land, as security for a loan from an Indian chartered corporation, an unincorporated tribe, an Indian credit association, or the United States.

(d) To give every assistance to lenders to seize or repossess both nontrust and unrestricted property, and trust and restricted property belonging to Indians, even though it be on Indian allotted land or on an Indian reservation. The procedure shall conform as nearly as possible to that followed in similar cases involving non-Indians or non-Indian owned property.

(e) To release the interest of the United States in trust or restricted property of Indians, except land, in accordance with instructions of the Commissioner.

§ 30.3 *Form of assignment.* Forms to be used for assignments dealt with in § 30.2 of this part, shall be approved by the Commissioner. The assignment form may authorize the superintendent to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian borrower may have an interest, and to apply the rentals on the Indian's indebtedness, when the assignment is given as security for a loan from an Indian chartered corporation, unincorporated tribe, Indian credit association, or the United States.

§ 30.4 *Liens, filing.* All liens shall be filed in accordance with State laws, except liens on trust property other than crops in favor of an Indian chartered corporation, unincorporated tribe, credit

association, or the United States, which may be filed in the Indian Agency Office.

Dated: January 5, 1946.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 46-522; Filed, Jan. 10, 1946;  
9:42 a. m.]

#### Subchapter L—Irrigation Projects, Operation and Maintenance

#### PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

#### FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

JANUARY 3, 1946.

Section 130.30 of Title 25 Indians, Part 130, is hereby amended to read as follows:

§ 130.30 *Charges.* Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387) the basic annual charge for operation and maintenance against the irrigable lands to which water can be delivered and beneficially applied under the constructed works of the Fort Belknap Indian Irrigation Project in Montana, including the lands operated as a tribal farming and livestock enterprise, is hereby fixed at \$1.25 per acre for the year 1946 and thereafter until further notice.

The owners of Indian lands not under lease to non-Indians, who are financially unable to pay the total basic charge, may receive water during the calendar years 1946 and 1947 upon payment of the following proportionate share of said charge against the lands for said years as hereinafter stated, viz: \$0.75 per acre for the year 1946; \$1.00 per acre for the year 1947, and thereafter the full rate shall be collected. All unpaid charges, or portions thereof shall remain a lien on the lands as provided in § 130.31 of this part.

(38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387)

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 46-523; Filed, Jan. 10, 1946;  
9:42 a. m.]

#### PART 130—ORDER FIXING OPERATION AND MAINTENANCE CHARGES

#### MISCELLANEOUS INDIAN IRRIGATION PROJECTS

JANUARY 3, 1946.

Section 130.105 of Title 25, Part 130 CFR is hereby amended to read as follows:

§ 130.105 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), a part of the reimbursable cost of operating and maintaining the irrigation projects named below is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1946 and for each succeeding calendar year until further order, in the amounts designated below

for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments;

| Project and agency                 | Per acre per annum |
|------------------------------------|--------------------|
| Salt River, Pima                   | \$1.00             |
| Duck Valley, Western Shoshone      | .40                |
| Fruitland Unit, Navajo             | 1.00               |
| Miscellaneous Units, Navajo        | .50                |
| Pyramid Lake Unit, Carson          | .50                |
| San Carlos Reser. Unit, San Carlos | .50                |
| San Xavier Unit, Sells             | .50                |
| Tongue River Unit, Tongue River    | .25                |
| Warm Springs Unit, Warm Springs    | .25                |

(38 Stat. 583, 43 Stat. 210; 25 U.S.C., 385, 387)

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 46-524; Filed, Jan. 10, 1946;  
9:42 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—Civilian Production Administration

**AUTHORITY:** Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Pub. Law 270, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-914]

MCKETTRICK WILLIAMS, INC.

McKetrick Williams, Inc., a corporation, having its principal place of business at 1350 Broadway, New York, New York, is engaged in the manufacture of dresses for women and children. On January 2, 1946 a temporary suspension order was issued directing it to immediately cancel outstanding CC rated textile orders for fabrics in excess of those authorized for the fourth quarter of 1945, and to place no CC rated orders for such textiles for the first quarter of 1946. The respondent requested a special hearing and waived issuance of a formal charging letter. During the fourth quarter of 1945 McKetrick Williams, Inc., was authorized to extend ratings for 297,061 yards of rayon, but extended ratings for 366,976 yards, which constituted an over-extension of 69,915 yards in excess of its authorization. The respondent was familiar with the provisions of Priorities Regulation No. 3 and its acts, therefore, constitute a wilful violation of that regulation. This violation has interfered with the controls established by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

#### § 1010.914 Suspension Order No. 914.

(a) The temporary suspension order issued to the respondent on January 2, 1946 is hereby revoked.

(b) McKetrick Williams, Inc., shall reduce the amount of rayon cloth for which it may be authorized to extend

ratings during the first quarter of 1946, under Schedule J of Order M-328-B, by the amount of 69,915 yards.

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

(d) The restrictions and prohibitions contained herein shall apply to McKetrick Williams, Inc., its successors and assigns, or persons acting in its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 9th day of January 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,

By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-511; Filed, Jan. 9, 1946;  
4:11 p. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-317, Revocation of Directions 1, 2, 3, 4, 8, 12, 13, 14, 15, 17, 20 and 21]

The following published directions to Conservation Order M-317 are hereby revoked, since they have expired or have become obsolete under the order, as amended November 20, 1945: Direction 1, Direction 2, Direction 3, Direction 4, Direction 8, Direction 12, Direction 13, Direction 14, Direction 15, Direction 17, Direction 20 and Direction 21.

These revocations do not affect any liabilities incurred for violation of these directions or of actions taken by the War Production Board or Civilian Production Administration under the directions.

The manufacture, distribution and use of cotton textiles remains subject to all other applicable regulations and orders of the Civilian Production Administration.

Issued this 10th day of January 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,

By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-537; Filed, Jan. 10, 1946;  
11:15 a. m.]

### Chapter XI—Office of Price Administration

#### PART 1305—ADMINISTRATION

[Gen. RO 1<sup>1</sup>, Amdt. 1]

##### ADMINISTRATIVE EXCEPTIONS

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

Section 1305.28 (a) of General Ration Order No. 1 is amended to read as follows:

(a) Any person seeking relief from a Ration Order for which no provision is made in the order, shall present in writing to the Deputy Administrator for the

<sup>1</sup> 7 F.R. 8653.

Price Department of the Office of Price Administration, Washington, D. C., as statement of the circumstances thought to warrant such relief, and the reasons why he believes that the granting of relief in his case and in all like cases would not defeat or impair the effectiveness or policy of the Ration Order involved. The Deputy Administrator for the Price Department may grant such relief only if he finds that the granting thereof would not defeat or impair the effectiveness or policy of the Ration Order involved: *Provided*, That nothing herein contained shall permit an exception to or waiver or variance of any provision setting forth standards of eligibility or need for a rationed commodity.

This amendment shall become effective as of January 5, 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-513; Filed, Jan. 9, 1946;  
4:16 p. m.]

#### PART 1305—ADMINISTRATION

[Gen. RO 3,<sup>1</sup> Amdt. 14]

##### RATION BANKING: BANKS

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

Section 1305.411 (d) (2) is amended to read as follows:

(2) *Involuntary withdrawal.* The Deputy Administrator for the Price Department of the Office of Price Administration may, upon written notice sent by registered mail, require any bank to withdraw from participation in ration banking within thirty (30) days after receipt of such notice. Upon receipt of such notice such bank shall refuse to open any new accounts.

This amendment shall become effective as of January 5, 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-514; Filed, Jan. 9, 1946;  
4:16 p. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Amdt. 1 to Zoning Order 1]

##### SUGAR

The name and title at the end of Zoning Order No. 1 to Third Revised Ration Order 3 should be changed to read as follows:

GEORGE A. DICE,  
Director, Sugar Rationing Division.

This amendment shall become effective as of January 5, 1946.

Issued this 9th day of January 1946.

GEORGE A. DICE,  
Director, Sugar Rationing Division.

[F. R. Doc. 46-517; Filed, Jan. 9, 1946;  
4:15 p. m.]

<sup>1</sup> 8 F.R. 865.

## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

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

## SUGAR

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

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

1. Section 5.6 is amended to read as follows:

Sec. 5.6 *Director of Sugar Rationing Division may issue instructions to importers of Cuban and Puerto Rican direct-consumption sugar.* (a) In accordance with the provisions of letter No. 2, to importers of Cuban and Puerto Rican direct-consumption sugar, dated November 2, 1943, as amended, issued by the Commodity Credit Corporation, conditioning reimbursement for deliveries of off-shore direct-consumption Cuban and Puerto Rican sugar upon compliance with instructions as to distribution, issued by the Office of Price Administration, the Director of the Sugar Rationing Division of the Office of Price Administration, may from time to time, by letter or otherwise, issue to importers of off-shore direct-consumption Cuban and Puerto Rican sugar, instructions covering the delivery of such sugar.

2. Section 20.1 (a) is amended to read as follows:

(a) The Director of the Sugar Rationing Division of the Office of Price Administration may, from time to time, issue orders establishing zones for the purposes of this section.

This amendment shall become effective as of January 5, 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-516; Filed, Jan. 9, 1946; 4:15 p. m.]

## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Gen. RO 10, Amdt. 1]

## EMERGENCY POWER OF REGIONAL ADMINISTRATORS

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

General Ration Order 10 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. If a Regional Administrator finds that an emergency exists in any area in his region because of the occurrence or imminence of a public disaster (such as a flood, fire or tornado) he may, with the approval of the Director of the Sugar Rationing Division, declare that a public emergency exists in such area.

2. The second sentence of section 2 is amended to read as follows: "The author-

<sup>1</sup> 8 F.R. 7280.

ity of the Regional Administrator shall continue until he (or the Director of the Sugar Rationing Division) decides that the state of public emergency has ceased to exist."

This amendment shall become effective as of January 5, 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-515; Filed, Jan. 9, 1946; 4:16 p. m.]

## PART 1305—ADMINISTRATION

[SO 131, Amdt. 11]

## REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

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 4 of Supplementary Order No. 131 is amended by adding thereto paragraph (tt) to read as follows:

(tt) *Certain cotton and part wool blankets.* In § 1400.118-(d) (27) (viii) and (ix) of Maximum Price Regulation No. 118,<sup>2</sup> the base maximum prices for the bed blankets designated below are increased as follows:

| Class | Type | Subtype | Increase in cents-per-pound of finished weight, including weight of binding |            |
|-------|------|---------|-----------------------------------------------------------------------------|------------|
|       |      |         | Higher band                                                                 | Lower band |
| II    | H    |         | 12                                                                          | 10         |
|       | H-1  |         | 12                                                                          | 10         |
|       | J    |         | 8 1/4                                                                       | 6 1/2      |
|       | J-1  |         | 8 1/4                                                                       | 6 1/2      |
|       | K    | K-H     | 12                                                                          | 10         |
|       |      | K-H-1   | 12                                                                          | 10         |
| III   |      | K-J     | 8 1/4                                                                       | 6 1/2      |
|       |      | K-J-1   | 8 1/4                                                                       | 6 1/2      |
|       |      |         | 10                                                                          | 8          |

This amendment shall become effective January 10, 1946.

Issued this 10th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-540; Filed, Jan. 10, 1946; 11:17 a. m.]

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

[MPR 30, Amdt. 15]

## WASTEPAPER

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

<sup>1</sup> 10 F.R. 14504, 14657, 14779, 15004.

<sup>2</sup> 8 F.R. 12186, 12934; 9 F.R. 401, 10088, 10925, 14211, 14383, 14676; 10 F.R. 705, 857, 1492, 2025, 3875, 8134, 8979, 10310, 14063.

<sup>3</sup> 7 F.R. 9732; 8 F.R. 3845, 6109, 7350, 7821, 7199, 13049, 17483; 9 F.R. 6107, 8056, 11108; 10 F.R. 1787, 4103, 4492, 7338.

Maximum Price Regulation No. 30 is amended in the following respect:

In § 1347.14 Appendix A (a) (1), Footnote 7 is amended to read as follows:

7. "No. 1 heavy books and magazines" consist of used and overissue books and magazines, stitchless stock, quire waste and similar printed matter and may contain colored ledger or any white paper which meets the requirements for inclusion in any white grade listed in this Appendix A at a price equal to or higher than the price listed for "No. 1 heavy books and magazines." The packing may contain up to 5% outthrow. A shipment containing more than 5% outthrow but not more than 10% outthrow must be rejected or paid for only after adjustment to eliminate any payment for outthrow in excess of 5%; in such shipment the excess of outthrow becomes the property of the purchaser. When a shipment invoiced as "No. 1 heavy books and magazines" contains outthrow of more than 10%, such shipments must be rejected as "No. 1 heavy books and magazines" and may be accepted only as "No. 1 Mixed Papers," even though it would otherwise meet the definition of "Mixed Books." A deduction of at least \$5.00 per ton from the maximum price must be made if the material is not packed in machine compressed bales weighing not less than 500 lbs., in air compressed bales, or on skids.

This amendment shall become effective January 15, 1946.

Issued this 10th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-538; Filed, Jan. 10, 1946; 11:17 a. m.]

## PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 5 to Supp. Service Reg. 47]

## RETAIL SHOE REPAIR SERVICES

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.

SSR 47 is amended in the following respects:

In § 1499.680 (i) subparagraph (1) is amended to read as follows:

(1) Attaching to dress or work shoes Neolite full-soles or half-soles manufactured by the Goodyear Tire and Rubber Company or Panolene full-soles or half-soles manufactured by the Panther-Panco Rubber Company.

