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Washington, Tuesday, January 15, 1946

Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

DELEGATION OF AUTHORITY TO DIRECTOR, FRUIT AND VEGETABLE BRANCH, PRODUCTION AND MARKETING ADMINISTRATION

Pursuant to the authority vested in me as Secretary of Agriculture, there is hereby delegated to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, authority to consider and to give prior written approval of (a) the maximum prices for fresh fruits and vegetables as established or adjusted, from time to time, by any regional office of the Office of Price Administration in accordance with Maximum Price Regulation No. 426 or Maximum Price Regulation No. 376 and (b) such changes in the definition of the term "purveyor" contained in said Maximum Price Regulation No. 426 as any regional office of the Office of Price Administration may, from time to time, make in accordance with said Maximum Price Regulation No. 426.

The authority delegated herein may be redelegated by the Director, Fruit and Vegetable Branch, Production and Marketing Administration, to any employee of the United States Department of Agriculture.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Maximum Price Regulation No. 426" means Maximum Price Regulation No. 426 (8 F.R. 9546), issued by the Price Administrator, Office of Price Administration, on July 10, 1943, as amended and in effect at the time the authority delegated herein is exercised.

The term "Maximum Price Regulation No. 376" means Maximum Price Regulation No. 376 (8 F.R. 5487), issued by the Price Administrator, Office of Price Administration, on April 24, 1943, as amended and in effect at the time the authority delegated herein is exercised.

The term "fresh fruits and vegetables" shall have the same meaning as that which it has when used in said Maximum Price Regulation No. 426, and Maximum Price Regulation No. 376.

The term "regional office of the Office of Price Administration" includes each field office of the Office of Price Administration to which authority to act has been delegated, in accordance with Maximum Price Regulation No. 426 or Maximum Price Regulation No. 376, by the appropriate regional office of the Office of Price Administration.

The delegations of authority issued February 19, 1944 (9 F.R. 2063), with respect to Maximum Price Regulation No. 426, and May 5, 1944 (9 F.R. 4922–3), with respect to Maximum Price Regulation No. 376, to the Director of Food Distribution, War Food Administration, and to each Regional Director of Food Distribution, War Food Administration, are hereby revoked.

(56 Stat. 23; 58 Stat. 632; 50 U.S.C., Sup. IV, 901 et seq.; Pub. Law 108, 79th Cong.; 56 Stat. 765; 58 Stat. 632; 50 U.S.C., Sup. IV, 961 et seq.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; E.O. 9599, 10 F.R. 10155)

Issued this 11th day of January 1946.

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

[F. R. Doc. 46-654; Filed, Jan. 11, 1946; 3:45 p. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 66, Amdt. 14]

PART 1468—GRAINS

MALTED GRAINS, MALT SYRUP, RICE, HOPS, AND HOP PRODUCTS

War Food Order No. 66, as amended (8 F. R. 10480, 13841, 13970; 9 F. R. 1084, 4321, 4319, 9584, 11461, 11929, 14122; 10 F.R. 103, 126, 1722, 4849, 6793, 10419, 11695, 13770, 14687), is hereby further amended as follows:

1. By deleting, effective as of 12:01 a. m., e. s. t., January 12, 1946, the provisions of § 1468.2 (e).

(Continued on next page)

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REGULATIONS AND NOTICES

FEDERAL REGISTER

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NOTICE

The 1944 Supplement to the Code of the Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3 per book.

Book 1: Titles 1–10, including Presidential documents in full text.

Book 2: Titles 11–32.

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

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

CODIFICATION GUIDE—Continued

2. By renumbering, effective as of 12:01 a. m., e. s. t., January 12, 1946, §§ 1468.2 (f), (g), (h), (i), (j), (k), (l), and (m) so that they will read, respectively, §§ 1468.2 (e), (f), (g), (h), (i), (j), (k), and (l).

3. By deleting, effective as of 12:01 a. m., e. s. t., December 1, 1945, the provisions of § 1468.2 (b) (5) and inserting, in lieu thereof, the following:

(5) Of the quantity of malt beverages manufactured by any brewer during any quota period, not more than 95 percent thereof shall contain in excess of 3.2 percent of alcohol by weight.

4. By deleting, effective as of 12:01 a. m., e. s. t., December 1, 1945, the provisions of § 1468.2 (b) (6) and inserting, in lieu thereof, the following:

(6) No brewer, unless authorized by the Assistant Administrator, shall sell or deliver, in any quota period, malt beverages having an alcoholic content of 3.2 percent, or less, by weight: *Provided*, That any brewer, without authorization from the Assistant Administrator, may sell or deliver, in any quota period, any malt beverages having 3.2 percent, or less, of alcohol by weight, in excess of the quantity of such beverages equal to 5 percent of all malt beverages manufactured by him in the same quota period.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 66, as amended, prior to the effective times of the provisions of this amendment, the

provisions of the said War Food Order No. 66, as amended, in effect prior to the effective times of the provisions of this amendment shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 11th day of January 1946.

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

[F. R. Doc. 46-639; Filed, Jan. 11, 1946; 2:26 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amdt. 04-0]

PART 04—AIRPLANE AIRWORTHINESS TRANSPORT CATEGORIES

Correction

In Federal Register Document 45-22826, appearing at page 71 of the issue for Thursday, January 3, 1946, the following changes should be made:

In § 04.00 the word "CAB" in the third line should read "CAR".

In the sixth item of the list under § 04.071 the words "Minimum design deight" should read "Minimum design weight".

In the last paragraph of § 04.370 the words "water-eight" should read "watertight".

In § 04.3827 the last sentence should read: "Windows shall not be located in this area unless shown capable of withstanding the most severe ice impact likely to occur."

In the fourth line of § 04.424 the words "engine engine" should read "each engine".

The last word of § 04.5350 should read "controlled".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5307]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STONE MANUFACTURING CO., ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* I. In connection with the offering for sale, sale and distribution of respondent's devices designated "Stone's Ozone Producer" and "Stone's Ozone-Ray Producer", or any other devices of substantially similar character, whether sold under the same names or under any other names, 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 devices, which advertisements represent, directly or by implication, (a) that the breathing of atmosphere containing ozone produces beneficial results or is conducive to health; (b) that respondent's devices produce or emanate penetrating rays, or that any rays produced by said devices have any therapeutic properties or will carry ozone into the body tissues; (c) that ozone, in the concentration produced by respondent's devices under any usual condition of use, is an effective germicide; (d) that the use of respondent's devices constitutes a cure or remedy for, or possesses any therapeutic value in the treatment of arthritis, rheumatism, neuritis, sinus trouble, asthma, ulcers, varicose veins, diabetes, prostate trouble, bladder ailments, kidney infections, pneumonia, colds, angina pectoris, or any disease of infectious origin, or any disease affecting the blood or the respiratory tract or any other disease or ailment; or which advertisements fail to reveal that changes in condition may render the atmosphere in which respondent's devices are operated, irritant to the respiratory organs; that the concentration of ozone should not in any case be allowed to exceed one-half part of ozone to one million parts of air; that breathing near the devices should be avoided, and that the inhalation of excessive amounts of ozone may result in irritation of the respiratory organs; and, II. in connection with the offering for sale, sale and distribution in commerce, of said devices, either sold under the same names, or under any other names, representing, directly or by implication, (a) that the use of said devices will destroy odors unless such representation is limited to odors which, by reason of their composition and degree of concentration, can be oxidized by ozone, and as to these odors, unless such representation is limited to such deodorizing effect as may result from the amount of ozone generated and available for oxidation; prohibited, subject to the provision, however, as respects the aforesaid required disclosures, that such advertisements need contain only the statement, "Caution: Use and operate only as directed." If and when the directions for use and operation are attached to the device and contain the aforesaid revelations. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Stone Manufacturing Company, etc. Docket 5307, December 21, 1945]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 21st day of December A. D. 1945.

In the Matter of William M. Stone, an Individual Trading as Stone Manufacturing Company, and Ozone Ray

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, William M. Stone, individually and trading as Stone Manufacturing Company and as Ozone Ray, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's devices designated "Stone's Ozone Producer" and "Stone's Ozone-Ray Producer", or any other devices of substantially similar character, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

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 advertisement represents, directly or by implication:

(a) That the breathing of atmosphere containing ozone produces beneficial results or is conducive to health;

(b) That respondent's devices produce or emanate penetrating rays, or that any rays produced by said devices have any therapeutic properties or will carry ozone into the body tissues;

(c) That ozone, in the concentration produced by respondent's devices under any usual condition of use, is an effective germicide;

(d) That the use of respondent's devices constitutes a cure or remedy for, or possesses any therapeutic value in the treatment of arthritis, rheumatism, neuritis, sinus trouble, asthma, ulcers, varicose veins, diabetes, prostate trouble, bladder ailments, kidney infections, pneumonia, colds, angina pectoris, or any disease of infectious origin, or any disease affecting the blood or the respiratory tract or any other disease or ailment.

2. Disseminating or causing to be disseminated any advertisement by means of the United States mails or any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that changes in condition may render the atmosphere in which respondent's devices are operated, irritant to the respiratory organs; that the concentration of ozone should not in any case be allowed to exceed one-half part of ozone to one million parts of air; that breathing near the devices should be avoided, and that the inhalation of excessive amounts of ozone may result in irritation of the respiratory organs: *Provided, however,* That such advertisement need contain only the statement, "Caution: Use and operate only as directed." if and when the directions for use and operation are attached to the device and contain the revelations required by this paragraph.

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 in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's devices, 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, William M. Stone, individually, and trading as Stone Manufacturing Company and as Ozone Ray, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's devices designated "Stone's Ozone Producer" and "Stone's Ozone-Ray Producer", or any other devices of substantially similar character, whether sold under the same names, or under any other names, do forthwith cease and desist from representing, directly or by implication:

(a) That the use of said devices will destroy odors unless such representation is limited to odors which, by reason of their composition and degree of concentration, can be oxidized by ozone, and as to these odors, unless such representation is limited to such deodorizing effect as may result from the amount of ozone generated and available for oxidation.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-687; Filed, Jan. 14, 1946; 11:24 a. m.]

TITLE 29—LABOR

Chapter VI—National Wage Stabilization Board [1]

PART 804—REGULATIONS RELATING TO WAGE AND SALARY INCREASES SUBJECT TO JURISDICTION OF NATIONAL WAGE STABILIZATION BOARD

In § 804.10, appearing in the Thursday, January 3, 1946 issue of the FEDERAL REGISTER at page 69, the April 15, 1945 date contained therein should read April 24, 1945.

ABRAM H. STOCKMAN,
Executive Director.

JANUARY 3, 1946.

[F. R. Doc. 46-665; Filed, Jan. 14, 1946; 10:34 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.

[1] Formerly Chapter VI—National War Labor Board, See E.O. 9672 (11 F.R. 221).

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

[Priorities Reg. 3, as Amended Jan. 11, 1946]

§ 944.23 *Priorities Regulation 3*—(a) *Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all. In general this regulation should be consulted before using a rating whether it was gotten directly from the Civilian Production Administration or from a customer.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the Civilian Production Administration or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is authorized by the Civilian Production Administration rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs, that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a Civilian Production Administration order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When AAA or MM ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of AAA or MM preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) [Deleted Oct. 1, 1945.]

(2) When a person has received a AAA or MM rated order for the delivery of material, he may extend the AAA or MM rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on an AAA or MM rated order, he may extend the AAA or MM rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory, he may not extend the AAA or MM rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the AAA or MM rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(4) A person to whom a rating of AAA or MM has been applied or extended to get material may not extend that AAA or MM rating to get any material for his own plant improvement expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use.

(d-1) *CC ratings may not ordinarily be extended.* CC ratings may not be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item or to get containers or closures needed to pack the item. A distributor, warehouse, retailer, or other person who resells the item without further fabrication may extend the CC rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

However, when a person has received a CC rated order for the delivery of textile fabric (cotton, rayon, or wool, or their blends), he may extend the CC rating to get the fabric which he will deliver on that order, or the unfinished fabric which he will deliver on it after finishing, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the rating is extended for gray fabric to fill an order for finished fabric, it may include the portion of the gray fabric which would normally

be consumed or converted into scrap or by-products in the course of finishing. If a person has made delivery of textile fabric, or has converted gray fabric into finished fabric which he has delivered on a CC rated order, he may extend the CC rating to replace it in his inventory: *Provided,* That if after delivering the fabric he still has a practicable working minimum inventory, he may not extend the CC rating to replace the fabric delivered; and if by making the delivery his inventory is reduced below this minimum, the CC rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any fabric ordered to replace inventory must be made of the same textile fiber (or combination of such fibers), and of the same type of construction and approximate weight as the fabric which such person delivered.

(d–2) *Extendibility of HH ratings.* HH ratings may be extended only when permitted by Priorities Regulation 33 or a direction to that regulation.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on List A attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) [Deleted Oct. 1, 1945.]

(3) [Deleted Oct. 1, 1945.]

(f) *Use of ratings for services*—(1) *Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the Civilian Production Administration assigns a rating to a named person to get specified services he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* Any rating which may be applied to the delivery of specific repair parts or materials may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the Civilian Production Administration that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser)

(Address)

By ---
(Signature and Title of Duly Authorized Officer)

(Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable Civilian Production Administration order.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the Civilian Production Administration for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the Civilian Production Administration which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraph (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 11th day of January 1946.

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

LIST A

The following items may be delivered without regard to any Civilian Production Administration preference ratings:

Automobiles, passenger.

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry.

a. Antioxidants (gum inhibitors) for motor fuels.

b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.

c. Chemical additives and compound bases for hypoid gear oils.

d. Synthetic catalysts for oil cracking operation.

e. Synthetic catalysts for cumene and codimer manufacture.

f. Synthetic catalysts for petroleum isomerization operations.

g. Synthetic catalysts for petroleum sweetening operations.

Coal.

Coke.

Communications services.

Electric energy.

Gas manufactured combustible, of the type generally distributed by utilities.

Gas, natural.

Petroleum, including only the following products:

(1) Liquefied petroleum gas: propane, propylene, butanes, butenes, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(2) Aviation gasoline: any liquid fuel (including components thereof), except Diesel fuel, used for aircraft propulsion which meets current provisional or permanent United States Army or Navy specifications for aircraft fuels.

(3) Motor fuel: any liquid fuel (including components thereof) suitable for use in the propulsion of motor vehicles or motor boats.

(4) Naphtha: any liquid petroleum fraction or derivative commonly known as naphtha, including that cut of gasoline or kerosene classified as naphtha: *Provided*, That the term naphtha shall not include any toluene fraction of Kauri-butanol value of 85 Kauri-butanol number or higher, or any aromatic petroleum solvent, as defined in General Preference Order M-150, as amended.

(5) Insecticide base: any liquid petroleum fraction or derivative used as or suitable for use as a base or carrier for the active chemical ingredients of an insecticide, germicide or deodorant.

(6) Fuel oil: any liquid petroleum fraction or derivative commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5, or 6, Bunker "C" fuel oil, Diesel fuel, kerosene, range oil, gas, oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(7) Lubricating oil: any liquid petroleum fraction or derivative regardless of the extent processed, (1) which is used for or is suitable for lubrication, including, but not limited to, cutting, drawing, processing, soluble, transformer and white oils, and (2) which does not contain in excess of 50% by weight of additives or compounds.

(8) Lubricating grease: any lubricant manufactured from petroleum and a soap, organic salt or ester of any fatty oil or fatty acid.

(9) Asphalt: asphalt of petroleum origin and all asphaltic products of petroleum origin, including road oils.

(10) Micro-crystalline wax: any solid hydrocarbon mixture, commonly known as micro-crystalline wax (amorphous wax, petroleum wax) but not including paraffin wax defined as a solid hydro-carbon mixture having a melting point between 110° F. to 155° F. (ASTM-D-87) and a maximum kinematic viscosity of 5.74 centistokes at 210° F (ASTM-D445-42T), wholly derived by low temperature solidification and expression, or by solvent extraction, from that portion of crude petroleum known as paraffin distillate.

(11) Petrolatum: any semi-solid hydrocarbon mixture, plastic and unctuous, commonly known as petrolatum or petroleum jelly, regardless of the extent processed.

(12) Mineral oil polymers: any resinous product produced by the polymerization of mixtures of unsaturated hydrocarbons (either the solid resin or solvent extended product); but not including polystyrene, polyisobutylene, polyethylene, butadiene, or the copolymers of such materials.

Steam heating, central.

Ice.

Tobaccos.[1]

Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible and including their by-products and residues (whether resulting from refining, distillation saponification, pressing or settling).[1]

Sulfated, sulfonated, and sulfurized fats and oils.

Tall oil.[1]

Wool grease.[1]

Soap (other than metallic).[1]

Fatty acids.[1]

Food for human or animal consumption.[1]

Glycerine.[1]

Water.

Low and high temperature fractional distillation equipment for gas and gasoline analysis.

Wood pulp.

LIST B: Deleted Oct. 1, 1945.

INTERPRETATION 1

Interpretation 1 of Priorities Regulation 3 [Revoked Nov. 17, 1943.]