A seller's correctly filed maximum prices under RMPR 165 for attaching Semi-Fine leather full-soles or half-soles to dress or work shoes, plus the following additions:

|                                                    | Per pair |
|----------------------------------------------------|----------|
| Men's shoes and boys' shoes larger than size 3 1/2 | \$0.25   |
| Boys' shoes size 3 1/2 or smaller                  | .15      |
| Women's, girls', and children's shoes              | .15      |

This amendment shall become effective January 15, 1946.

Issued this 10th day of January 1946.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 46-539; Filed, Jan. 10, 1946; 11:17 a. m.]

# Chapter XXIII—Surplus Property Administration

[SPA Reg. 1, Amdt. 1 to Order 8]

## PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

### FORMS FOR REPORTING ACQUISITION, DISPOSAL, AND INVENTORY OF SURPLUS PERSONAL PROPERTY

Surplus Property Administration Regulation 1, Order 8, November 27, 1945, (10 F.R. 14628) entitled "Forms for Reporting Acquisition, Disposal, and Inventory of Surplus Personal Property", is hereby amended by inserting in paragraph 1 the figures "38.1," after "38," and by inserting Form SPA-38.1, as attached hereto,<sup>2</sup> after SPA-38.

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

This amendment shall become effective January 8, 1946.

W. STUART SYMINGTON,  
Administrator.

JANUARY 8, 1946.

[F. R. Doc. 46-551; Filed, Jan. 10, 1946; 11:38 a. m.]

## TITLE 36—PARKS AND FORESTS

### Chapter II—Forest Service

#### PART 261—TRESPASS

### CIBOLA NATIONAL FOREST; ORDER FOR THE REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS

Whereas a number of horses, mules, and burros are trespassing and grazing on land in the Mt. Taylor and Zuni Ranger Districts of the Cibola National Forest in the State of New Mexico; and

Whereas these horses, mules, and burros are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order is issued for the occupancy, use, protection, and administration of the areas described below in the Mt. Taylor and Zuni Ranger Districts, Cibola National Forest:

*Temporary closure from livestock grazing.*<sup>1</sup> (a) The following described areas, located within McKinley, Sandoval, and Valencia Counties, which are a part of the Mt. Taylor and Zuni Ranger Districts, Cibola National Forest, are hereby closed for the period March 1 to August 31, 1946, to the grazing of horses, mules, and burros, excepting those that are lawfully grazing on or

crossing land in such areas pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations.

*Los Indios and El Dado Allotments:* Beginning at the correction corner of Section 2, T. 13 N., Sec. 35, T. 14 N., R. 7 W. on the Bartolome-Fernandez Grant boundary north and east along the national-forest boundary fence a distance of 19 miles to the correction corner common to Sections 16 and 17, T. 15 N., R. 5 W., thence south  $4\frac{1}{2}$  miles to the corner of Sections 4, 5, 8, and 9, T. 14 N., R. 5 W., then west  $\frac{1}{2}$  mile to  $\frac{1}{4}$  corner of Sections 5 and 8, then south approximately  $2\frac{3}{4}$  miles to Forest boundary in the N $\frac{1}{2}$  of Section 20, T. 14 N., R. 5 W., then southwesterly along Forest boundary a distance of  $5\frac{1}{2}$  miles to intersection of Llanito Frio allotment fence in W $\frac{1}{2}$  of Section 3, T. 13 N., R. 6 W., then westerly approximately  $4\frac{1}{2}$  miles to place of beginning.

*Guadalupe Allotment:* Beginning at the intersection of the Forest boundary and the L-Bar-Guadalupe allotment fence in Section 6, T. 15 N., R. 4 W. east along Forest boundary approximately  $4\frac{1}{2}$  miles to correction corner common to Sections 1 and 2, T. 15 N., R. 4 W., then south approximately  $7\frac{1}{2}$  miles to rim rock and boundary of L-Bar allotment, then north and west along rim to Guadalupe Spring in Section 6, T. 14 N., R. 4 W., a distance of approximately 11 miles, then north approximately 4 miles to place of beginning.

*Mt. Sedgwick Township:* Beginning at the corner common to T. 11 N., R. 11 and 12 W. and T. 12 N., R. 11 and 12 W., south seven miles along the township line to corner of Sections 6 and 7, T. 10 N., R. 11 W. and 1 and 12, T. 10 N., T. 12 W., then west four miles to corner of Sections 4, 5, 8 and 9, T. 10 N., R. 12 W., then north 1 mile to township line, then west 2 miles to township corner, north  $5\frac{1}{2}$  miles to  $\frac{1}{4}$  corner of Section 6, T. 11 N., R. 12 W., then east  $\frac{1}{2}$  mile to center of Section 6, north  $\frac{1}{2}$  mile to  $\frac{1}{4}$  corner on township line, then east  $5\frac{1}{2}$  miles along township line to place of beginning.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Cibola National Forest is located.

Done at Washington, D. C., this 9th day of January 1946. Witness my hand and the seal of the Department of Agriculture.

[SEAL] J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 46-509; Filed, Jan. 9, 1946; 3:15 p. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—General Land Office

#### Appendix—Public Land Orders

##### [Public Land Order 308]

##### \* CALIFORNIA

### REDUCING WITHDRAWAL MADE BY EXECUTIVE ORDER 6544 OF DECEMBER 30, 1933

By virtue of the authority vested in the President by section 1 of the act of June

25, 1910, c. 421, 36 Stat. 847 (U.S.C. title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6544 of December 30, 1933, withdrawing certain public lands in California for use by the Department of Agriculture as fire-lookout sites and as a site for storing explosives, in connection with the administration of the Shasta and Trinity National Forests, is hereby revoked so far as it affects the tract described below by metes and bounds:

Beginning at a point at the intersection of the west boundary of Mineral Lot No. 47 with the north boundary of the Townsite of the Town of Weaverville in section 12, T. 33 N., R. 10 W., M. D. M., California, from which the southeast corner of said section 12 is 22.91 chains east and 70 chains south.

From the initial point,  
N. 32° 0' E., 55.0 ft., along west boundary of Mineral Lot No. 47;

N. 64° 50' 19" W., 549.03 ft., to west line of NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  (NE $\frac{1}{4}$  lot 2), section 12;

South 280.0 ft., to a point on north boundary of Townsite;

S. 89° 59' 30" E., 467.78 ft., along Townsite boundary to place of beginning.

The tract as described contains 1.845 acres and is situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  (NE $\frac{1}{4}$  lot 2), section 12.

This order shall not otherwise become effective to change the status of the land until 10:00 a. m. on the 63d day from the date on which it is signed. At that time the land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to such application, petition, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L.D. 254), to the extent that these regulations are applicable.

HAROLD L. ICKES,  
Secretary of the Interior.

JANUARY 4, 1946.

[F. R. Doc. 46-525; Filed, Jan. 10, 1946; 9:43 a. m.]

#### [Public Land Order 309]

##### ALASKA

### WITHDRAWING PUBLIC LANDS FOR USE OF FISH AND WILDLIFE SERVICE AS A DOCK SITE

By virtue of the authority vested in the President and pursuant to Executive Order 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the tract of public land in Alaska described below by metes and bounds is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, but not the mineral-leasing laws, and reserved for the use of the Fish and Wildlife Service, Department of the Interior, as a dock site:

Beginning at the initial point on the right bank of the Naknek River, approximately 500 feet above the mouth of Eskimo Creek, in latitude 58° 40' N., longitude 156° 46' W.

From the initial point,

N. 31° E., 876 feet;

North, 650 feet, to left bank Eskimo Creek;

<sup>1</sup> 10 F.R. 14064.

<sup>2</sup> Form filed as part of the original document.

<sup>3</sup> This affects tabulation contained in 36 CFR, 261.50.

Northeasterly, 300 feet, to west right of way line of CAA road;

Southeasterly, 1,600 feet along west and south right of way line of CAA road;

S. 27° W., 1,250 feet, to right bank of Naknek River;

Northwesterly, 1,200 feet, along right bank of Naknek River to point of beginning.

The area described contains approximately 25 acres.

HAROLD L. ICKES,  
Secretary of the Interior.

JANUARY 5, 1946.

[F. R. Doc. 46-526; Filed, Jan. 10, 1946;  
9:43 a. m.]

## Notices

### DEPARTMENT OF AGRICULTURE.

#### Production and Marketing Administration.

[Docket No. A071-A 10]

#### NEW YORK METROPOLITAN MILK MARKETING AREA

#### NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreements, as amended, and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F.R. 11791), notice is hereby given of a hearing to be held at the St. George Hotel, Brooklyn, New York, beginning at 10 a. m., e. s. t., January 17, 1946; at the South Junior High School, Watertown, New York, beginning at 10 a. m., e. s. t., January 21, 1946; and at the Onondaga Hotel, Syracuse, New York, beginning at 10 a. m., e. s. t., January 22, 1946.

Such hearing to be held at the times and places indicated is for the purpose of receiving evidence with respect to the economic or marketing conditions relating to the proposed amendments as hereinafter set forth to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the New York Metropolitan Milk Marketing Area. (7 CFR, Cum. Supp., 927.0-927.9; 7 CFR, 1943 Supp. 927.0, 927.2 and 927.10; 7 CFR, 1944 Supp. 927.2-927.4; 10 F.R. 6156). These proposed amendments have not received the approval of the Secretary of Agriculture, and proponents of Class I-A amendments are informed that the consideration of such proposals entails a careful examination of the operation of the present Class I-A price provisions, and of the question whether the present Class I-A price formula or a modification thereof would fail to result in prices consistent with the standards of the Act.

Proposed amendments are as follows:

A. Amend § 927.5 (a) by changing any or all of the minimum class prices for milk, and any or all of the class defini-

tions as set forth in § 927.4 (c) to facilitate such minimum class price changes.

The hearing on minimum class prices will include, but will not be limited to, evidence on the following specific proposals:

1. (Submitted jointly by the Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc., Eastern Milk Producers' Cooperative Association, Inc., and Crowley's Milk Producers' Cooperative Association, Inc.)

That the present Class I-A provisions be deleted and that the present Class I-A price of \$3.70 per hundredweight be increased by an amount sufficient to assure an additional annual return to the producer settlement fund equal to producers' estimated returns from subsidies in the calendar year 1945. The increase in the Class I-A price should be 40 cents greater during the winter months than during the summer months. Pending elimination of subsidies paid to producers, credits applicable to such prices should be provided at rates per hundredweight of Class I-A milk to be computed each month from the rate of the announced subsidy, and the proportion of the total milk which is utilized in Class I-A during such month. The estimated weighted average subsidy paid per hundredweight of milk produced for the New York market in 1945 is 58.5 cents. This estimate is based upon actual volumes of pooled milk, by months, for the last full calendar year for which figures are available, i. e., 1944, and subsidy rates paid and announced to be paid for corresponding months in 1945. For 1944, the average of the monthly percentages of pooled milk used in Class I-A was 50.5 percent. The required increase is, therefore, \$1.16 throughout the year, or \$1.36 during the period October through March, and 96 cents during the other months of the year. Petitioners therefore request that the Class I-A price be fixed at \$5.06 for the seasonal period October through March and at \$4.66 for the period April through September. The orders should be further amended to provide for allowance of credits to handlers, applicable to and computed on the basis of Class I-A milk handled by them each month. The rate of credit should be computed each month by the Market Administrator by dividing the announced subsidy rate by the percentage which Class I-A for the current month is of the total market pool. For example, assuming that the subsidy is 60 cents per hundredweight and 50 percent of all milk is used in Class I-A, the credit would be 60 cents divided by 0.50 or \$1.20. In no event, however, should the actual net pool return for Class I milk be less than \$3.70 per hundredweight.

2. (Submitted jointly by the Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc., Eastern Milk Producers' Cooperative Association, Inc., Crowley's Milk Producers' Cooperative Association, Inc., and Milk Dealers' Association of Metropolitan New York, Inc.)

(a) Revise the Class III price by:

(1) Reducing the freight differential from 10 cents to 8 cents on all Class III

products except milk powder products on which reduce it to 2½ cents.

(2) Providing for a minus differential off such price either of 15 cents per hundredweight on all milk or 20 cents per hundredweight on milk moved from fluid plants to Class III manufacturing plants, this allowance to be permitted only in the months when the Secretary has not declared an emergency or the Market Administrator has not notified handlers that the "willingness to ship" rule is in effect.

(b) Increasing the making allowance in V-B to 4½ cents only on skim derived from milk the fat of which is classified in Class II-D.

(c) Taking the 10 cents out of the floor provided in the prices of Classes II-D, II-E and II-F so that the floor will be the IV-A price.

(d) Allowing the posting of remainders of milk for utilization in Classes IV-A and IV-B at prices below the class value set forth in the order by the number of cents named by the poster, only during the months when the Secretary has not declared an emergency or the Market Administrator has not notified handlers that the "willingness to ship" rule is in effect, subject to the following limitations:

(1) Such milk may be posted only by the operators of fluid milk plants not equipped for manufacturing.

(2) Such milk will be put up for sale at public auction after the postings are completed at which it may be bid in for utilization in the same classes at any price higher than the posted price or for utilization in higher classes (other than Class I and Class II-A) at the class price of such higher Classes.

(3) A handling charge at an amount fixed in the order is to be paid to the fluid milk plant operator by the successful bidder and he is to take delivery of the milk f. o. b. the fluid plant.

3. (Submitted by the Mutual Cooperative of Independent Producers, Inc.)