INTERPRETATION 2

EFFECT OF LIST A ON UNFILLED ORDERS

The restrictions on the use of ratings for the items on List A apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Oct. 1, 1945.)

INTERPRETATION 3: Revoked Oct. 1, 1945.

INTERPRETATION 4: Revoked Oct. 1, 1945.

INTERPRETATION 5

RESTRICTIONS OF OTHER ORDERS

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (e) relate only to the items which appear on the list. When any other order of the Civilian Production Administration restricts the use of preference ratings to obtain any product or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23).

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23), that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer, the certificate should say so explicitly. (Issued Sept. 8, 1943.)

INTERPRETATION 7: Revoked Oct. 1, 1945.

INTERPRETATION 8: Revoked Oct. 1, 1945.

INTERPRETATION 9: Revoked Oct. 1, 1945.

INTERPRETATION 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year, with provision for renewal at the end of each year, and both parties expected that the lease would be renewed from time to time. However, the rating could not be used to obtain a machine for a month's use.

(2) If the rating is limited by specific dollar amount it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued Oct. 1, 1945.)

INTERPRETATION 11: Revoked Oct. 1, 1945.

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. However, such persons must keep any copies of the export licenses which are returned to them for their files. (Issued August 24, 1945.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied (except a blanket rating such as one assigned by CMP Regulation 5) or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Gen-

[1] Subject to War Food Order 71 (formerly FD Regulation No. 1) of the War Food Administration.

erally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship), it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may use his rating.

Nothing in this interpretation means that any AA rating still has any effect. All AA ratings become ineffective in every respect on September 30, 1945. (Issued Oct. 1, 1945.)

INTERPRETATION 14: Revoked Apr. 23, 1945.

INTERPRETATION 15

REFERENCES IN LIST A TO ORDERS WHICH HAVE BEEN REVOKED

In many items on List A of Priorities Regulation 3 reference is made to specific WPB orders or schedules for a definition of the specific items covered by the lists. Sometimes the order or schedule referred to is revoked without any change in the listing on List A. When one of these orders or schedules is revoked, the listing of the item on List A, nevertheless, remains in full force and effect, and the item as listed on List A has the same meaning as before the revocation of the order. (Issued Oct. 1, 1945.)

[F. R. Doc. 46-663; Filed, Jan. 11, 1946; 4:58 p. m.]

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

[Priorities Reg. 33, as Amended Jan. 11, 1946]

RECONVERSION HOUSING PROGRAM

§ 944.54 *Priorities Regulation 33*—(a) *What this regulation does.* This regulation sets up the Reconversion Housing Program of the Civilian Production Administration. It is designed to assist private builders, educational institutions and others to build moderate cost housing accommodations to which veterans of World War II will be given preference, by giving an HH preference rating for certain building materials for the construction. The regulation describes the methods of applying for the HH rating, the circumstances under which the rating will be assigned, the materials for which it will be given and the conditions imposed on the builder and succeeding owners in selling or renting the accommodations as long as this regulation is in force. Assistance will also be given under the regulation for the conversion of existing buildings which will provide additional habitable housing accommodations at moderate prices or rents. Veterans of World War II who wish to build houses for their own occupancy may apply under this regulation, subject to the restrictions of this regulation.

(b) *Applications.* A person who wishes to build, complete or convert moderate cost housing accommodations under the Reconversion Housing Program may apply on Form CPA-4386 for an HH preference rating for materials of the kinds listed on Schedule A which are needed for the project. The application should be filed with the appropriate State or District Office of the Federal Housing Administration. Applications should not be filed unless construction is already under way or the builder plans to start actual construction within 90 days of the issuance of the rating (the ratings will expire and orders already placed must be unrated unless construction has started within 90 days of the issuance of the rating or an extension has been obtained from the Federal Housing Administration). The application should not be filed unless the builder has already obtained effective control of the land involved, and gives evidence of readiness to start within 90 days (for example, by getting necessary building permits, getting assurance of financing, making arrangements for utilities and the like). The builder will also be required to state sales prices or rents for the accommodations, which must be within the limits stated in paragraph (g).

(c) *Issuance of ratings.* If the application satisfies the requirements indicated in paragraph (b), if the proposed sales price or rents are reasonably related to the proposed acccommodations, and if the available supply of building materials reserved for this program has not been fully committed, the builder will be authorized to use the HH preference rating for the project, as indicated in paragraph (d). One copy of the application will be returned to the builder bearing a project serial number. A placard or placards will also be sent to the builder, stating that the housing accommodations are being built under the Reconversion Housing Program and that veterans will be given preference in selling or renting. The placards will contain spaces for the maximum sales prices or rents and the project serial number. The builder must insert in the placard or placards clearly, legibly and permanently the appropriate rent or sales price, not in excess of those specified in the application, and also the project serial number. The builder must set up a placard in front of each separate residential building on the project site in a conspicuous location within 5 days after the time construction is started (as defined in paragraph (b) (4)) and must keep the placard there until completion of the building and for 30 days afterwards unless all the accommodations in the building have been sold or rented to veterans in acccordance with paragraph (h).

(d) *Use and effect of HH ratings.* (1) The HH rating assigned for a project may be used only to get materials of the kinds listed on Schedule A of this regulation which are required for the project. The rating may be applied to a purchase order only by placing on the order the following certificate (the certificates set forth in Priorities Regulations 3 and 7 may not be substituted for this certificate):

RECONVERSION HOUSING PROGRAM

Project Serial Number ------

Rating: HH

I certify to the Civilian Production Administration that the materials covered by this order will be used only in a housing project being built under the Reconversion Housing Program at ---------- (give location of project), and that I will comply with the limitations on sales prices or rents and the preference to veterans provided in Priorities Regulation 33 and my approved application.

Builder

(2) The HH rating may be used to get materials by the builder, or by contractors or sub-contractors doing all or any part of the construction work for the builder. Contractors and sub-contractors using the rating must observe all provisions of this paragraph (d) applying to the use of HH ratings by builders. The builder must not use the rating or give others the right to use it before his application is approved. A contractor or sub-contractor may not use it or give others the right to use it unless he has received a statement in substantially the following form from a person who is himself authorized to use the rating (when a contractor or subcontractor uses the HH rating under this provision, he need only use the part of the certificate in paragraph (d) (1) ending with the location of the project):

Reconversion Housing Program

Project Serial #------

Rating HH

You are hereby authorized to use the HH rating to get materials of the kinds listed on Schedule A of Priorities Regulation 33 which are required for the project. Your use of this rating is subject to the provisions of Priorities Regulation 33.

Builder

(3) The preference rating assigned may be used only to get the minimum quantities of the materials on Schedule A which are needed for the project. The builder must not specify delivery dates on purchase orders for rated materials more than 30 days before the time they are to be incorporated in the project. This provision applies to materials ordered with an HH rating, instead of

the usual rule in Priorities Regulation 32. Furthermore, the builder must not place rated purchase orders for materials in which delivery is specified later than during the third full calendar month after the time when the purchase order is placed. In accordance with Priorities Regulation 1, materials obtained by using the HH rating must, if possible, be used in the construction of the project.

(4) The right to use the HH rating for a project expires 90 days after the issuance of the rating, unless the builder has begun construction on the project by physically incorporating at the site of the project materials which will be an integral part of the construction. If the builder has not begun construction within this time, he must unrate all orders for materials for the project to which he has applied the HH rating. If the application covers a number of different buildings, the right to use the rating for materials going into any individual building expires unless that particular building has been started within the 90 day period. However, before the expiration of the 90 day period, he may apply to the Federal Housing Administration for an extension of the starting date, showing why he was unable to begin construction in accordance with his original application and giving his revised starting date. Unless the request for an extension is denied, he need not unrate his orders but he must postpone the delivery dates so as to comply with paragraph (d) (2).

(5) As explained in Priorities Regulation 1, an HH rating is equivalent to a CC rating. Directions to this regulation will explain when HH ratings may be extended by suppliers and will give other rules affecting suppliers.

(e) *Construction of the project.* A builder who uses the HH rating to get materials for housing accommodations must construct them in accordance with the description given in the application, except where he has obtained from the Federal Housing Administration approval for a change from the application.

(f) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the CPA, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Maximum sales prices and rents—*(1) *General.* The restrictions on sales prices and rents contained in this paragraph (g) must be observed so long as this regulation remains in effect. They apply to dwellings of the kinds described below when built or converted under the Reconversion Housing Program (where a builder has used the HH rating to get materials for the construction or conversion). Approval of a proposed sales price or rent should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes. In the case of remodelling or rehabilitation, the Office of Price Administration may reduce the maximum rent specified in the application, unless prior approval of the rent has been obtained from that agency.

(2) *One-family dwellings.* (i) An application for a one-family dwelling (a building designed for occupancy by one family and to be rented or sold as a unit, including a detached or semi-detached house or a row house but not including an apartment house or a two family "one-over-one" house) must contain a statement of the proposed maximum sales price, whether or not the builder proposes to sell the building. If the builder proposes to rent the building the application must also contain a statement of the proposed maximum rent and maximum shelter rent. The application will not be approved if the maximum sales price is over $10,000 or if the maximum shelter rent is over $80 a month.

(ii) A builder must not sell a one-family dwelling built or converted under the Reconversion Housing Program, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or by the purchaser.

(iii) No other person shall sell a one-family dwelling built or converted under the Reconversion Housing Program, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus normal and customary brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder) whether paid by previous sellers or purchasers.

(iv) No person shall rent a one-family dwelling built or converted under the Reconversion Housing Program for more than the maximum specified in the application as approved. If no rent is specified in the application, the person wishing to rent the dwelling must request the Federal Housing Administration to set a rent on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. A rent of more than $80 a month will not be approved except as a result of an appeal showing that unusual hardship would result.

(3) *Two-family dwellings.* (i) An application for a two-family dwelling (a building designed for occupancy by two families which will be sold as a unit, not including semi-detached or row houses covered by paragraph (g) (2)) must contain statements of both the proposed maximum sales price for the entire dwelling and the proposed maximum rent and maximum shelter rent for each apartment in the dwelling, whether the builder proposes to sell the dwelling or rent it or the apartments in it. The application will not be approved if the maximum sales price for the entire dwelling is over $17,000 or if the maximum shelter rent for either apartment is over $80 a month.

(ii) A builder must not sell a two-family dwelling built or converted under the Reconversion Housing Program, including land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or the purchaser.

(iii) No other person shall sell a two-family dwelling built or converted under the Reconversion Housing Program, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder), whether paid by previous sellers or purchasers.

(iv) No person shall rent an apartment in a two-family dwelling built or converted under the Reconversion Housing Program for more than the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) An application for a multiple-family dwelling (a building containing three or more separate living accommodations for three or more families) must contain a statement of the proposed maximum rent and the proposed maximum shelter rent for each apartment or for each group of apartments having the same maximum rents. The application will not be approved if the maximum shelter rent proposed is over $80 per month for any apartment.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under the Reconversion

Housing Program for more than the maximum rent specified for the apartment in the application as approved.

(5) *Dormitories and group housing facilities.* (i) An application by an educational institution or public organization for a dormitory or group housing facility must contain a statement of the maximum shelter rent to be charged to each occupant. The application will not be approved if the maximum shelter rent proposed is more than the amount charged by the builder for similar accommodations in its other facilities.

(ii) As long as this regulation remains in effect, no person (whether the builder or any other person) shall rent accommodations in a dormitory or other group housing facility built under the Reconversion Housing Program (where the builder has used an HH rating to get materials for the construction or conversion) for more than the maximum shelter rent specified in the application as approved.

(6) *Definition of maximum rent and maximum shelter rent.* "Maximum rent" means the total consideration paid by the tenant for the accommodations including charges paid by the tenant for tenant services specified on the application and including charges paid by the tenant for garage as specified on the application, but excluding charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage. The total charge for tenant services will not be approved if more than $3 per room per month. The charge for garage will not be approved if more than $10 per month and will be allowed only for multiple-family dwellings.

(7) *Requests for increases in sales prices and rents by builders.* A builder may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application before the house is sold or initially rented. The application will not be approved unless he can show that he has incurred or will incur additional or increased costs in the construction over which he had, or has, no control, or if he can show that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it impracticable for him to sell or rent at the price or rent specified in the application. No increase in sales price or rent will be granted in excess of the increase in construction cost, or a proper proportion of it, or the increase in operating cost, as the case may be. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to more than $80 a month will be granted except on appeal where unusual hardship would result.

(8) *Requests for increases in sales prices or rents by subsequent owners.* An owner of a dwelling built under the Reconversion Housing Program, other than the builder, may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application if the subsequent owner has made improvements to the dwelling which would warrant an increase. No increase will be granted in excess of the cost of construction of the improvement, or a proper proportion of it in the case of a requested increase in rents. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to more than $80 a month will be granted, except on appeal where unusual hardship would result.

(h) *Preferences for veterans of World War II.* (1) *General.* This paragraph tells how preferences will be given under this regulation to veterans of World War II as long as this regulation remains in effect. As used in this regulation, a "veteran of World War II" means a person who has served in the U. S. Army, Navy, Coast Guard, or Marine Corps or in the U. S. Merchant Marine, during World War II and who was discharged under conditions other than dishonorable. While the preference for veterans lasts during construction and for 30 days after completion, or for 30 days at the time of a later sale, the restrictions of paragraph (g) on prices and rents continues as long as this regulation remains in effect. The preferences for veterans provided by this paragraph (h) do not apply to sales in the course of judicial proceedings. Sales subsequent to such judicial sales, however, are subject to the provisions of this paragraph.

(2) *One-family dwellings.* (i) A builder who has used the HH rating to get materials for a one-family dwelling (except a veteran building for his own occupancy or where the building has already been rented or sold to a veteran of World War II) must publicly offer it for sale or for rent at or below the maximum sales price or the maximum rent specified in the application to veterans of World War II for their own occupancy, during construction and for 30 days afterwards.

(ii) If a one-family dwelling built under the Reconversion Housing Program is being offered for sale, the owner (whether the builder or any subsequent purchaser) must not sell or otherwise dispose of it to any person other than a veteran of World War II unless he has publicly offered it for sale to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the builder) at or below the maximum sales price.

(iii) If a one-family dwelling built under the Reconversion Housing Program is being offered for rent, the owner (whether the builder or any subsequent purchaser) must not rent it to any person other than a veteran of World War II unless he has publicly offered it for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the builder) at or below the maximum rent.

(3) *Two-family dwellings.* (i) A builder who has used the HH rating for a two-family dwelling must publicly offer it for sale or the apartments in it for rent at or below the maximum sales price or the maximum rent specified in the application to veterans of World War II for their own occupancy, during construction and for 30 days afterwards.

(ii) If a two-family dwelling built or converted under the Reconversion Housing Program is being offered for sale, the owner, whether the builder or subsequent purchaser, must not sell or otherwise dispose of it to any other person than a veteran of World War II unless he has publicly offered it for sale to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the builder) at or below the maximum sales price.

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

(4) *Multiple-family dwellings.* (i) As long as this regulation remains in effect, a builder who has used the HH rating to get materials for a multiple-family dwelling must publicly offer the apartments in it for rent to veterans of World War II during construction and for 30 days after completion at or below the maximum given in the application.

(ii) As long as this regulation remains in effect, no other person shall rent an apartment in a multiple-family dwelling built under the Reconversion Housing Program to any person other than a veteran of World War II unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days after completion) at or below the maximum rent specified in the application.

(5) *Dormitories and group housing facilities.* As long as this regulation remains in effect, a builder who has used the HH rating to get materials to build a dormitory or other group housing fa-

cility must make the accommodations available exclusively for veterans of World War II otherwise eligible to occupy the accommodation, except that if an educational institution builds a dormitory under this program it may make available to non-veterans 40% of the accommodations in the dormitory if it makes available to veterans of World War II similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved. This may only be done if specifically approved. An educational institution which wishes to avoid segregation of veterans should attach to its application a letter stating the number of the accommodations in the proposed dormitory it wishes to make available to nonveterans, and describe the accommodations in regular dormitories which will be made available to veterans.

(6) *Construction by veterans of World War II.* A veteran of World War II may apply for an HH rating to get materials to build a house for his own occupancy. In addition, a person who is about to be separated from the Armed Forces or the U. S. Merchant Marine may also apply for an HH rating to get materials for a dwelling which he will occupy after separation. Dwellings constructed by veterans or prospective veterans of World War II will be subject to the restrictions of this regulation with respect to sales prices and rents provided in paragraph (g) and with respect to preferences to veterans of World War II given by paragraph (h), in the event that the veteran is unable to occupy or to continue to occupy the dwelling.

(i) *Notices in advertisements and deeds.* (1) As long as this regulation remains in effect, a builder who has used the HH rating to get materials for a dwelling and every other person who has acquired title to a dwelling (whether completed or not) in which materials obtained with an HH rating have been incorporated must include a statement in substantially the following form in any deed, conveyance or other instrument by which the dwelling is sold, transferred or mortgaged to any other person:

The building on the premises hereby conveyed was built (converted) under the Reconversion Housing Program of the Civilian Production Administration under Priorities Regulation 33 (Builder's Serial No. —) and an HH rating was used to get materials for the construction. Under that regulation a limit is placed on either the sales price or the rent for the premises or both and preferences are given to veterans of World War II in selling or renting. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent purchaser will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Priorities Regulation 33 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby conveyed.