(a) Amend § 927.5 (a) (1) to read: "For Class I-A milk during the months of April, May, June, and July of each year shall be \$4.63 per hundredweight, and for the months from August 1 through March 31 the Class I-A price shall be \$5.10 per hundredweight."

(b) Delete § 927.5 (a) (2).

(c) Amend § 927.5 (a) (5) to read:

(5) For Class II-A milk, the price during each month shall be as set forth in the following table:

| 92-score butter, wholesale, at New York average price announced pursuant to § 927.2 (e) (cents per pound) | Class II-A price   |                         |
|-----------------------------------------------------------------------------------------------------------|--------------------|-------------------------|
|                                                                                                           | March through July | August through February |
|                                                                                                           | Dollars per cwt.   | Dollars per cwt.        |
| Under 32.0                                                                                                | 1.80               | 1.95                    |
| 32.0 or over, but under 35.5                                                                              | 1.95               | 2.10                    |
| 35.5 or over, but under 39.0                                                                              | 2.10               | 2.25                    |
| 39.0 or over, but under 42.5                                                                              | 2.25               | 2.40                    |
| 42.5 or over, but under 46.0                                                                              | 2.40               | 2.55                    |
| 46.0 or over, but under 49.5                                                                              | 2.55               | 2.70                    |
| 49.5 or over, but under 53.0                                                                              | 2.70               | 2.85                    |
| 53.0 or over, but under 56.5                                                                              | 2.85               | 3.00                    |
| 56.5 or over, but under 60.0                                                                              | 3.00               | 3.15                    |
| 60.0 or over, but under 63.5                                                                              | 3.15               | 3.30                    |
| 63.5 or over, but under 67.0                                                                              | 3.30               | 3.45                    |
| 67.0 or over                                                                                              | 3.45               | 3.60                    |

4. (Submitted by the United Dairy Farmers' Division, District 50, United Mine Workers of America)

(a) That § 927.5 be so amended that the minimum prices on all classes be increased by an amount equal to the amount of reduction of Dairy Production Payments, or subsidies, from the weighted average Dairy Production Payments, or subsidies, made to producers on pooled milk during the calendar year of 1945; that the increase in the minimum class prices per hundredweight of milk on all classes would be an amount equivalent to the reduction for that month in Dairy Production Payments, or subsidies, below the said weighted average rate of Dairy Production Payments or subsidies, made during the calendar year of 1945.

(b) That § 927.5 be further amended by eliminating the formula provisions and fixing the Class I minimum price at no less than \$3.70 per hundredweight plus the addition of an amount each month per hundredweight equal to the reduction in any Dairy Production Payments, or subsidies, in any month as provided for above.

(c) That § 927.5 be further amended to provide for an increase or premium of 35 cents per hundredweight in the minimum class prices during the months of July through March of each year.

5. (Submitted by the Farmers Union, Northeast Division)

That the prices of Classes II-B, II-C, II-D, II-E, II-F, III, IV-A and IV-B be amended as follows:

During the months of July, August and September add 20 cents.

During the months of October, November and December add 60 cents.

During the months of January, February and March add 20 cents.

6. (Submitted by the Association of Ice Cream Manufacturers of New York State)

Amend § 927.5 (a) (6), the Class II-B pricing provision, so that the price reflects more fully competitive values.

7. (Submitted by the Milk Dealers' Association of Metropolitan New York, Inc.)

Amend the Class II-B price so as to provide that the price during the months of March through August shall be 20 cents more than the Class II-E price, and for the months of September through February shall be 25 cents more than the Class II-E price; *Provided*, That in no event shall the Class II-B price be more than the Class II-A price less 15 cents.

8. (Submitted by cheese manufacturers including the New York State Cheese Manufacturers' Association)

Delete § 927.5 (a) (13) as amended, and substitute therefor the following:

(13) For Class IV-B milk the price during each month shall be a price computed by the Market Administrator as follows: From the average of weekly quotations at the Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Cheddars, or in the absence of such quotations for Cheddars, the weekly quotations at

the Wisconsin Cheese Exchange for Twins, subtract 3 cents (which is exclusive of fat recovery, whey, paraffin and transportation allowances) and multiply the result by 9; *Provided*, also, That an amount equal to the current cheese subsidy, to farmers, if any, on each pound of cheese, be included in the farmers' return.

9. (Submitted by Breakstone Bros., Inc.)

(a) Lower the cheese price on milk utilized in the manufacture of sour cream.

(b) Lower the class price on milk utilized in frozen cream.

10. (Submitted by Independent Cooperative Association, Inc.)

That the method of computing the value of skim milk be revised in order that producers may receive a better use value for their skim milk.

B. Amend § 927.4 (a) (5) (i) and (ii) to provide for the expansion of the general principles governing the accounting procedure to include provision for handling plain condensed milk and frozen desserts or homogenized mixtures, and for the assignment of products to Class II-B in addition to the other classes now included.

Specific proposals are:

1. (Submitted by the Milk Dealers' Association of Metropolitan New York, Inc.)

Amend the general principles governing the accounting procedure for classifying milk so as to provide that milk and cream received from pool plants or from producers shall be assigned as far as possible to Class II-B as well as to Class I-A and Class II-A.

C. Amend § 927.5 (b) only with reference to butterfat differentials on milk in Classes I-A, I-C, III and IV-B.

Specific proposals are:

1. (Submitted by the Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc., Eastern Milk Producers' Cooperative Association, Inc., Crowley's Milk Producers' Cooperative Association, Inc., and Milk Dealers' Association of Metropolitan New York, Inc.)

Deduct 91.25 percent of the Class V-B price from the Class III price before dividing by 35 to determine the butterfat differential for Class III milk.

2. (Submitted by the Dairy Branch, Production and Marketing Administration)

Reduce from 9.45 to 9.0 the factor contained in the provision for the butterfat differential on Class IV-B milk.

D. Amend § 927.8 (f) relative to storage cream payments on cream used in Classes II-D, II-E, or II-F by extending the period for using cream in these classes.

Specific proposals are:

1. (Submitted by the Milk Dealers' Association of Metropolitan New York, Inc.)

Amend the order to provide that rebates on storage cream used in Classes

II-D, II-E or II-F be permitted during the months of July to March instead of during the months of October to March.

2. (Submitted by the Association of Ice Cream Manufacturers of New York State)

Change § 927.8 (f) so that claims for payment out of the producer-settlement fund may be made for butterfat used for other than butter during the months of July to March, inclusive, instead of October to March, inclusive, together with any other necessary changes in said provision to allow such increased period of use.

This hearing will be open for receipt of evidence concerning only those provisions of the order and to the extent herein indicated. However, in view of the fact that numerous proposals have been received for amendment of other provisions of the tentatively approved marketing agreement, as amended, and of the order, as amended, a separate hearing will be held at a later date for the receipt of evidence on amendments to certain other provisions of the tentatively approved marketing agreement, as amended, and of the order, as amended.

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the order, as amended, now in effect may be procured from the Market Administrator, 205 East 42nd Street, New York, New York, or may be there inspected.

[SEAL]

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

[F. R. Doc. 46-510; Filed, Jan. 9, 1946;  
3:15 p. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 375 Under 3 (b), Order 96]

M & M LIMITED

AUTHORIZATION OF MAXIMUM PRICES

Order No. 96 under Order No. 375 of § 1499.3 (b) of the General Maximum Price Regulation; M & M Limited; Docket No. 6035:2-GMPR-ORD 375-305.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*, That:

(a) The maximum prices for the sales indicated below of "M & M's Candy Coated Chocolate", packed in moisture proof cellophane bags, 3½ ounce net, manufactured by M & M Limited, 471 Clinton Avenue, Newark 8, New Jersey, shall be as follows:

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (1) From M & M Limited to jobbers per dozen 3½ oz. bags, delivered | \$0.68 |
| (2) From jobbers to retailers per dozen 3½ oz. bags, delivered     | .85    |
| (3) From retailers to consumers per 3½ oz. bag                     | .10    |

(b) The maximum prices established in this order are the highest prices for

which "M & M's Candy Coated Chocolates" may be sold by the respective sellers. All sellers shall reduce the above appropriate maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of M & M's Candy Coated Chocolates sold in 11 oz. bags or other comparable candy items.

(c) M & M Limited shall mail or otherwise supply to its purchasers, at the time of or prior to the first delivery to such purchaser, a written notice as follows:

The Office of Price Administration has authorized us to sell to jobbers our "M & M Candy Coated Chocolates" packed in moisture proof cellophane bags, 3 1/2 oz. net, at a maximum price of 68¢ per dozen, delivered. Jobbers are authorized to sell this item to retailers at a maximum price of 85¢ per dozen, delivered. On sales of this item, all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of comparable candy items.

(d) M & M Limited, for a period of at least 90 days, shall place in or on each package distributed through a jobber a notice as follows:

The Office of Price Administration has authorized jobbers to sell this item to retailers at a maximum delivery price of 85¢ per dozen. Retailers are authorized to sell these items to consumers at a maximum price of 10¢ per bag.

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

(f) This Order No. 96 shall become effective January 10, 1946.

NOTE: This action has the prior written approval of the Secretary of Agriculture (10 F.R. 8419, 9419, 10961).

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-486; Filed, Jan. 9, 1946;  
11:39 a. m.]

[SO 119, Order 44]

H. H. ROBERTSON 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 13 of Supplementary Order No. 119, It is ordered:

(a) H. H. Robertson Company of Ambbridge, Pennsylvania, may determine its maximum prices for its line of steel flooring by increasing by 6.5 percent its maximum price on these items in effect on October 1, 1941, to each class of purchaser.

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

(c) H. H. Robertson Company of Ambbridge, Pennsylvania shall notify each purchaser, in writing, at or before the

issuance of the first invoice after the effective date of this order of the actual dollars-and-cents increase for each item of steel flooring over its maximum price in effect on January 9, 1946, to that class of purchaser.

(d) The maximum price for sale by any reseller of the steel flooring covered by this order and manufactured by the H. H. Robertson Company shall be his maximum price in effect on January 9, 1946, to each class of purchaser plus the actual dollars-and-cents increase in present cost resulting from the increase granted the manufacturer under paragraph (a).

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

This order shall become effective January 10, 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-504; Filed, Jan. 9, 1946;  
11:39 a. m.]

[MPR 120, Order 1555]

FRANKWILL COAL CO., ET AL.

#### ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with

FRANKWILL COAL CO., 19770 LAKE SHORE BLVD., EUCLID, OHIO, FRANKWILL MINE, No. 5 SEAM, MINE INDEX No. 4244, CARROLL COUNTY, OHIO, SUBDISTRICT 4A FOR TRUCK SHIPMENT, STRIP MINE

|                     | Size group Nos. |     |     |     |     |     |     |     |     |     |       |     |
|---------------------|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|
|                     | 1               | 2   | 3   | 3A  | 4   | 5   | 6   | 7   | 8   | 9   | 10    | 11  |
| Truck shipment..... | 375             | 375 | 375 | 355 | 355 | 305 | 305 | 300 | 260 | 305 | ----- | 305 |

GREASY RIDGE COAL CO., c/o M. J. ANDREWS, IRONTON, OHIO, GREASY RIDGE MINE, No. 8 SEAM, MINE INDEX No. 4239, LAWRENCE COUNTY, OHIO, SUBDISTRICT 7 FOR TRUCK SHIPMENT, STRIP MINE

|                     |     |     |     |     |     |     |     |     |     |     |       |     |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|
| Truck shipment..... | 375 | 375 | 375 | 335 | 335 | 265 | 265 | 240 | 230 | 265 | ----- | 265 |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|

GREIER COAL CO., c/o JOHN W. GREIER, R. D. No. 3, SALEM, OHIO, GREIER-BARNES MINE, No. 6 SEAM, MINE INDEX No. 4245, COLUMBIANA COUNTY, OHIO, SUBDISTRICT 4C FOR TRUCK SHIPMENT, DEEP MINE

|                     |     |     |     |     |     |     |     |     |     |     |       |     |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|
| Truck shipment..... | 401 | 401 | 401 | 361 | 361 | 331 | 331 | 296 | 286 | 331 | ----- | 331 |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|

L. C. PIM, R. D. No. 5, SALEM, OHIO, PIM MINE, No. 3 SEAM, MINE INDEX No. 4238, COLUMBIANA COUNTY, OHIO, SUBDISTRICT 4C FOR TRUCK SHIPMENT, DEEP MINE

|                     |     |     |     |     |     |     |     |     |     |     |       |     |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|
| Truck shipment..... | 401 | 401 | 401 | 361 | 361 | 331 | 331 | 296 | 286 | 331 | ----- | 331 |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|

THE MARSHALL MINING CO., 1283 POLAND AVE., YOUNGSTOWN 8, OHIO, STERLING MINE, No. 7-A SEAM, MINE INDEX No. 4240, CARROLL COUNTY, OHIO, SUBDISTRICT 4A FOR TRUCK SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: SALINEVILLE, OHIO, 4 FOR RAIL SHIPMENTS AND RAILROAD FUEL

|                                       |     |     |     |     |     |     |     |     |     |     |       |       |     |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235   | ----- | 290 |
| Truck shipment.....                   | 350 | 350 | 350 | 320 | 320 | 280 | 280 | 255 | 245 | 280 | ----- | 280   |     |