(2) As long as this regulation remains in effect, the builder and every subsequent owner, and their agents and brokers, must include a statement in substantially the following form in any advertisement printed or published in which accommodations built under the Reconversion Housing Program are offered for sale or for rent.

This House (apartment) is being (was) built under the Reconversion Housing Program of CPA for sale (for rent) at or below $_____ (insert maximum sales price or rent). It is offered for sale (for rent) only to veterans of World War II during construction and until 30 days after completion (for the next 30 days in the case of sale or rent after initial occupancy).

(j) *Transfer of ratings forbidden.* No person to whom an HH rating has been assigned shall transfer the rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason a builder wishes to abandon a project and another builder wishes to continue with the project, the new builder should apply to the appropriate FHA office, attaching to his application a letter from the former builder or the representatives of the former builder joining in the request for the assignment of ratings to the new builder.

(k) *Appeals.* Any person affected by this regulation who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. The appeal should be filed with the appropriate State or District office of the Federal Housing Administration.

(l) *Amendments and supplemental applications.* A builder may apply to the appropriate State or District Office of the Federal Housing Administration for an amendment to his approved application. If the amendment covers changes in the specifications of the proposed dwelling or dwellings or changes in the proposed sales price or rent (see paragraph (g) (6)), the request for an amendment may be made by letter in triplicate. If the request for an amendment is granted, the provisions of this regulation apply to the application as amended. If the request for an amendment involves a change in the construction schedule of a project involving several buildings or a request for permission to use the rating for dwellings listed on the original application but not to be started within 90 days of issuance, the request should be filed on Form CPA–4387. If the request for an amendment requires additional buildings or dwelling units not included in the original application, a new application on CPA–4386 covering the new units should be filed.

(m) *Communications.* All communications concerning this regulation should be addressed to the CPA, Washington 25, D. C., Ref: PR–33, except that inquiries as to specific applications should be addressed to the appropriate State or District office of the Federal Housing Administration.

(n) *Violations.* Any person who wilfully violates any provision of this regulation or who, in connection with this regulation, wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Effective date.* This regulation is effective January 15, 1946.

Issued this 11th day of January 1946.

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

[F. R. Doc. 46-661; Filed, Jan. 11, 1946; 4:58 p. m.]

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

[Priorities Reg. 33, Schedule A, as Amended Jan. 11, 1946]

The HH rating assigned under PR–33 may be used only to get the following materials (additions to and deletions from this schedule may be made from time to time):

Common and face brick
Clay sewer pipe
Structural clay tile
Gypsum board
Gypsum lath
Cast iron soil pipe and fittings
Cast iron radiation
Bathtubs
Lumber
Millwork
Concrete blocks

Definitions of the items may be given in the appropriate directions.

Issued this 11th day of January 1946.

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

[F. R. Doc. 56-662; Filed, Jan. 11, 1946; 4:58 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[SO 108,[1] Amdt. 9]

MANUFACTURERS' MAXIMUM AVERAGE PRICES FOR CERTAIN ITEMS OF APPAREL AND APPAREL ACCESSORIES

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.

Supplementary Order 108 is amended in the following respects:

[1] 10 F.R. 4336, 5995, 6402, 8368, 10200, 12080, 12984, 12125.

1. Section 7 is amended to read as follows:

SEC. 7. *Makeup operation.* If you have incurred a net surcharge in any quarter you must operate on a makeup basis from the beginning of the next quarter until you have made up your net surcharge. You must choose one of the forms of makeup operation described below and operate on the basis you have chosen until your net surcharge is completely made up.

(a) *General makeup provision.* If you choose the form of makeup operation described in this paragraph, then after the thirtieth day of the first quarter in which you are required to operate on a makeup basis (the sixty-first day in the case of the 4th quarter of 1945) and until you have made up your net surcharge, you may not deliver, pursuant to an offer or a sale, any item in any category (including categories in which you have not incurred a surcharge) at a net price higher than your maximum average price for that category at the time of delivery. In other words, your maximum average price is the highest net ceiling price you may establish during a makeup period after the thirtieth day.

Your net surcharge is made up when the weighted average prices of your deliveries in all categories are sufficiently below the maximum average prices for those categories at the time of delivery, so that the differences between the two when multiplied by the number of units delivered in each category during the makeup period are equal to the amount of your net surcharge. You may make up your net surcharge by delivering items at prices below your maximum average prices in any categories whether or not you incurred a surcharge in those categories.

(b) *Optional makeup provision.* If you choose the form of makeup operation described in this paragraph, you must reduce your maximum average price in each category as described below, until your surcharge is made up:

(1) *Persons who had a net surcharge on September 30, 1945 which was not made up by November 30, 1945.* If you had a net surcharge on September 30, 1945 and had not made up that surcharge by November 30, 1945 you must reduce your maximum average price in the following manner:

Step 1. Find your "net accumulated surcharge" on December 31, 1945 (your accumulated surcharge on November 30, 1945 less any amount made up in December 1945, as described in Revised Special Order 9 to SO 108).

Step 2. Find your total net dollar amount charged for all deliveries of all items covered by SO 108, between October 1, 1945 and December 31, 1945, both inclusive.

Step 3. Divide the dollar amount of net accumulated surcharge (the amount found in Step 1) by the total net dollar amount charged (the amount found in Step 2). This is the percentage relation of your surcharge to your total dollar volume in your last quarter of deliveries.

Step 4. Reduce your maximum average price in each category by the percentage found in Step 3. This will be called your reduced maximum average price.

Beginning January 1, 1946, and until your net accumulated surcharge is made up, your deliveries of all items must be made at such prices that, during each month your total net dollar amount charged for all items does not exceed the total of your reduced maximum average prices multiplied (separately for each category) by the number of units delivered in that category (that is, the total net dollar amount you would have charged for all of your merchandise if you had delivered each item at the reduced maximum average price for its category). If your total net dollar amount charged in any month is higher than the amount which you would have charged if all deliveries had been made at your reduced maximum average price in each category, the excess is an overcharge and will render you liable to the penalties prescribed in the Emergency Price Control Act of 1942, as amended.

(2) *Persons who incurred a net surcharge in the 4th quarter of 1945 or any subsequent quarter.* Unless you are covered by (1) above, if you incurred a net surcharge in the 4th quarter of 1945 or in any subsequent quarter and have not made up that surcharge by the end of the next month after the quarter in which you incurred it, you must reduce your maximum average price in the following manner:

Step 1. Find your net accumulated surcharge on the last day of the first month after the quarter in which you incurred the surcharge. This means your net surcharge at the end of the quarter, increased or decreased by the difference between your total net dollar amount charged during the next month and the amount you would have charged if your deliveries of all items in all categories had been made at your maximum average prices.

Step 2. Find your total net dollar amount charged for all deliveries of all items covered by SO 108 during any two months of the quarter in which the surcharge was incurred.

Step 3. Divide the dollar amount of net accumulated surcharge by the total net dollar amount charged. This is the percentage relation of your surcharge to your dollar volume in two months of operation.

Step 4. Reduce your maximum average price in each category by the percentage found in step 3. This will be called your reduced maximum average price.

Beginning with the second month after the end of the quarter in which you incurred a surcharge, and until your net accumulated surcharge is made up, your deliveries of all items must be made at such prices that, during each month, your total net dollar amount charged for all items does not exceed the total of your reduced maximum average prices multiplied (separately for each category) by the number of units delivered in that category (that is, the total net dollar amount you would have charged for all of your merchandise if you had delivered each item at the reduced maximum average price for its category). If your total net dollar amount charged in any month is higher than the amount which you would have charged if all deliveries had been made at your reduced maximum average price in each category, the excess is an overcharge and will render you liable to the penalties prescribed in the Emergency Price Control Act of 1942, as amended.

(3) *General explanation of terms.* (i) The reduced maximum average price which is applicable each month under the form of makeup described in this paragraph (b) is the maximum average price applicable to your deliveries in each category during the quarter in which that month falls, reduced by the prescribed percentage.

(ii) The maximum average price to which the percentage reduction is to be applied is the highest maximum average price which you are permitted to figure (i. e., after adjustment under Special Order 3 or addition of tolerance under Special Order 5 (issued under section 17 of this order) or adjustment by individual order under section 21 of this order).

(4) *How to figure the amount of surcharge made up.* If you have chosen to operate under the form of makeup described in this paragraph (b) you figure the amount of surcharge made up each month as follows:

Step 1. Multiply the number of units you delivered in each category during the month by your maximum average price before reduction.

Step 2. Add together the results for all categories.

Step 3. Subtract from this sum the total net dollar amount charged for all deliveries of items during that month. The result is the dollar amount of surcharge made up that month. Of course, if your total net charges are higher than the figure you compute under step 2, you have not made up any surcharge and you are in violation of the makeup requirements of this paragraph.

2. The first paragraph of section 12 (a) (4) is amended to read as follows:

(4) *Makeup operation record.* (i) If you are operating on the makeup basis described in section 7 (a) you must keep a daily or weekly cumulative record, by category, of the total net dollar amount charged for items delivered, the total number of units delivered and the amount of surcharge made up. This record must be kept separately for each quarter during which you operate on a makeup basis.

3. Section 12 (a) (4) (ii) is added to read as follows:

(ii) If you have been operating on the makeup basis described in section 7 (b), you must keep the record required by subdivision (i) above, except that you must keep this record separately for each month during which you operate on a makeup basis.

4. The first sentence of section 12 (b) (2) is amended to read as follows:

(2) *Makeup reports.* (i) If you have been operating on the makeup basis described in section 7 (a) you must file with your OPA District Office two copies of a report (signed by an owner, officer or principal) covering your makeup operation within 10 days after you complete your makeup operation.

5. Section 12 (b) (2) (ii) is added to read as follows:

(ii) If you have been operating on the makeup basis described in section 7 (b) you must file with your OPA District

Office two copies of a report (signed by an owner, officer or principal) within 10 days after the end of each month during which you operated on a makeup basis. Each report shall state that you are operating under section 7 (b) and shall contain the following information:

(*a*) Your business name and address.

(*b*) Month covered by the report.

(*c*) Your net accumulated surcharge at the beginning of the period (net surcharge incurred during the last quarter of normal operation plus any additional net surcharge incurred during the first month of the makeup period and minus any amount previously made up and reported).

(*d*) For each category you delivered during the month:

(*i*) Category number and title.

(*ii*) Reduced maximum average price.

(*iii*) Maximum average price before reduction as described in section 7 (b) (3). Indicate provision, if any, under which maximum average price was adjusted.

(*iv*) Total net dollar amount charged.

(*v*) Total number of units delivered.

(*vi*) Dollar amount of surcharge made up, if any, (multiply (*ii*) by (*v*) and subtract (*iv*)), or dollar amount of surcharge incurred, if any, ((*iv*) minus the product of (*ii*) multiplied by (*v*)).

(*e*) Total dollar amount of surcharge made up, if any, for all categories combined (from (*d*) (*vi*)).

(*f*) Total dollar amount of surcharge incurred, if any, for all categories combined (from (*d*) (*vi*)).

(*g*) Net surcharge incurred, if any, ((*f*) minus (*e*)).

(*h*) Total dollar amount of net accumulated surcharge made up (total of amount shown in (*d*) (*iv*) for all categories subtracted from the total of products of (*d*) (*iii*) multiplied by (*d*) (*v*) for all categories).

(*i*) Net accumulated surcharge not yet made up ((*c*) minus (*h*)).

6. Section 12 (b) (3) is amended to add the following paragraph and sample form:

The sample report shown below illustrates a makeup report prepared by a manufacturer who sells only Category A–1 and who chose to operate under the makeup provision of section 7 (b). This manufacturer incurred a surcharge during the third quarter of 1945 of $2,000. During October and November his weighted average price was 10¢ above his maximum average price and he sold 10,000 units. During December he made up 5¢ per unit on deliveries of 4,000 units. Therefore his net accumulated surcharge by January 1, 1946 was $2,800. ($2,000+$1,000−$200). His dollar volume during October, November and December was $28,000. Therefore his maximum average price must be reduced by 10% until he makes up his surcharge. ($2,800 divided by $28,000). His maximum average price in category A–1 before reduction was $12.90 (his original maximum average price plus tolerance under Special Order 5) and was reduced to $11.61 (10% of 12.90=$1.29. $12.90−$1.29=$11.61). During January 1946 his total net dollar amount charged was $9,000. His total number of units delivered was 779. Since 779 units at an average price of $11.61 equals $9,044.19, his total charge was less than he was permitted to charge under section 7 (b). He made up $1,049.10 of his net accumulated surcharge during the same month. ($12.90 × 779 = $10,049.10. $10,049.10 − $9,000=$1,049.10). His remaining net accumulated surcharge is $1,750.90 ($2,800−$1,049.10=$1,750.90).

OPA MAKEUP REPORT UNDER SECTION 12 (B) (2) (II) OF SO 108

ABC Manufacturing Company
Address: 123 Main Street, Dover, New Jersey
This report covers operations under section 7 (b) (1) during January 1946
Net accumulated surcharge at beginning of period: $2,800
Information on each category delivered during period:

Category No. and Title A–1 Women's wool coats	Reduced MAP $11.61	MAP (Sp. Ord. 5) $12.90	Total net dollar amount charged $9,000	Total number of units delivered 779	Dollar amount of surcharge made up $44.19	Dollar amount of surcharge incurred
Total dollar amount of surcharge made up for all categories combined					$44.19	
Total dollar amount of surcharge incurred for all categories combined						
Net surcharge if any for all categories					0	
Total dollar amount of net accumulated surcharge made up					0	
Net accumulated surcharge remaining					1,049.10	
					1,750.90	

7. Section 21 is amended to add an undesignated paragraph following the first paragraph thereof to read as follows:

If you have filed a proper application for adjustment of your maximum average prices under this section, the provisions of section 7 of this order and the provisions of Special Order 9 to SO 108 shall not apply to you between the date of your application and the date specified in any order issued to you by the Office of Price Administration either granting or denying such adjustment. Of course, those provisions shall apply to any manufacturer who has not filed an application under this section, or who has filed an application which does not allege as a basis for adjustment, one of the grounds listed in paragraph (a) (1). Such applications will be dismissed by letter rather than granted or denied.

8. Section 21 (c) is amended to add a sentence before paragraph (1) to read as follows:

(c) *Disposition of applications.* Adjustments or denial of adjustments of maximum average prices will be made by order of the Office of Price Administration, and such orders will also contain instructions concerning the procedure for making up any net surcharges existing at the date of issuance of the order.

This amendment shall become effective as of December 31, 1945.

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

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46–655; Filed, Jan. 11, 1946; 4:42 p. m.]

PART 1305—ADMINISTRATION

[SO 110, Amdt. 4]

MANUFACTURER'S MAXIMUM AVERAGE PRICE FOR GREY AND CERTAIN FINISHED RAYON AND OTHER SYNTHETIC WOVEN FABRICS

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.

Supplementary Order No. 110 is amended in the following respects:

1. Paragraph (a) of section 2 is amended to read as follows:

(a) This supplementary order applies in general to all fabrics covered by Revised Price Schedule No. 23 as amended, and to grey, as well as finished, rayon or synthetic fabrics covered by the General Maximum Price Regulation.

(1) This supplementary order does not apply to fabrics, or to cancellations, overruns or rejects of such fabrics, made pursuant to a contract with a war procurement agency or a subcontract under such a contract or to any other contract bearing a preference rating of AAA or MM. As used in this order:

(i) "War Procurement Agency" means the War Department, Department of the Navy, the United States Maritime Commission, the Training Organization of the War Shipping Administration, or the Lend-Lease Section in the Procurement Division of the Treasury Department;

(ii) "Cancellations" means yardage which would have been delivered pursuant to a contract but for its cancellation and which was produced or in production prior to the cancellation and shall include yardage produced from yarns or fibers which have prior to the cancellation been put in process for the purpose of filling the contract;

(iii) "Overruns" means excess yardage unavoidably produced in the course of fulfilling a contract;

(iv) "Rejects" means yardage submitted to but rejected by the purchaser;

(2) This supplementary order does not apply to fabrics which contain no synthetic yarn or fiber;

(3) This supplementary order does not apply to fabrics less than 12 inches in width as woven;

(4) This supplementary order does not apply to fabrics declared surplus by and purchased from the Office of Surplus Property of the Department of Commerce;

(5) This supplementary order does not apply to pieces classed in good faith

as remnants and sold at a poundage price of less than cost;

(6) This supplementary order does not apply to fabrics which are specially designed for and are such in construction that they are normally used only for industrial purposes;

(7) This supplementary order does not apply to fabrics ultimately sold by the manufacturer thereof as finished woven decorative fabrics subject to Maximum Price Regulation No. 39: *Provided:* That in any quarter beginning on or after July 1, 1945 the fabrics exempted hereby shall be limited to the manufacturer's "quota" determined with reference to 1943 or 1944, whichever the manufacturer shall choose as his base year. A manufacturer's "quota" shall be the yardage of such woven decorative fabrics delivered by him in the corresponding quarter of his base year or the same percentage of his total deliveries (i. e., fabrics subject to this order and woven decorative fabrics subject to Maximum Price Regulation No. 39, taken together) during the quarter as in the corresponding quarter of his base year his deliveries of such woven decorative fabrics constituted of his total deliveries. If the manufacturer in any such quarter delivers more than his quota, the fabrics exempt from this supplementary order shall be those aggregating his quota which are delivered first in that quarter. Fabrics delivered in that quarter after the quota is exhausted are subject to this supplementary order and the "total gross dollar amount charged" for those fabrics (see section 4) shall be two-thirds of their value as finished goods, figured at ceiling prices.