THE MARSHALL MINING CO., 1283 POLAND AVE., YOUNGSTOWN 8, OHIO, FRESNO No. 5 MINE, No. 5 SEAM, MINE INDEX No. 4241, COSHOCTON COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENTS AND RAILROAD FUEL, STRIP MINE, RAIL SHIPPING POINT: FRESNO, OHIO, 4B FOR TRUCK SHIPMENT

|                                       |     |     |     |     |     |     |     |     |     |     |       |       |     |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235   | ----- | 290 |
| Truck shipment.....                   | 370 | 370 | 370 | 330 | 330 | 265 | 265 | 230 | 220 | 265 | ----- | 265   |     |

THE MARSHALL MINING CO., 1283 POLAND AVE., YOUNGSTOWN 8, OHIO, FRESNO No. 6 MINE, No. 5 SEAM, MINE INDEX No. 4242, COSHOCTON COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENT AND RAILROAD FUEL, STRIP MINE, RAIL SHIPPING POINT: FRESNO, OHIO, 4B FOR TRUCK SHIPMENT

|                                       |     |     |     |     |     |     |     |     |     |     |       |       |     |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235   | ----- | 290 |
| Truck shipment.....                   | 360 | 360 | 360 | 320 | 320 | 255 | 255 | 230 | 220 | 255 | ----- | 255   |     |

ALLEGHENY CONTRACTING CO., 101 HARBOR ST., PITTSBURGH, PA., VEOLLES No. 2, MINE, PITTSBURGH SEAM, MINE INDEX No. 427, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT, LAUREL HILL, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP No. 5.

|                           | Size group No. |     |     |     |     |     |     |     |     |     |     |
|---------------------------|----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|                           | 1              | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  |
| Price classification..... | A              | A   | C   | C   | F   | D   | E   | E   | E   | E   | E   |
| Rail shipment.....        | 339            | 339 | 319 | 319 | 284 | 299 | 259 | 259 | 244 | 244 | 244 |
| Railroad fuel.....        | 339            | 319 | 279 | 279 | 259 | 259 | 259 | 259 | 254 | 254 | 254 |
| Truck shipment.....       | 434            | 434 | 434 | 399 | 399 | 399 | 399 | 334 | 294 | 294 | 279 |

ASH & SMITH COAL CO., 90 STEWART ST., UNIONTOWN, PA., SMITH No. 3 MINE, SEWELLY SEAM, MINE INDEX No. 429, FAIRFAX COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, SHOAR, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP G, MAXIMUM TRUCK PRICE GROUP No. 7.

|                           | J   | J   | H   | H   | H   | H   | H   | H   | H   | H   | H   |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Price classification..... | J   | J   | H   | H   | H   | H   | H   | H   | H   | H   | H   |
| Rail shipment.....        | 294 | 294 | 279 | 279 | 279 | 279 | 244 | 244 | 244 | 244 | 244 |
| Railroad fuel.....        | 294 | 294 | 279 | 279 | 279 | 279 | 244 | 244 | 244 | 244 | 244 |
| Truck shipment.....       | 424 | 424 | 424 | 394 | 384 | 384 | 384 | 319 | 259 | 259 | 274 |

THE BESSEMER LIMESTONE & CEMENT CO., YOUNGSTOWN 3, OHIO, HOYT TRACT MINE, No. 4 SEAM, MINE INDEX No. 445, BRAVER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, DARLINGTON, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP No. 4.

|                           | D   | D   | C   | C   | B   | B   | B   | B   | B   | B   | B   |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Price classification..... | D   | D   | C   | C   | B   | B   | B   | B   | B   | B   | B   |
| Rail shipment.....        | 319 | 319 | 319 | 319 | 319 | 284 | 284 | 284 | 284 | 284 | 284 |
| Railroad fuel.....        | 319 | 319 | 319 | 319 | 319 | 284 | 284 | 284 | 284 | 284 | 284 |
| Truck shipment.....       | 424 | 424 | 424 | 409 | 384 | 384 | 384 | 314 | 274 | 274 | 254 |

BLACKSTONE COAL CO., c/o HARRY C. ISABEL, R. D. No. 2, LAKE LYNN, PA., MORRIS MINE, PITTSBURGH SEAM, MINE INDEX No. 442, FAIRFAX COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, CORNISH SIDING, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP E, MAXIMUM TRUCK PRICE GROUP No. 7.

|                           | F   | F   | E   | E   | E   | E   | E   | E   | E   | E   | E   |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Price classification..... | F   | F   | E   | E   | E   | E   | E   | E   | E   | E   | E   |
| Rail shipment.....        | 294 | 294 | 289 | 289 | 289 | 279 | 259 | 259 | 244 | 244 | 244 |
| Railroad fuel.....        | 294 | 294 | 289 | 289 | 289 | 279 | 259 | 259 | 244 | 244 | 244 |
| Truck shipment.....       | 424 | 424 | 424 | 394 | 384 | 384 | 384 | 319 | 259 | 259 | 274 |

BOYLES COAL AND SUPPLY CO., 502 N. E. ST., NEW CASTLE, PA., HARRISVILLE MINE, KITTANNING SEAM, MINE INDEX No. 1099, BUTLER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, HARRISVILLE, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A.

|                           | E   | E   | D   | D   | C   | C   | D   | D   | D   | D   | D   |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Price classification..... | E   | E   | D   | D   | C   | C   | D   | D   | D   | D   | D   |
| Rail shipment.....        | 319 | 319 | 309 | 309 | 319 | 309 | 279 | 279 | 254 | 254 | 254 |
| Railroad fuel.....        | 319 | 319 | 309 | 309 | 319 | 309 | 279 | 279 | 254 | 254 | 254 |
| Truck shipment.....       | 44  | 44  | 444 | 424 | 414 | 414 | 414 | 329 | 299 | 299 | 279 |

BOYLES COAL AND SUPPLY CO., 502 N. E. ST., NEW CASTLE, PA., CLINTONVILLE MINE, KITTANNING SEAM, MINE INDEX No. 1268, VENANGO COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, ANNANDALE, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A.

|                           | E   | E   | D   | D   | C   | C   | D   | D   | D   | D   | D   |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Price classification..... | E   | E   | D   | D   | C   | C   | D   | D   | D   | D   | D   |
| Rail shipment.....        | 319 | 319 | 309 | 309 | 319 | 309 | 279 | 279 | 254 | 254 | 254 |
| Railroad fuel.....        | 319 | 319 | 309 | 309 | 319 | 309 | 279 | 279 | 254 | 254 | 254 |
| Truck shipment.....       | 444 | 444 | 444 | 424 | 414 | 414 | 414 | 329 | 299 | 299 | 279 |

CAPUDER & PETACH, Box 473, MIDWAY, PA., CAPUDER & PETACH MINE, PITTSBURGH SEAM, MINE INDEX No. 488, WASHINGTON COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT, MIDWAY, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP B, MAXIMUM TRUCK PRICE GROUP No. 6.

|                           | A   | A   | C   | C   | F   | F   | H   | H   | H   | H   | H   |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Price classification..... | A   | A   | C   | C   | F   | F   | H   | H   | H   | H   | H   |
| Rail shipment.....        | 375 | 375 | 355 | 355 | 330 | 330 | 280 | 280 | 280 | 280 | 280 |
| Railroad fuel.....        | 375 | 375 | 355 | 355 | 330 | 330 | 280 | 280 | 280 | 280 | 280 |
| Truck shipment.....       | 445 | 445 | 445 | 405 | 395 | 395 | 345 | 310 | 310 | 310 | 275 |

1 Previously established.

NEUTZING COAL CO., POMEROY, OHIO, NEUTZING No. 2 MINE, 88 SEAM, MINE INDEX No. 4243, MEigs COUNTY, OHIO, SUBDISTRICT 8 FOR ALL METHODS OF SHIPMENT, DEEP MINE, RAIL SHIPPING POINT: RUTLAND, OHIO

|                                       | Size group Nos. |     |     |     |     |     |     |     |     |     |     |     |
|---------------------------------------|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|                                       | 1               | 2   | 3   | 3A  | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  |
| Rail shipments and railroad fuel..... | 351             | 351 | 321 | 321 | 321 | 321 | 311 | 271 | 271 | 276 | 276 | 286 |
| Truck shipment.....                   | 401             | 401 | 401 | 361 | 361 | 351 | 291 | 266 | 256 | 251 | 251 | 291 |

R. & R. COAL CO., R. D. #2, LISBON, OHIO, R. & R. No. 2 MINE, #5 & #6 SEAM, MINE INDEX No. 4055, COLUMBIANA COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENTS AND RAILROAD FUEL, STRIP MINE, RAIL SHIPPING POINT: ELKTON, OHIO, 4C FOR TRUCK SHIPMENT

|                                       | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235 | 290 |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Rail shipments and railroad fuel..... | 375 | 375 | 375 | 335 | 335 | 305 | 305 | 270 | 260 | 305 | 305 | 305 |
| Truck shipment.....                   |     |     |     |     |     |     |     |     |     |     |     |     |

WILSON REFRATORIES, INC., 1151 CENTURY BLDG., PITTSBURGH, OHIO, NULL MINE, No. 6 AND/OR No. 7 SEAM, MINE INDEX No. 4246, COLUMBIANA COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENTS AND RAILROAD FUEL, STRIP MINE, RAIL SHIPPING POINT: EAST PALESTINE, OHIO, 4C FOR TRUCK SHIPMENT

|                                       | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235 | 290 |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Rail shipments and railroad fuel..... | 375 | 375 | 375 | 335 | 335 | 305 | 305 | 270 | 260 | 305 | 305 | 305 |
| Truck shipment.....                   |     |     |     |     |     |     |     |     |     |     |     |     |

WILSON REFRATORIES, INC., 1151 CENTURY BLDG., PITTSBURGH, OHIO, MARGARET MINE, No. 6 AND/OR No. 7 SEAM, MINE INDEX No. 4247, COLUMBIANA COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENTS AND RAILROAD FUEL, STRIP MINE, RAIL SHIPPING POINT: EAST FAIRFIELD, OHIO, 4C FOR TRUCK SHIPMENT

|                                       | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235 | 290 |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Rail shipments and railroad fuel..... | 375 | 375 | 375 | 335 | 335 | 305 | 305 | 270 | 260 | 305 | 305 | 305 |
| Truck shipment.....                   |     |     |     |     |     |     |     |     |     |     |     |     |

This order shall become effective January 10, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383 78th Cong.: E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-487; Filed, Jan. 9, 1946;  
11:39 a. m.]

[MPR 120, Order 1556]

ALLEGHENY CONTRACTING CO., ET AL.  
ESTABLISHMENT OF MAXIMUM PRICES AND  
PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 2.

The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel, are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

|                                       | 240<br>A | 220<br>B | 220<br>C | 220<br>D | 195 | 250 | 200 | 145 | 185 |
|---------------------------------------|----------|----------|----------|----------|-----|-----|-----|-----|-----|
| Rail shipments and railroad fuel..... |          |          |          |          |     |     |     |     |     |
| Consolidated size groups.....         |          |          |          |          |     |     |     |     |     |
| "Truck shipment.....                  | 300      | 265      | 285      | 220      |     |     |     |     |     |

|                               | A   | B   | C   | D   |
|-------------------------------|-----|-----|-----|-----|
| Consolidated size groups..... | 285 | 251 | 241 | 206 |
| Truck shipment.....           |     |     |     |     |

WAYNE COAL CO. c/o EVERETT WAYNE BROWN, PROVIDENCE, KY., WAYNE MINE, NINTH SEAM, MINE INDEX

|                                       | 240 | 239 | 220 | 250 | 185 |
|---------------------------------------|-----|-----|-----|-----|-----|
|                                       | A   | B   | C   | D   |     |
| Rail shipments and railroad fuel..... | 300 | 265 | 255 | 200 | 145 |
| Consolidated size groups.....         | 300 | 265 | 255 | 200 | 145 |
| Truck shipment.....                   | 300 | 265 | 255 | 200 | 145 |

This order shall become effective January 10, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F. R. 7871; E.O. 9328, 8 F. R. 4681)

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-489; Filed, Jan. 9, 1946;  
11:40 a. m.]

[SO 133, Order 13]

PEERLESS LEVEL AND TOOL 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 Supplementary Order No. 133, It is ordered:

(a) *Manufacturer's maximum prices.* The Peerless Level and Tool Co. of Sterling, Illinois, may increase its maximum prices in effect immediately prior to the issuance of this order for sales of the levels and plumb rules which it manufactures, by five percent of each such maximum price.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of such articles, which the manufacturer has sold at adjusted maximum prices shall determine their maximum resale prices, as follows:

(1) A purchaser for resale who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall determine his maximum resale price by adding to his invoice cost the same markup which he had on that comparable article, according to the method and procedure set forth in that action.

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

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

(c) *Terms of sale.* Maximum prices adjusted by this order are subject to each seller's terms, discounts, allowances, and other price differentials, in effect during March 1942, or which have been properly established under the applicable OPA regulation.

No. 8—3

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the methods established in paragraph (b) of this order for determining adjusted maximum prices for resales of the articles covered by this order. This notice may be given in any convenient form.

(e) *Reports to be filed.* The manufacturer shall file the report, described in section 5 of Supplementary Order No. 133, with the Office of Price Administration, Washington 25, D. C.

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

(g) *Effective date.* This order shall become effective on January 10, 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-505; Filed, Jan. 9, 1946;  
11:39 a. m.]