(8) For the quarter beginning October 1, 1945 and for all subsequent quarters, if the manufacturer so elects with respect to all such quarters and all such deliveries, this supplementary order shall not apply to his deliveries of fabrics containing 50% or more by weight of nylon.

(9) For the quarter beginning October 1, 1945 and for all subsequent quarters, if the manufacturer so elects with respect to all such quarters and all such deliveries, this supplementary order shall not apply to his deliveries of fabrics containing 50% or more by weight of rayon filament yarns 600 denier or coarser.

(10) For the quarter beginning October 1, 1945 and for all subsequent quarters, if the manufacturer so elects with respect to all such quarters and all such deliveries, this supplementary order shall not apply to his deliveries of pile fabrics, including plushes, velvets and other pile fabrics. If the manufacturer takes this election, he shall, in computing his average price for the quarter beginning October 1, 1945 and for all subsequent quarters add to his deliveries made in that quarter of fabrics subject to this supplementary order the average quarterly delivery made in the base period of pile fabrics, including plushes, velvets and other pile fabrics.

(11) For the quarter beginning October 1, 1945 and for all subsequent quarters, if the manufacturer so elects with respect to all such quarters and all such deliveries, this supplementary order shall not apply to his deliveries of fabrics containing 15% or more by weight of synthetic fibers produced from a protein base. If the manufacturer takes this election he shall, in computing his average price for the quarter beginning October 1, 1945 and for all subsequent quarters, add to his deliveries made in that quarter of fabrics subject to this supplementary order, the average quarterly delivery made in the base period of fabrics containing 15% or more by weight of synthetic fibers produced from a protein base.

(12) For the quarter beginning October 1, 1945 and for all subsequent quarters, if the manufacturer so elects with respect to all such quarters and all such deliveries, this supplementary order shall not apply to his deliveries of fabrics containing 10% or more by weight of wool fibers. If the manufacturer takes this election he shall, in computing his average price for the quarter beginning October 1, 1945 and for all subsequent quarters, add to his deliveries made in that quarter of fabrics subject to this supplementary order, the average quarterly delivery made in the base period of fabrics containing 10% or more by weight of wool fibers.

This amendment shall become effective January 11, 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-657; Filed, Jan. 11, 1946; 4:42 p. m.]

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

[RO 1F, Revocation]

TIRE RATIONING REGULATIONS FOR ALASKA

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

Ration Order 1F is hereby revoked, except that any violations which occurred, or rights or liabilities which arose, before the effective date of this order of revocation shall be governed by the order in effect at the time the violation occurred or the rights or liabilities arose.

This order shall become effective at 12:01 a. m., January 1, 1946.

Issued this 28th day of December 1945.

MILDRED HERMANN,
Territorial Director,
Alaska.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 46-660; Filed, Jan. 11, 1946; 4:43 p. m.]

PART 1305—ADMINISTRATION

[SO 27, Amdt. 2]

SALES BY CERTAIN STORES OPERATED OR REGULATED BY THE WAR DEPARTMENT OR THE DEPARTMENT OF THE NAVY

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

Section 1305.32 (a) (1) of Supplementary Order 27 is added to read as follows:

(1) However, this exemption shall not apply to close-out sales of equipment, machines or any other commodities which are otherwise subject to the following price regulations:

111—New household vacuum cleaners
139—Used household mechanical refrigerators
158—Resale of war bicycles
162—Used typewriters
294—Used household vacuum cleaners
341—Used commercial motor vehicles
372—Used domestic washing machines
399—New ice boxes
516—Used photographic equipment
527—Used domestic gas cooking ranges
540—Used passenger automobiles
569—Used motorcycles
596—Used business machines

This amendment shall become effective January 29, 1946.

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-694; Filed, Jan. 14, 1946; 11:34 a. m.]

PART 1305—ADMINISTRATION

[SO 122, Corr. to Amdt. 2[1]]

RESALES OF CERTAIN COMMODITIES SOLD BY GOVERNMENT AGENCIES

The first sentence in Item 1 is corrected to read as follows:

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

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-698; Filed, Jan. 14, 1946; 11:36 a. m.]

PART 1306—IRON AND STEEL

[MPR 244, Amdt. 11]

GRAY IRON CASTINGS

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

Maximum Price Regulation No. 244 is amended in the following respects:

1. Item (c) of § 1421.164 (a) (3) (ii) is amended to read as follows:

(c) he customarily produces such other commodity for, and sells such commodity from, stock or, if he is not the actual producer, he customarily sells such commodity from stock.

2. Section 1421.164 (a) (3) is further amended by adding a new subdivision (iii) to read as follows:

(iii) *Cast iron sash weights.* Notwithstanding any provision in this Regulation to the contrary the term "gray iron castings" includes cast iron sash weights

[1] 11 F.R. 248.

but only when sold by the producer thereof, whether or not such producer meets the requirements of a regular manufacturer of another commodity in (ii) above.

3. Section 1421.166 (g) (1) is amended by changing the period at the end of the first sentence thereof to a colon and adding the following proviso: *"And provided further,* That the provisions of this paragraph shall not apply to a producer's maximum prices of gray iron castings known as cast iron sash weights."

This amendment shall become effective January 19, 1946.

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-691; Filed, Jan. 14, 1946; 11:33 a. m.]

PART 1356—COOKERS AND HEATERS

[MPR 64, Amdt. 3]

DOMESTIC COOKING AND HEATING STOVES

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

Maximum Price Regulation No. 64 is amended in the following respect:

A new section 10 (c) is added to read as follows:

(c) In the case of a manufacturer who makes a line of articles with a well established pattern of price differentials between each of the models in the line, and whose price structure and merchandising plan would be seriously disturbed by price adjustments on the basis of the individual cost of the articles for which he has qualified for adjustment, an equivalent uniform percentage adjustment of the prices of all the articles in the line may be made.

This amendment shall become effective on the 19th day of January 1946.

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-689; Filed, Jan. 14, 1946; 11:33 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 159]

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

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

Maximum Price Regulation 426 is amended in the following respects:

1. In paragraph (f) of Appendix K, Table 2A is added immediately following Table 2 to read as follows:

TABLE 2A—MAXIMUM PRICES FOR IMPORTED TABLE GRAPES[1]

Col. 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b., port of entry [2]	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less-than-carlots or less-than-trucklots delivered to the premises of any retail store, government procurement agency or institutional buyer.[3]
1	Imported table grapes packed in lug boxes with a net weight of 20 pounds or more.	Per lug	All season	$3.12	Column 5 price plus actual cost of transportation from port of entry plus actual cost of protective services furnished (exclusive of precooling [5]) not to exceed the lowest common carrier charge for the same service (including 3% transportation tax).[4]	Column 6 price plus 64 cents.
2	Imported table grapes packed in lug boxes with a net weight of less than 20 pounds and in all other containers.	Per pound	All season	15.6 cents	Maximum price for item 1 above divided by 20.	Column 6 price plus 3.2 cents.

[1] The prices in this table apply only to imported table grapes. Table grapes are defined in Table 2 of this appendix. All references in this appendix to country shippers and country shipping points are applicable to importers of table grapes and ports of entry of table grapes, respectively. An "importer" is the person who makes the first sale of the goods in the United States, and the "port of entry" is the place where the goods are received from the foreign source and loaded on a carrier.

[2] The prices in Column 5 are maximum prices f. o. b. any port of entry, loaded on carrier, and include all costs and charges up to that point.

[3] For sellers covered by Column 7, see general provisions of this appendix.

[4] Protective service allowances shall be the actual cost of protective services furnished, not to exceed the lowest common carrier charge for the same services (including 3% transportation tax), but shall not include precooling (see paragraph (h)).

[5] No separate charge shall be made for precooling since an allowance for precooling is included in the f. o. b. price (see paragraph (h)).