[RMFR 136, Order 567]

#### CERTIFIED PRODUCTS COMPANY

##### ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 9, 10 and 11 (c) of Revised Maximum Price Regulation 136, It is ordered:

(a) Certified Products Company, 1615 East Nadeau Street, Los Angeles, California, may sell, f. o. b. plant, each certified trailer described in subparagraph (1) below, at a price not to exceed \$60.00 plus federal excise tax, and state and local taxes on its sale or delivery of the trailer, and the cost of transporting the trailer to the purchaser, if any.

(1) *Description.* One-wheel commercial trailer; 800 pounds carrying capacity; all steel welded frame and body; 48" long x 41" wide; 4.00 x 8 4-ply synthetic tire; equipped with drop tail gate and hitching attachment.

(b) Certified Products Company is authorized to suggest to resellers a resale price for the trailer described in paragraph (a) (1) consisting of the following:

(1) *Suggested resale price.* \$85.00.

(2) *Charges.* (i) A charge for transportation, if any, not to exceed the actual rail freight charge from the factory at Los Angeles, California, to the railroad freight receiving station nearest to the place of business of the reseller.

(ii) A charge equal to the charge made by Certified Products Company to cover federal excise taxes.

(iii) A charge equal to reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the trailer.

(c) A reseller of Certified trailers in any of the territories or possessions of the United States is authorized to sell the trailer described in paragraph (a), at a price not to exceed the applicable price established in paragraph (b), to which it may add a sum equal to the expense in-

curred by or charged to it for payment of territorial and insular taxes, on the purchase, sale or introduction of the trailer; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(d) All requests not granted herein are denied.

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

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under section 8 of Revised Maximum Price Regulation 136, due to substantial changes in design, specifications or equipment of the trailer, the reseller may add to its price under paragraph (b) the increase in price, plus its customary markup on such a cost increase, but in the case of a decrease in the price, the reseller must reduce its price under paragraph (b) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective January 10, 1946.

Issued this 9th day of January, 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-490; Filed, Jan. 9, 1946;  
11:33 a. m.]

[MPR 188, Amdt. 1 to Order 3861]

#### AIRTHERME 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 that paragraph (a) (1) of Order No. 3861 under § 1499.158 of Maximum Price Regulation No. 188 be amended to read as follows:

(a) This order established maximum prices for sales and deliveries of certain articles manufactured by the Airtherm Manufacturing Company, 700 South Spring Avenue, St. Louis 10, Missouri.

(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 | Maximum prices for sales by any seller to— |                             |                 |             |
|-------------------------|-------|--------------------------------------------|-----------------------------|-----------------|-------------|
|                         |       | Jobber                                     | Chain and department stores | Other retailers | Consumer    |
| Trash burner, 18" x 33" | R1    | Each \$2.08                                | Each \$2.44                 | Each \$2.70     | Each \$4.05 |

These maximum prices are for the articles described in the manufacturer's application dated April 20, 1945.

This amendment shall become effective on the 10th day of January, 1946.

Issued this 9th day of January, 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-492; Filed, Jan. 9, 1946;  
11:34 a. m.]

[MPR 188, Order 4812]

KENT 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 § 1499.159c of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Kent Products Company, 222 West Monroe Street, Chicago, 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. | Maximum prices for sales by all persons to— |                         |             |             |
|---------------------------------------------------------|-----------|---------------------------------------------|-------------------------|-------------|-------------|
|                                                         |           | Consumers                                   | Distributors or jobbers | 1-5         | 5 or more   |
| De luxe decorated cut glass coffee brewer ensemble..... | CD 27     | Each \$13.25                                | Each \$6.63             | Each \$8.83 | Each \$7.95 |
| Do.....                                                 | CD 67     | Each 15.95                                  | Each 7.98               | Each 10.63  | Each 9.57   |

These maximum prices are for the articles described in the manufacturer's application dated November 29, 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. destination, 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 10th day of January 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-493; Filed, Jan. 9, 1946;  
11:34 a. m.]

[MPR 188, Order 4813]

A. E. RITTENHOUSE CO., INC.

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 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 door chimes manufactured by The A. E. Rittenhouse Company, Incorporated, Honeoye Falls, 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— |                |             |
|------------------------|-----------------|--------------------------------------------|----------------|-------------|
|                        |                 | Wholesalers (Jobbers)                      |                | Consumers   |
|                        |                 | Standard package                           | Broken package |             |
| Electric door chime... | 312 Dorset...   | Each \$3.71                                | Each \$4.45    | Each \$7.42 |
|                        | 314 Newport...  | Each 4.39                                  | Each 5.26      | Each 8.77   |
|                        | 316 Sheraton... | Each 5.77                                  | Each 6.92      | Each 11.54  |

These maximum prices are for the articles described in the manufacturer's applications dated October 19, October 30 and November 9, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory except for shipments amounting to 100 pounds and over which are sent freight prepaid. The cash discount is 5%, 10th proximo. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the retail price properly filled in:

OPA Retail Ceiling Price, \$-----  
Do Not Detach or Obliterate

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

(e) This order shall become effective on the 10th day of January 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-494; Filed, Jan. 9, 1946;  
11:34 a. m.]

[MPR 188, Order 4814]

SIMMONS 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 Simmons Company, 230 Park Avenue, New York 17, 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— |                             |                               |              |
|-----------------------|-----------|--------------------------------------------|-----------------------------|-------------------------------|--------------|
|                       |           | Wholesalers (Jobbers)                      | Retailers (6 or more units) | Retailers (less than 6 units) | Consumers    |
| Electric blanket..... | A-1       | Each \$23.46                               | Each \$27.41                | Each \$28.59                  | Each \$41.65 |

These maximum prices are for the articles described in the manufacturer's application dated December 5, 1945. These prices include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. These prices include the adjustments allowed under Order No. 6 to Maximum Price Regulation No. 188.

(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 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 prices properly filled in:

Order No. 4814  
Model No. ....  
OPA Retail Ceiling Price—\$.....  
Federal Excise Tax Included  
Do Not Detach or Obliterate

OR

Simmons Company  
230 Park Avenue  
New York 17, New York  
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 10th day of January 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-495; Filed, Jan. 9, 1946;  
11:34 a. m.]

[MPR 188, Order 4815]

NUTONE 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 § 1499.157 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 electrical appliances manufactured by the Nutone Inc., 1451 Merchandise Mart, Chicago 54, 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.    | Maximum prices for sales by any seller to— |                     |                       |
|----------------------|--------------|--------------------------------------------|---------------------|-----------------------|
|                      |              | Jobbers and chain stores                   | Department stores   | Consumers             |
| What-Not chimes..... | K-34<br>K-36 | Each \$7.21<br>7.21                        | Each \$8.65<br>8.65 | Each \$14.40<br>14.40 |

These maximum prices are for the articles described in the manufacturer's application dated October 30, 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 are for the articles described in your applications. They are f. o. b. factory except in shipments of 100 pounds or more in which case freight is prepaid. The cash discount is 5%, 10th proximo. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number, order number and retail prices properly filled in:

Model No. ....  
OPA Retail Ceiling Price—\$.....  
Do Not Detach or Obliterate

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

(e) This order shall become effective on the 10th day of January 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-496; Filed, Jan. 9, 1946;  
11:35 a. m.]

[2d Rev. MPR 213, Order 29]

FOSTER BROS. 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 section 9 (b) (1) of Second Revised Maximum Price Regulation No. 213, it is ordered:

(a) Maximum prices. The maximum prices for all sales and deliveries of the classes of purchasers named, of the Foster-Brother Ribbonwire Bedspring, manufactured by Foster Bros. Mfg. Co., of St. Louis 7, Missouri, are as follows:

|                                                                                                                                      | Each    |
|--------------------------------------------------------------------------------------------------------------------------------------|---------|
| For sales to retailers.....                                                                                                          | \$10.25 |
| For sales to consumers, except in the far west zone as defined in section 17 of Second Revised Maximum Price Regulation No. 213..... | 19.75   |
| For sales to consumers in the west zone as defined in section 17 of Second Revised Maximum Price Regulation No. 213.....             | 21.00   |

These maximum prices are for the articles described in the manufacturer's application dated December 4, 1945. In the case of sales by the manufacturer, they are f. o. b. St. Louis, Missouri. All sales are subject to each seller's custo-

mary terms, discounts, allowances and other price differentials to each class of purchaser.

(b) Notification. Foster Bros. Mfg. Co. shall notify, in writing, all retailers who purchase the article covered by this order of the maximum prices established by this order for sales at retail. This notice may be given in any convenient form; and it shall be given at the time of, or prior to, the first invoice to each retailer covering a sale of the article covered by this order.

(c) Tagging. Before delivering any article covered by this order, Foster Bros. Mfg. Co. must attach to each such article a durable tag containing the following in easily readable lettering, with the amount properly filled in:

OPA has established a retail ceiling price of \$..... for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(d) Definitions. Unless the context otherwise requires, the definitions set forth in Second Revised Maximum Price Regulation No. 213 shall apply to the terms used in this order.

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

(f) Effective date. This order shall become effective on the 10th day of January 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-497; Filed, Jan. 9, 1946;  
11:40 a. m.]

[2d Rev. MPR 213, Order 30]

WILLIAM INTNER 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 section 9 (b) (1) of Second Revised Maximum Price Regulation No. 213, it is ordered:

(a) Maximum prices. The maximum prices for all sales and deliveries to the classes of purchasers named, of the Bedspring with legs, manufactured by William Intner Company, Inc., of New York, N. Y., are as follows:

| Article                                         | Maximum prices to retailers | Consumers    |
|-------------------------------------------------|-----------------------------|--------------|
| Dreamland bedspring with legs and coasters..... | Each \$9.55                 | Each \$18.15 |

These prices are for the articles described in the manufacturer's application dated November 21, 1945. In the case of sales by the manufacturer, they are f. o. b. New York, New York. All sales are subject to each seller's customary terms, discounts, allowances and other price differentials to each class of purchaser.

(b) Notification. William Intner Company, Inc. shall notify, in writing, all retailers who purchase the article covered by this order of the maximum prices es-

established by this order for sales at retail. This notice may be given in any convenient form; and it shall be given at the time of, or prior to, the first invoice to each retailer covering a sale of the article covered by this order.

(c) *Tagging.* Before delivering any article covered by this order, William Intner Company, Inc. must attach to each such article a durable tag containing the following in easily readable lettering, with the amount properly filled in:

OPA has established a retail ceiling price of \$\_\_\_\_\_ for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(d) *Definitions.* Unless the context otherwise requires, the definitions set forth in Second Revised Maximum Price Regulation No. 213 shall apply to the terms used in this order.

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

(f) *Effective date.* This order shall become effective on the 10th day of January 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-498; Filed, Jan. 9, 1946;  
11:40 a. m.]

[MPR 591, Order 210]

#### THE PERFECTION AUTOMATIC MACHINE 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 for sales by any person of the following floating bibb washers manufactured by The Perfection Automatic Machine Company of Cleveland, Ohio, and as described in its application dated October 2, 1945, shall be:

|                                | On sales to—   |                |             |
|--------------------------------|----------------|----------------|-------------|
|                                | Jobbers        | Retailers      | Consumers   |
| 14" Perfection bibb washer...  | Per hd. \$5.00 | Per hd. \$6.65 | Each \$0.10 |
| 3/8" Perfection bibb washer... | 5.00           | 6.65           | .10         |
| 1/2" Perfection bibb washer... | 5.00           | 6.65           | .10         |

(b) The maximum net prices specified in (a) above on sales to jobbers and retailers by The Perfection Automatic Machine Company shall be f. o. b. point of shipment with full freight allowed on sales of more than 10 gross.

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

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

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

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

This order shall become effective January 10, 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-501; Filed, Jan. 9, 1946;  
11:35 a. m.]

[MPR 591, Order 211]

#### THE SCHLUETER 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 prices, excluding Federal Excise Tax, for sales by any person to consumers of the following dairy electric water heaters manufactured by The Schluter Company of Janesville, Wisconsin and described in its application dated November 12, 1945, shall be:

|                                                                                                 |         |
|-------------------------------------------------------------------------------------------------|---------|
| Fig. No. 114—10 gallon Sani-Matic dairy electric water heater with stand, galvanized tank.....  | \$52.50 |
| Fig. No. 114A—18 gallon Sani-Matic dairy electric water heater with stand, galvanized tank..... | 65.00   |

(b) The maximum net price, excluding Federal Excise Tax, f. o. b. point of shipment for sales by any person to dealers shall be the maximum prices specified in (a) above less a discount of 25 percent.

(c) The maximum net price, excluding Federal Excise Tax, f. o. b. point of shipment for sales by any person to distributors shall be the maximum prices specified in (a) above less a discount of 40 percent.

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

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

(f) Each seller covered by this order, except on sales to consumers, shall notify

each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers, except dealers, upon resale.

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

This order shall become effective January 10, 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-502; Filed, Jan. 9, 1946;  
11:36 a. m.]

[MPR 591, Order 212]

#### RITE-WAY PRODUCTS 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, excluding Federal Excise Tax, for sales by any person of the following dairy electric water heaters manufactured by the Rite-Way Products Company, Chicago, Ill., and described in its application dated October 16, 1945, shall be:

|                                                                                  | On sales to—                |              |         |           |
|----------------------------------------------------------------------------------|-----------------------------|--------------|---------|-----------|
|                                                                                  | Mail order and chain stores | Distributors | Dealers | Consumers |
| Model 410 H—10-gallon galvanized tank dairy electric water heater and stand..... | \$28.00                     | \$31.50      | \$35.00 | \$49.50   |
| Model 410 H—10-gallon copper tank dairy electric water heater and stand.....     | 36.80                       | 41.40        | 46.00   | 64.50     |

(b) The maximum prices specified in (a) above shall be f. o. b. point of shipment, except on sales to consumers.

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

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

(e) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the

maximum prices established for purchasers, except dealers, upon resale.

(f) The Rite-Way Products Company shall attach to each electric water heater covered by this order a tag containing the following:

OPA maximum retail price not installed, including actual federal excise tax paid at source—\$-----

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

This order shall become effective January 10, 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-503; Filed, Jan. 9, 1946;  
11:36 a. m.]

[MPR 64, Order 241]

ROUND OAK CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 8 and 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes ceiling prices for sales of the six models of electric ranges listed below, which are manufactured by the Round Oak Company, Dowagiac, Mich., as follows:

(1) For sales by the manufacturer to The Malleable Steel Range Mfg. Co. and retail dealers, the ceiling prices are those set forth below:

| Model  | Brand     | Ceiling prices for sales by the manufacturer to— |                                  |              |              |
|--------|-----------|--------------------------------------------------|----------------------------------|--------------|--------------|
|        |           | Malleable Steel Range Mfg. Co.                   | Retail dealers in quantities of— |              |              |
|        |           |                                                  | 1 to 9                           | 10 to 24     | 25 or more   |
| 92-9   | Round Oak | Each \$86.80                                     | Each \$104.16                    | Each \$98.95 | Each \$93.74 |
| 92-9C  | do        | 88.20                                            | 105.84                           | 100.55       | 95.26        |
| 92-9W  | do        | 89.60                                            | 107.52                           | 102.14       | 96.77        |
| 92-9CW | do        | 92.40                                            | 110.88                           | 105.33       | 99.79        |
| 91-9   | do        | 72.52                                            | 87.02                            | 82.67        | 78.32        |
| 91-9C  | do        | 75.32                                            | 90.38                            | 85.86        | 81.34        |

These ceiling prices are f. o. b. Dowagiac, Michigan, and are subject to terms, discounts, allowances, and other price differentials no less favorable than those in effect on sales of the same models to the same classes of purchasers during the period between January 15 and June 1, 1941 by The Malleable Steel Range Mfg. Co., South Bend, Ind.

(2) For sale in each zone by retail dealers to ultimate consumers the ceiling prices are those set forth below:

| Model  | Ceiling prices for sales to ultimate consumers |               |               |               |
|--------|------------------------------------------------|---------------|---------------|---------------|
|        | Zone 1                                         | Zone 2        | Zone 3        | Zone 4        |
| 92-9   | Each \$173.95                                  | Each \$177.95 | Each \$182.50 | Each \$186.25 |
| 92-9C  | 176.75                                         | 180.95        | 185.25        | 189.25        |
| 92-9W  | 179.50                                         | 183.75        | 187.05        | 191.95        |
| 92-9CW | 185.25                                         | 189.25        | 193.75        | 197.50        |
| 91-9   | 145.50                                         | 149.50        | 153.95        | 157.75        |
| 91-9C  | 151.00                                         | 155.25        | 159.50        | 163.50        |

These prices include the Federal excise tax, delivery, a one year warranty and installation to facilities furnished by the purchaser, when the installation requires only that the range be connected to electrical facilities provided by the purchaser and such connection does not require any additional materials. If a range cord set (referred to in the industry as a "pigtail") is required and is furnished by the dealer, he may add \$3.50 to the above prices. 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) At the time of, or prior to the first invoice to each purchaser for resale at wholesale, 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) The manufacturer, prior to shipping any range covered by this order to a purchaser for resale, shall cause to be affixed securely to the inside panel of the oven door of each range a label showing the model designation 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 Federal excise tax, delivery, a one year warranty, and installation, when the installation requires only that the range be connected to electrical facilities to be provided by the purchaser and such connection does not require any additional materials. The label shall further state that when a range cord set (referred to in the industry as a "pigtail") is required and is furnished by the dealer, he may add \$3.50 to 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) For the purposes of this order, Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Michigan.

Zone 2: Minnesota, Wisconsin, Iowa, Illinois, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina.

Zone 3: Maine, Florida, Montana, Wyoming, Colorado, Texas, North Dakota, South Dakota, Nebraska.

Zone 4: Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, New Mexico.

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

(f) This order shall become effective on the 9th day of January 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-519; Filed, Jan. 9, 1946;  
4:17 p. m.]

[MPR 64, Order 242]

MALLEABLE STEEL RANGE 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 sections 3 and 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes ceiling prices for sales of the six models of electric ranges listed below, which are manufactured by the Round Oak Company, Dowagiac, Michigan, and sold to the Malleable Steel Range Mfg. Co., South Bend, Ind., as follows:

(1) For sales by the Malleable Steel Range Mfg. Co. to wholesale distributors and retail dealers, the ceiling prices are those set forth below:

| Model  | Brand     | Ceiling prices for sales to— |                                  |              |              |
|--------|-----------|------------------------------|----------------------------------|--------------|--------------|
|        |           | Wholesale distributors       | Retail dealers in quantities of— |              |              |
|        |           |                              | 1 to 9                           | 10 to 24     | 25 or more   |
| 92-9   | Malleable | Each \$86.80                 | Each \$104.16                    | Each \$98.95 | Each \$93.74 |
| 92-9C  | do        | 88.20                        | 105.84                           | 100.55       | 95.26        |
| 92-9W  | do        | 89.60                        | 107.52                           | 102.14       | 96.77        |
| 92-9CW | do        | 92.40                        | 110.88                           | 105.33       | 99.79        |
| 91-9   | do        | 72.52                        | 87.02                            | 82.67        | 78.32        |
| 91-9C  | do        | 75.32                        | 90.38                            | 85.86        | 81.34        |

These ceiling prices are f. o. b. Dowagiac, Michigan, and are subject to terms, discounts, allowances, and other price differentials no less favorable than those in effect on sales of the same models to the same class of purchasers during the period January 15 to June 1, 1941.

(2) For sales in each zone by wholesale distributors to retail dealers, the ceiling prices are those set forth below:

| Model  | Ceiling prices for sales by wholesale distributors to retail dealers |               |               |               |
|--------|----------------------------------------------------------------------|---------------|---------------|---------------|
|        | Zone 1                                                               |               | Zone 2        |               |
|        | 1 to 4                                                               | 5 or more     | 1 to 4        | 5 or more     |
| 92-9   | Each \$111.23                                                        | Each \$107.13 | Each \$112.86 | Each \$109.65 |
| 92-9C  | 113.02                                                               | 108.85        | 115.65        | 111.37        |
| 92-9W  | 114.79                                                               | 110.55        | 117.44        | 113.10        |
| 92-9CW | 118.47                                                               | 114.10        | 120.92        | 116.45        |
| 91-9   | 92.98                                                                | 89.55         | 95.48         | 91.95         |
| 91-9C  | 96.51                                                                | 92.95         | 99.16         | 95.50         |
| Model  | Zone 3                                                               |               | Zone 4        |               |
|        | 1 to 4                                                               | 5 or more     | 1 to 4        | 5 or more     |
|        | 1 to 4                                                               | 5 or more     | 1 to 4        | 5 or more     |
| 92-9   | \$116.57                                                             | \$112.26      | \$118.92      | \$114.51      |
| 92-9C  | 118.33                                                               | 113.95        | 120.83        | 116.35        |
| 92-9W  | 120.07                                                               | 115.62        | 122.57        | 118.02        |
| 92-9CW | 123.78                                                               | 119.20        | 126.13        | 121.45        |
| 91-9   | 98.26                                                                | 94.62         | 100.64        | 96.90         |
| 91-9C  | 101.82                                                               | 98.05         | 104.32        | 100.45        |

These prices are f. o. b. distributor's city and include the Federal excise tax. 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.

(3) For sales in each zone by retail dealers to ultimate consumers, the ceiling prices are those set forth below:

| Model  | Ceiling prices for sales to ultimate consumers |          |          |          |
|--------|------------------------------------------------|----------|----------|----------|
|        | Zone 1                                         | Zone 2   | Zone 3   | Zone 4   |
|        | Each                                           | Each     | Each     | Each     |
| 92-9   | \$173.95                                       | \$177.95 | \$182.50 | \$186.25 |
| 92-9C  | 176.75                                         | 180.95   | 185.25   | 189.25   |
| 92-9W  | 179.50                                         | 183.75   | 187.95   | 191.95   |
| 92-9CW | 185.25                                         | 189.25   | 193.75   | 197.50   |
| 91-9   | 145.50                                         | 149.50   | 153.95   | 157.75   |
| 91-9C  | 151.00                                         | 155.25   | 159.50   | 163.50   |

These prices include the Federal excise tax, delivery, a one year warranty, and installation to facilities furnished by the purchaser, when the installation requires only that the range be connected to electrical 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 dealer, he may add \$3.50 to the above prices. 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) At the time of or prior to the first invoice to each purchaser for resale at wholesale, the Malleable Steel Range Mfg. Co. 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 Malleable Steel Range Mfg. Co., prior to shipping any range covered by this order to a purchaser for resale, shall cause to be affixed securely to the inside panel of the oven door of each range, a label showing the model designation 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 Federal excise tax, delivery, a one year warranty and installation, when the installation requires only that the range be connected to electrical facilities to be provided by the purchaser and such connection does not require any additional materials. The label shall further state that when a range cord set (customarily referred to in the industry as a "pigtail") is required and is furnished by the dealer, he may add \$3.50 to 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) For the purposes of this order, Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Michigan.

Zone 2: Minnesota, Wisconsin, Iowa, Illinois, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina.

Zone 3: Maine, Florida, Montana, Wyoming, Colorado, Texas, North Dakota, South Dakota, Nebraska.

Zone 4: Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, New Mexico.

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

(f) This order shall become effective on the 9th day of January 1946.

Issued this 9th day of January 1946.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 46-520; Filed, Jan. 9, 1946;  
4:16 p. 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-December 28, 1945.

#### REGION I

Augusta Order 3-F, Amendment 31, covering fresh fruits and vegetables in Portland, South Portland, and Westbrook, Maine. Filed 3:30 p. m.

Augusta Order 5-F, Amendment 30, covering fresh fruits and vegetables in Bangor and Brewer, Maine. Filed 3:30 p. m.

Concord Order 4-O, Amendment 3, covering eggs in New Hampshire. Filed 3:28 p. m.

New England Order 3, Amendment 3, covering dry groceries in certain defined areas in New England. Filed 3:27 p. m.

New England Order 7-F, Amendment 33, covering fresh fruits and vegetables in specified areas of Boston. Filed 3:30 p. m.

New England Order 8-F, Amendment 30, covering fresh fruits and vegetables in certain cities of Massachusetts. Filed 3:30 p. m.

New England Order 9-F, Amendment 31, covering fresh fruits and vegetables in certain cities of Massachusetts. Filed 3:31 p. m.

New England Order 10-F, Amendment 30, covering fresh fruits and vegetables in certain cities of Massachusetts. Filed 3:31 p. m.

New England Order 11-F, Amendment 30, covering fresh fruits and vegetables in certain cities of Massachusetts. Filed 3:31 p. m.

New England Order 12-F, Amendment 14, covering fresh fruits and vegetables in specified areas of Massachusetts. Filed 3:31 p. m.

New England Order 13-F, Amendment 12, covering fresh fruits and vegetables in the Brockton, Mass. area. Filed 3:31 p. m.

Concord Order 9-F, Amendment 35, covering fresh fruits and vegetables in certain cities of Massachusetts. Filed 3:28 p. m.

Rhode Island Order 3-F, Amendment 32-A, covering fresh fruits and vegetables in the Providence Metropolitan Area. Filed 3:29 p. m.

Rhode Island Order 4-F, Amendment 14, covering fresh fruits and vegetables in the specified areas of Rhode Island. Filed 3:29 p. m.

#### REGION II

Albany Order 10-F, Amendment 28, covering fresh fruits and vegetables in certain cities of New York. Filed 3:29 p. m.

Baltimore Order 4-F, Amendment 69, covering fresh fruits and vegetables in specified areas of Baltimore. Filed 3:27 p. m.

Baltimore Order 10-F, Amendment 25, covering fresh fruits and vegetables in specified areas of Maryland. Filed 3:27 p. m.

Binghamton Order 2-F, Amendments 63 and 64, covering fresh fruits and vegetables in certain counties of New York. Filed 3:29 and 3:30 p. m.

Camden Order 3-F, Amendment 64, covering fresh fruits and vegetables in certain counties of New Jersey. Filed 3:26 p. m.

Camden Order 4-F, Amendment 64, covering fresh fruits and vegetables in Atlantic and Cape May counties, New Jersey. Filed 3:26 p. m.

D. C. Order 5-F, Amendment 41, covering fresh fruits and vegetables in the District of Columbia area. Filed 12-28-45, 3:27 p. m.

Newark Order 7-F, Amendment 36, covering fresh fruits and vegetables in certain counties of New Jersey. Filed 3:27 p. m.

#### REGION IV

Birmingham Order 5-F, Amendment 11, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 3:36 p. m.

Columbia (S. C.) Order 8-F, Amendment 10, covering fresh fruits and vegetables in South Carolina. Filed 3:34 p. m.

Columbia Order 23-C, Amendment 2, covering poultry in the South Carolina area. Filed 3:34 p. m.

Columbia Order 23-O, Amendment 2, covering eggs in the South Carolina area. Filed 3:35 p. m.

Columbia Order 24-C, Amendment 2, covering poultry in the South Carolina area. Filed 3:35 p. m.

Columbia Order 24-O, Amendment 2, covering eggs in the South Carolina area. Filed 3:35 p. m.

Columbia Order 25-C, Amendment 2, covering poultry in the South Carolina area. Filed 3:35 p. m.

Columbia Order 25-O, Amendment 2, covering eggs in the South Carolina area. Filed 3:36 p. m.

Columbia Order 26-C, Amendment 2, covering poultry in the South Carolina area. Filed 3:35 p. m.

Columbia Order 26-O, Amendment 2, covering eggs in the South Carolina area. Filed 3:36 p. m.

Jackson Order 7-F, Amendment 12, covering fresh fruits and vegetables in certain counties of Mississippi. Filed 3:36 p. m.

Memphis Order 8-F, Amendment 10, covering fresh fruits and vegetables in Memphis and the County of Shelby, Tennessee. Filed 3:36 p. m.

Montgomery Order 26-F, Amendment 10, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 3:31 p. m.

Montgomery Order 27-F, Amendment 11, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 3:32 p. m.

Montgomery Order 28-F, Amendment 10, covering fresh fruits and vegetables in Houston County, Alabama. Filed 3:33 p. m.

Montgomery Order 29-F, Amendment 10, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 3:33 p. m.

Roanoke Order 1-O, Amendment 2, covering eggs in the City of Roanoke and Roanoke County, Virginia. Filed 3:34 p. m.

Roanoke Order 13-F, Amendments 11 and 12, covering fresh fruits and vegetables in specified areas of Virginia. Filed 3:33 and 3:34 p. m.

Roanoke Order 14-F, Amendments 3 and 4, covering fresh fruits and vegetables. Filed 3:34 p. m.

Copies of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 46-512; Filed, Jan. 9, 1946;  
4:15 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 812-192, 812-193, 812-194]

PROVIDENTIA, LTD. ET AL.

NOTICE OF AND ORDER FOR HEARING: AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 8th day of January A. D. 1946.

In the matter of Providentia, Ltd., The Nineteen Corporation, Instoria, Inc.; File Nos. 812-192, 812-193, 812-194.

Applications having been filed by Providentia, Ltd., The Nineteen Corporation and Instoria, Inc., under and pursuant to section 6 (c) of the Investment Company Act of 1940, for orders granting an extension to April 15, 1946 of an exemption from the provisions of the Investment Company Act of 1940 heretofore granted to applicants and extended to January 15, 1946 by order of the Commission dated November 30, 1945;

It appearing to the Commission that said applications are related and present questions of law and fact common to each of said applications;

It is ordered, That the proceedings on the three applications be and the same hereby are consolidated;

It is further ordered, Pursuant to section 40 (a) of said act, that a hearing on the consolidated matter be held on January 18, 1946, at 10:00 a. m. eastern standard time in Room 318 in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania;

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on this matter. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicants and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-528; Filed, Jan. 10, 1946;  
9:43 a. m.]

[File Nos. 54-124, 59-79, 70-1197]

SEATTLE GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of December, A. D. 1945.

Seattle Gas Company, a public utility subsidiary of Portland Electric Power Company and Portland General Electric Company, registered holding companies, having filed an application under section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof for the issuance and sale, in accordance with the competitive bidding requirements of Rule U-50 promulgated under the Act, of \$4,800,000 principal amount of First Mortgage Bonds, ----- % Series due 1976, the proceeds from the sale of said bonds to be used, to the extent necessary

or with treasury cash, if necessary, for the refunding and discharging of its presently outstanding \$4,678,250 principal amount of First and Refunding Mortgage Bonds, 5% Series A, due October 1, 1954, at 102½% of the principal amount thereof plus accrued interest to the date of redemption and the balance, if any, to be used for the financing of the business of the applicant as a public utility; and

A public hearing having been held after appropriate notice and the Commission having considered the record and made and filed its findings and opinion herein;

It is ordered, That the application be and the same is hereby granted subject, however, to the terms and conditions contained in Rule U-24, and subject further to the following terms and conditions:

(1) That Seattle obtain from the Department of Public Utilities of Washington a final order expressly authorizing the issue and sale of the First Mortgage Bonds, ----- % Series due 1976; and

(2) That the proposed issue and sale of the securities 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 this Commission in the light of the record as so completed, which order may contain further terms or conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose and to pass upon the initial offering price for the bonds, the underwriter's spread and its allocation and all fees and expenses to be paid in connection with these transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-529; Filed, Jan. 10, 1946;  
9:43 a. m.]

[File No. 70-1202]

BUFFALO NIAGARA ELECTRIC CORP.

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, Pennsylvania, on the 28th day of December 1945.

Buffalo Niagara Electric Corporation ("Buffalo Niagara"), a subsidiary of Niagara Hudson Power Corporation, in turn, a subsidiary of The United Corporation, a registered holding company, having filed an application and declaration under sections 6 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder, regarding the exemption from the provisions of section 6 (a) of the Act of the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of 350,000 shares of preferred stock, \$100 par value, the proceeds thereof together with other company funds to be used for the redemption of the outstanding 350,000 shares of the company's preferred stock, 5% Series, at

the redemption price of \$105 per share plus accrued dividends; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application and declaration be, and the same hereby are, granted and permitted to become effective, respectively, subject to the terms and conditions prescribed in Rule U-24 and to the following further conditions with respect to the proposed issue and sale of said preferred stock:

(1) That Buffalo Niagara obtain from the Public Service Commission of the State of New York a final order expressly authorizing the issue and sale of said preferred stock; and

(2) That the proposed issue and sale of said preferred stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses of counsel in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidders.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-530; Filed, Jan. 10, 1946;  
9:43 a. m.]

[File No. 52-22]

ASSOCIATED GAS AND ELECTRIC CO., AND  
ASSOCIATED GAS AND ELECTRIC CORP.

ORDER APPROVING POST-EFFECTIVE  
AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 8th day of January 1946.

In the matter of Stanley Clarke, trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation; File No. 52-22.

Stanley Clarke, trustee of Associated Gas and Electric Company ("Ageco"), a registered holding company, and Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation ("Agecorp"), a registered holding company, having heretofore jointly filed an application pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 ("act"), for approval of a plan, as amended, for the reorganization of said companies under said section of the act and Chapter X of the Bankruptcy Act; and

The Commission on April 14, 1944 having entered its findings and opinion and order (Holding Company Act Release No. 4985) approving such plan, as amended, wherein it was noted, among other

things, that the reconstruction of the financial structure of NY PA NJ Utilities Company, Agecorp's principal sub-holding company, was a necessary step to render feasible said plan of reorganization, and that the cash required to accomplish such reconstruction would be supplied in part from the proceeds of new senior debt of the surviving company to emerge from such reorganization; and

The Commission on December 19, 1945 having entered its order (Holding Company Act Release No. 6313) granting and permitting to become effective a post-effective amendment to said plan, wherein it was proposed that General Public Utilities Corporation (the surviving company) would borrow \$6,000,000 on unsecured 1½% serial promissory notes payable to banks; and

A post-effective amendment to said application in respect of the plan having now been filed wherein it is proposed that General Public Utilities Corporation contribute, out of the proceeds of said borrowing, the sum of \$4,800,000 to NY PA NJ Utilities Company, which, together with treasury cash, will be used to discharge the outstanding balance of its indebtedness to Guaranty Trust Company of New York; and

The Commission having considered such post-effective amendment to said application and deeming it appropriate in the public interest and the interest of investors and consumers to approve and permit said amendment to become effective:

*It is hereby ordered*, That said post-effective amendment be, and hereby is, approved and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 46-531; Filed, Jan. 10, 1946;  
9:43 a. m.]

[File No. 70-1202]

#### BUFFALO NIAGARA ELECTRIC CORP.

#### SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of January 1946.

Buffalo Niagara Electric Corporation (Buffalo Niagara), a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof of the issue and sale, in accordance with the competitive bidding requirements of Rule U-50, of 350,000 shares of preferred stock having an aggregate par value of \$35,000,000; and

The Commission by order dated December 28, 1945, having, among other things, granted said application subject to the terms and conditions prescribed in Rule U-24 and subject to the following further conditions:

(1) That Buffalo Niagara obtain from the Public Service Commission of the State of New York a final order expressly authorizing the issue and sale of said preferred stock;

(2) That the proposed issue and sale of said preferred stock shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate; and

The Commission in said order dated December 28, 1945, having reserved jurisdiction over the payment of all legal fees and expenses of all counsel in connection with the proposed transactions including fees and expenses of counsel for the successful bidders; and

Buffalo Niagara having filed a further amendment to its application herein setting forth the action taken to comply with the requirements of Rule U-50 and showing that pursuant to the invitation for competitive bids, bids for said 350,000 shares of Preferred Stock were submitted by two groups of underwriters, one headed jointly by Lehman Brothers and Stone & Webster and Blodgett, Inc., and the other headed by Morgan, Stanley & Company, respectively, as follows:

| Underwriting group                                     | Price to company per share | Dividend rate | Annual cost to company |
|--------------------------------------------------------|----------------------------|---------------|------------------------|
| Lehman Brothers and Stone & Webster and Blodgett, Inc. | \$101.42                   | Percent 3.60  | Percent 3.5495         |
| Morgan, Stanley & Company.                             | 101.32                     | 3.60          | 3.5530                 |

Said amendment having further set forth that Buffalo Niagara has accepted the bid of Lehman Brothers and Stone & Webster and Blodgett, Inc. for the preferred stock as set out above and that the securities will be offered for sale to the public at a price of \$102.85 per share plus accrued dividends from January 1, 1946, resulting in an underwriter's spread of \$1.43 per share; and

Said amendment also setting forth that Buffalo Niagara has obtained from the Public Service Commission of the State of New York a final order expressly authorizing the issue and sale of said Preferred Stock; and

The Commission having examined said amendment with respect to certain of the legal services performed for Buffalo Niagara and the underwriters in connection with the transactions, together with a statement of legal fees in the amount of \$500 to be paid by Buffalo Niagara to Gordon A. Fraser, counsel for Buffalo Niagara (the record being incomplete as to the fees of LeBoeuf & Lamb and Smith, Rae, Greer and Cartwright, also counsel for Buffalo Niagara) and legal fees in the sum of \$10,000 to be paid by the underwriters to Simpson, Thatcher & Bartlett, counsel for the underwriters; and

The Commission having considered the record herein and finding no basis for

imposing terms and conditions with respect to the price to be paid to the company, the dividend rate on the preferred stock, the redemption prices therefor, and the proposed underwriters' spread; and

It appearing to the Commission that the legal fees and expenses incurred by the company and by the underwriters as set out above are not unreasonable and that jurisdiction over them should now be released;

*It is ordered*, That said application, as amended, be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24 and that the jurisdiction heretofore reserved over the payment of legal fees and expenses of all counsel in connection with the proposed transactions be, and the same hereby is, released in respect of the fees and expenses of Gordon A. Fraser and Simpson, Thatcher & Bartlett, the jurisdiction heretofore reserved over the remaining legal fees and expenses being continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 46-532; Filed, Jan. 10, 1946;  
9:44 a. m.]

[File Nos. 7-812-7-819]

#### ALLEGHANY CORP. ET AL.

#### FINDINGS AND ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of January, A. D. 1946.

In the matter of applications by the Cleveland Stock Exchange to extend unlisted trading privileges to: Alleghany Corporation, common stock, \$1.00 par value, File No. 7-812; American Telephone and Telegraph Company, capital stock, \$100.00 par value, File No. 7-813; Consolidated Natural Gas Company, capital stock, \$15.00 par value, File No. 7-814; Erie Railroad Company, common stock, no par value, File No. 7-815; The Gabriel Company, common stock, \$1.00 par value, File No. 7-816; General Motors Corporation, common stock, \$10.00 par value, File No. 7-817; Pennsylvania Railroad Company, capital stock, \$50.00 par value, File No. 7-818; Radio Corporation of America, common stock, no par value, File No. 7-819.

The Cleveland Stock Exchange having made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the above-mentioned securities;

A public hearing having been held after appropriate notice; the Commission, being duly advised, finds: (1) That all of the subject securities are listed and registered on the New York Stock Exchange. In addition, American Telephone and Telegraph Company common stock is listed and registered on the Boston, Chicago, Philadelphia and Washington Stock Exchanges; General Motors Corporation common stock is listed and

registered on the Chicago, Detroit, Los Angeles, Philadelphia and San Francisco Stock Exchanges; and Pennsylvania Railroad Company common stock is listed and registered on the Boston, Chicago and Philadelphia Stock Exchanges;

(2) That the number of shares of the subject securities outstanding, the distribution in the vicinity of the applicant exchange, and the volume of trading in said vicinity are as set forth in the attached table;

(3) That sufficient public distribution of and sufficient public trading activity in these securities exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(4) That the extension of unlisted trading privileges is otherwise appropriate in the public interest and for the protection of investors.

Accordingly, *It is ordered*, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the applications of the Cleveland Stock Exchange for permission to extend unlisted trading privileges to:

Alleghany Corporation, common stock, \$1.00 par value; American Telephone and Telegraph Company, capital stock, \$100.00 par value; Consolidated Natural Gas Company, capital stock, \$15.00 par value; Erie Railroad Company, common stock, no par value; The Gabriel Company, common stock, \$1.00 par value; General Motors Corporation, common stock, \$10.00 par value; Pennsylvania Railroad Company, capital stock, \$50.00 par value; Radio Corporation of America, common stock, no par value.

be, and the same are, hereby granted.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-533; Filed, Jan. 10, 1946;  
9:44 a. m.]

[File Nos. 59-29, 54-128, 59-12, 54-51]

PENNSYLVANIA POWER & LIGHT CO. ET AL  
ORDER TERMINATING PROCEEDINGS AND TERMINATING DIVIDEND RESTRICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of January A. D. 1946.

In the matter of Pennsylvania Power & Light Company, National Power & Light Company, and Electric Bond and Share Company, File No. 59-29; Pennsylvania Power & Light Company, National Power & Light Company, and Electric Bond and Share Company, File No. 54-128; Electric Bond and Share Company, National Power & Light Company, et al., File No. 59-12; Electric Bond and Share Company, National Power & Light Company, Pennsylvania Power & Light Company, et al., File No. 54-51; Application 10.

The Commission having entered an order on July 25, 1941 instituting proceedings pursuant to sections 11 (b) (2), 12

(c), and 15 (f) (File No. 59-29) directed to Pennsylvania Power & Light Company ("Pennsylvania"), an electric and gas utility, its corporate parent, National Power & Light Company ("National"), a registered holding company, and Electric Bond and Share Company ("Bond and Share"), also a registered holding company and the corporate parent of National, raising, inter alia, the issue of the steps, if any, which must be taken to revise the capital structure of Pennsylvania so as to fairly and equitably redistribute voting power among its security holders; and

The Commission having also entered, on November 3, 1941, an interim order in such proceeding prohibiting, without further order of this Commission, the declaration or payment of any further dividends on the common stock of Pennsylvania in excess of 25% of the net earnings available for such common stocks; and

Pennsylvania, National, and Bond and Share having jointly filed a plan of recapitalization for Pennsylvania and amendments thereto, such plan proposing, in addition to a refunding consummated pursuant to our order dated September 26, 1945, the following transactions: (1) the making of certain capital contributions by National, the corporate parent of Pennsylvania, resulting in the creation of capital surplus; (2) the making of certain accounting adjustments by Pennsylvania to comply with orders of the Federal Power Commission and the Pennsylvania Public Utility Commission and for other purposes; (3) the issuance of 1,818,719 shares of new common stock by Pennsylvania through an offer of rights to subscribe to such shares to National and a minority stockholder and in turn an offer of such rights by National to its own stockholders on a pro-rata basis at \$10 per share, including among such stockholders Bond and Share which, as the holder of 46.56% of the common stock of National, agreed to subscribe for its proportionate share; (4) the exchange of 440,000 shares of new cumulative preferred stock of Pennsylvania for a like number of shares of \$7, \$6, and \$5 cumulative preferred stock presently outstanding and the redemption of the remaining outstanding shares of such \$7, \$6, and \$5 preferred stock not so exchanged; and (5) the amending of the corporate charter of Pennsylvania to give the new cumulative preferred stock special voting rights in the event of dividend defaults and in the event of certain corporate actions and to place certain limitations on the payment of common stock dividends; and

The Commission having, on October 26, 1945, issued its findings, opinion and order approving said plan of recapitalization and having indicated therein that the provisions of the plan would, if consummated, provide for the elimination of the circumstances which led to the institution of proceedings under section 11 (b) (2) and to the restriction against the declaration or payment of dividends on the common stock of Pennsylvania in excess of 25% of the net earnings available for such common stock; and

A certificate of compliance having been filed pursuant to Rule U-24 setting forth that, as of December 31, 1945, the foregoing transactions proposed in the plan have been consummated:

*It is ordered*, That the proceedings instituted by order of this Commission dated July 25, 1941 (File No. 59-29), directed to Pennsylvania Power & Light Company, National Power & Light Company, and Electric Bond and Share Company under sections 11 (b) (2), 12 (c), and 15 (f) of the Holding Company Act of 1935 are hereby terminated and dismissed; and

*It is further ordered*, That the restriction contained in our order of November 3, 1941 (File No. 59-29) against the declaration or payment by Pennsylvania Power & Light Company of any dividends on common stock in excess of 25% of the net earnings available for such common stock is hereby rescinded as of December 31, 1945.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-534; Filed, Jan. 10, 1946;  
9:44 a. m.]

[File No. 70-1065]

POTOMAC EDISON CO., AND POTOMAC LIGHT  
AND POWER CO.

ORDER GRANTING PORTION OF JOINT APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of January A. D. 1946.

The Potomac Edison Company ("Potomac"), a registered holding company and an electric utility company in the American Water Works and Electric Company, Incorporated, holding company system, has made a filing with this Commission under the Public Utility Holding Company Act of 1935. This filing is concerned primarily with a proposal to Potomac to issue and sell 63,784 shares of Cumulative Preferred Stock; to offer shares of the new Cumulative Preferred Stock to the holders of its outstanding 29,182½ shares of 7% Preferred Stock and 34,602 shares of 6% Preferred Stock, on a share for share basis with a cash adjustment to provide for the redemption premium applicable to the outstanding stock; and to sell at competitive bidding, pursuant to Rule U-50, the shares of the new issue of Cumulative Preferred Stock not taken on exchange. All shares not exchanged are to be called for redemption. Competitive bidding, pursuant to Rule U-50, in addition to determining the price to Potomac per share of all unexchanged shares, will also determine the dividend rate on the new Cumulative Preferred Stock, and the fee to be paid to underwriters for assisting in obtaining exchanges and for underwriting the unexchanged portion of said stock.

Potomac Light and Power Company ("Light"), a direct subsidiary of Potomac and an electric utility company, has

joined in said filing regarding certain proposed changes in the capitalization of Light. It does not appear that needed regulatory approvals regarding these transactions have as yet been received. This order will accordingly reserve jurisdiction over proposals of Potomac and Light relating to the proposed changes in the capitalization of Light and transactions incidental thereto.

Representatives of Potomac have requested that in connection with the offering of the Cumulative Preferred Stock at competitive bidding, the ten-day period for the solicitation of bids required by the provisions of Rule U-50 be shortened to not less than six days.

Public hearings on this matter having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

*It is ordered*, That the portion of the joint application-declaration, as amended, concerned with the proposed refinancing of the Preferred Stock of Potomac be, and the same hereby is, granted and permitted to become effective subject, however, to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

1. That Potomac shall amortize in not more than ten years from the date of this order, by equal monthly Income Deductions, the item on its consolidated balance sheet captioned "Excess of Carrying Value of the Investments of the Company in Securities of its Subsidiaries Over the Underlying Book Equity of Such Subsidiaries at Their Respective dates of Acquisition";

2. That Potomac shall not pay any dividends on its common stock (other than dividends payable in common stock) or make any distribution on, or purchase, or otherwise acquire for value any of its common stock (each and all of these actions being hereinafter embraced in the term "payment of common stock dividends") except as follows:

(a) After December 31, 1946, if and so long as the ratio of the capital represented by the common stock (including premiums on common stock but excluding premiums on preferred stock) of Potomac plus the consolidated surplus accounts of Potomac and its subsidiaries to the total consolidated capital and surplus accounts of Potomac and its subsidiaries at the end of the second calendar month immediately preceding the date of the proposed payment of common stock dividends adjusted to reflect the proposed payment of common stock dividends (which ratio is hereinafter referred to as "capitalization ratio") is less than 20%, then the payment of common stock dividends, including the proposed payment, during the twelve months period ending with and including the date of the proposed payment, shall not exceed 50% of the consolidated net income of Potomac and its subsidiaries applicable to the common stock of Potomac during the twelve calendar months ending with and including the second calendar month immediately preceding the date of the

proposed payment of common stock dividends;

(b) During the calendar year 1946, and thereafter if and so long as such capitalization ratio is 20% or more but less than 25%, then the payment of common stock dividends during the twelve months period ending with and including the date of the proposed payment shall not exceed 75% of the consolidated net income of Potomac and its subsidiaries applicable to the common stock of Potomac during the twelve calendar months ending with and including the second calendar month immediately preceding the date of the proposed payment of common stock dividends;

(c) Except to the extent permitted by paragraphs (a) and (b) hereof, Potomac shall make no payment of common stock dividends which would reduce such capitalization ratio to less than 25%.

For the purpose of the terms and conditions of this order: (A) The total consolidated capital of Potomac and its subsidiaries shall be deemed to consist of the aggregate of the principal amount of all outstanding indebtedness of Potomac and its subsidiaries represented by bonds, debentures, notes and other evidences of indebtedness maturing by their terms one year or more from the date of issue thereof and not held by Potomac or its subsidiaries, and the aggregate amount of stated or par value of all capital stocks (including premiums on capital stock) of Potomac and its subsidiaries not held by Potomac or its subsidiaries;

(B) Consolidated surplus accounts upon which capitalization ratios are computed shall be adjusted: (1) by the elimination of any and all amounts restricted in the consolidated earned surplus of Potomac and its subsidiaries accumulated subsequent to October 1, 1944, resulting from the requirements of the minimum provision for depreciation as embodied in the indenture and supplements thereto securing the mortgage bonds of Potomac; and (2) subsequent to December 31, 1950, by the deduction of an amount equal to the amount, if any, remaining in Account 100.5 (Plant Acquisition Adjustments) of Potomac and its subsidiaries at the time of the computation not provided for by a reserve or not then being regularly amortized pursuant to an order of an appropriate regulatory authority;

(C) In computing consolidated net income of Potomac and its subsidiaries applicable to the common stock of Potomac for the purpose of this paragraph 2, operating expenses, among other things, shall include the provisions for depreciation as recorded on the books, or the minimum provision for depreciation embodied in the indenture and supplements thereto securing the mortgage bonds of Potomac, whichever is larger;

3. That the proposed issuance and sale of the new cumulative preferred stock in the aggregate amount of 63,784 shares shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding and a further order shall have

been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transactions;

4. That jurisdiction be reserved with respect to the payment of all legal fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions;

*It is further ordered*, That the solicitation period of ten days required by Rule U-50 be shortened, for the purpose of the issuance and sale of Cumulative Preferred Stock by Potomac, and matters relating thereto, to not less than six days;

*It is further ordered*, That jurisdiction be reserved over the portions of the joint application-declaration concerned with the proposed changes in the capitalization of Light and transactions relating thereto for such action as may appear appropriate when the record in connection with said transactions has been completed.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-535; Filed, Jan. 10, 1946;  
9:44 a. m.]

#### FINANCIAL SERVICE, INC.

#### FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of January, A. D. 1946.

1. Financial Service, Inc., an Indiana corporation, is registered as a broker pursuant to section 15 (b) of the Securities Exchange Act of 1934.

2. The Commission, on the basis of facts reported to it, instituted this proceeding under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Financial Service, Inc. should be revoked. The notice and order instituting the proceeding charged that respondent is permanently enjoined by a decree of the District Court of the United States for the Southern District of Indiana, Evansville Division, entered on or about August 28, 1945, from engaging in or continuing certain conduct and practices in connection with the purchase and sale of securities and that during the period extending from approximately November 1, 1943, to approximately July 19, 1944, Financial Service, Inc., a registered broker, violated certain specified provisions of the Securities Exchange Act of 1934.

3. After appropriate notice, a hearing was held at which there was introduced in evidence "an answer and consent to revocation" in which respondent acknowledged receipt and service of adequate notice, waived its opportunity to be heard, admitted and acknowledged the existence of the facts and the cause

of action set forth in the Commission's notice and order, and consented to the entry of an order by the Commission revoking its registration.

4. On the basis of the evidence introduced including the admissions of the respondent, the Commission finds:

a. The respondent is permanently enjoined by a decree of the District Court of the United States for the Southern District of Indiana, Evansville Division, entered on or about August 28, 1945, from engaging in or continuing certain conduct and practices in connection with the purchase and sale of securities;

b. The respondent, while using the mails and instrumentalities of interstate commerce in effecting certain transactions with or for certain customers, otherwise than on a national securities exchange, wilfully failed to give or send, at or before the completion of such transactions, written notification to such customers disclosing the information required by Rule X-15C1-4;

c. The respondent, while transacting a business in securities through the medium of a member of a national securities exchange by the use of the mails and instrumentalities of interstate commerce, effected certain transactions with or for certain customers and wilfully failed to disclose to such customers in writing at or before the completion of the transactions with such customers whether respondent was acting as a

dealer for his own account, as a broker for such customers, or as a broker for some other person;

d. The respondent on November 18, 1943, filed a report of its financial condition as of November 1, 1943, and on December 30, 1944, filed a report of its financial condition as of December 29, 1944, which reports were false and misleading by reason of the fact that each report failed to reflect therein certain liabilities of the respondent; and

e. The respondent did not make or keep current certain books and records as required by Rule X-17a-3.

5. The Commission finds that the respondent, in acting and failing to act in the manner described in paragraph 4 (b), (c), (d), and (e) above, has wilfully violated sections 11 (d) (2), 15 (c) (1) and 17 (a) of the Securities Exchange Act of 1934.

6. The Commission further finds that it is in the public interest to revoke respondent's registration as a broker. Accordingly, *It is ordered*, That the registration of Financial Service, Inc. as a broker be, and the same hereby is, revoked effective January 10, 1946.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-536; Filed, Jan. 10, 1946;  
9:45 a. m.]

[File No. 1-1125]

PHILADELPHIA AND READING COAL AND IRON Co.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of January A. D. 1946.

The Philadelphia Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Refunding Mortgage Sinking Fund Gold Bonds, due January 1, 1973, of The Philadelphia and Reading Coal and Iron Company;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on January 18, 1946.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-527; Filed, Jan. 10, 1946;  
9:43 a. m.]