2. In paragraph (g) of Appendix K, Table A is amended by inserting after Item No. 2a, Item 2b as follows:

Col. 1	2	3	4	5	6	7	8	9	10	11	12
2b	Imported table grapes.	Lug box with a net weight of 20 pounds or more.	$0.03	$0.16	$0.35	$0.09	$0.08	$0.11	$0.19	$0.24	$0.43
		Lug box with a net weight of less than 20 pounds and all other containers and bulk, per pound.	*Cent* 1/6	*Cent* 9/10	*Cents* 1.7	*Cent* 1/10	*Cent* 1/10	*Cent* 1/2	*Cent* 9/10	*Cent* 1 3/10	*Cent* 2 1/10

3. In paragraph (g) of Appendix K, Table B is amended by inserting after Item No. 2a, Item 2b as follows:

Col. 1	2	3	4	5	6	7	8	9
2b	Imported table grapes.	Lug box with a net weight of 20 pounds or more.	$0.21	$0.27	$0.46	$0.64	$0.64	
		Lug box with a net weight of less than 20 pounds and all other containers and bulk per pound.	*Cent* 1	*Cents* 1 3/10	*Cents* 2 3/10	*Cents* 3 2/10	*Cents* 3 3/10	*Cents* 3 3/10

This amendment shall become effective January 19, 1946.

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-693; Filed, Jan. 14, 1946; 11:34 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[2d RMPR 183,[1] Amdt. 15]

CHINA, POTTERY, GLASSWARE AND ENAMELWARE IN PUERTO RICO

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

The paragraph in Amendment 14 to 2nd Revised Maximum Price Regulation 183 setting forth the effective date is amended to read as follows:

"This amendment shall become effective December 24, 1945, except that as to Section 12.12 it shall become effective February 1, 1946."

This amendment shall become effective as of December 24, 1945.

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-690; Filed, Jan. 14, 1946; 11:33 a. m.]

[1] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8239, 8467, 8611, 8657, 8905, 8936, 9023, 9118, 9119, 9277, 9447, 9628, 9928, 10087, 10025, 10229, 10311, 10303, 11072, 12213, 12084, 12408, 12447, 12532, 12637, 12702, 12745, 12960, 13129, 13271, 13313, 13369, 13595, 13776, 14027.

[1] 10 F.R. 7635, 8933, 9223, 9227, 10224, 10976, 11666, 11811, 12555, 12744, 12745, 12961, 13230, 14247, 15173.

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 395,[1] Amdt. 17]

GROCERY ITEMS IN VIRGIN ISLANDS

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

Revised Maximum Price Regulation 395 is amended in the following respects:

1. Section 16 is amended to read as follows:

SEC. 16. *Maximum prices for certain grain and grain products.*

TABLE III—MAXIMUM PRICES

Item	Quantity	At wholesale St. Croix, St. Thomas	At retail St. Croix, St. Thomas	At retail St. John
			Per unit	*Per unit*
Wheat flour, bulk, hard or soft.	98# bag	(1)	$0.06	{$0.07 2 for .13
Rice, bulk	100# bag	$9.00	.10	.11
Cornmeal, bulk	98# bag	4.85	.06	{.07 2 for .13
Packaged yellow cornmeal: Quaker.	24/20 oz 50/2# bags	2.65 6.00	.14 .14	.15 .15

[1] The maximum wholesale price of this item shall be the seller's "direct cost" as defined in Section 12 (a) (6) of this regulation plus a markup of 50 cents, delivered at the seller's place of business.

2. Section 22 is amended to read as follows:

SEC. 22. *Maximum prices for certain processed meats.*

TABLE IX—MAXIMUM PRICES

Brand	Container (size or net weight)	At retail St. Croix, St. Thomas	At retail St. John
Potted meat:			
Libby	3¼ oz	$0.09	$0.10
	5¼ oz	.14	.15
Armour's Star	3¼ oz	.09	.10
Wilson	3¼ oz	.09	.10
Vienna sausage:			
Libby's whole	4 oz	.16	.17
Armour's Star, whole	4 oz	.17	.18
Treat: Armour	12 oz	.45	.46
Spam: Hormel	12 oz	.48	.49
Mor: Wilson	12 oz	.43	.44
Prem: Swift & Co.	12 oz	.47	.48

[1] 10 F.R. 5941, 6946, 7799, 8069, 8899, 9227, 9925, 11437, 11305, 11810, 11306, 11666, 12811, 13551, 14064, 14865, 15216, 15217.

3. Section 23 is deleted.

4. Section 50 is amended to read as follows:

SEC. 50. *Maximum prices for certain household soaps.*

TABLE XI—MAXIMUM PRICES

Brand	Case of—	At wholesale St. Croix, St. Thomas, St. John	At retail St. Thomas, St. Croix	At retail St. John
			Per unit	*Per unit*
Bar or cake toilet soaps:				
Camay, regular	144/3¾ oz		$0.10	$0.11
Cashmere Bouquet, regular	144/3¾ oz		.12	.13
Ivory, medium	100/6 oz		.10	.11
Ivory, large	100.10 oz		.15	.16
Lifebuoy, regular	100/4 oz		.10	.11
	144/3¾ oz		.10	.11
Lux, regular	100/4 oz		.10	.11
	144/4 oz		.10	.11
Palmolive, regular	144/3¾ oz		.10	.11
Swan, large	50/10 oz		.15	.16
	100/10 oz		.15	.16
Swan, regular	100/7 oz		.10	.11
Package soaps:				
Ivory Flakes	60/5 oz. pkg		.13	.14
	24/24 oz. pkg		.13	.32
Lux Flakes	100/5 oz. pkg		.13	.14
	30/12½ oz. pkg		.31	.32
	20/12½ oz. pkg		.31	.32
Rinso	90/9 oz. pkg		.13	.14
	60/9 oz. pkg		.13	.14
	36/22 oz. pkg		.31	.32
	24/24 oz. pkg		.31	.32
Bar laundry soaps:				
Octagon	100/9⅜ oz	$6.50	.08	.09
Campeon Azul	10/5#	5.00	[1].12	[1].13
Campeon Amarillo	10/5#	5.00	[1].12	[1].13

[1] Pound.

This amendment shall become effective January 19, 1946.

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-692; Filed, Jan. 14, 1946; 11:34 a. m.]

Chapter XXIII—Surplus Property Administration

[SPA Reg. 5,[1] Order 10]

PART 8305—SURPLUS NONINDUSTRIAL REAL PROPERTY

AUTHORITY TO FEDERAL WORKS AGENCY TO NEGOTIATE A SALE OF HARMON GENERAL HOSPITAL IN TEXAS

The Harmon General Hospital located near the City of Longview, Texas, consists of 179 acres of Government-owned land improved with fully equipped hospital buildings, gymnasium, theater, swimming pool, utilities, and other structures. The property was declared surplus by the War Department as of December 5, 1945, and is institutional real estate properly assignable to the Federal Works Agency for disposition.

The LeTourneau Foundation desires to acquire this property intact to establish a nonprofit vocational training center for young men from all parts of the Nation, with preference to ex-servicemen, to be designated as the LeTourneau Technical Institute of Texas. It is represented that the Foundation has or will have sufficient funds to maintain and operate the property for such educational purposes.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611) and Public Law 181, 79th Congress; *It is hereby ordered*, That:

Notwithstanding the provisions of §§ 8305.11 (d) and 8305.12 (c), (d), (e) and (g), the Federal Works Agency, after having given ten (10) days written notice of availability to all Government agencies listed in Exhibit B, who have not previously in writing declined to make an offer for the property above described, and after having given public notice of availability in a newspaper published or having general circulation in the county in which said property is located, for a period of ten (10) days, is hereby authorized, in the absence of an acceptable proposal from a holder of a higher priority, to negotiate with the LeTourneau Foundation the terms of a proposed sale of all lands, consisting of 179 acres more or less, together with all improvements, equipment, and supplies located thereon or therein and constituting the Harmon General Hospital located near the City of Longview, Texas, to be used as a nonprofit educational institution. The terms and conditions upon which the Federal Works Agency proposes to sell the property, together with all supporting evidence, certificates, and other pertinent papers in compliance with the provisions of § 8305.12 (h) (5), shall be filed with the Administrator for consideration and direction.

This order shall become effective January 11, 1946.

W. STUART SYMINGTON,
Administrator.

JANUARY 11, 1946.

[F. R. Doc. 46-688; Filed, Jan. 14, 1946; 11:31 a. m.]

[1] 10 F.R. 12812, 14028, 14865.

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter II—Bureau of Community Facilities, Federal Works Agency

PART 201—ADVANCE PLANNING REGULATIONS

JANUARY 1, 1946.

Revised regulations for carrying into effect the provisions of Title V of the War Mobilization and Reconversion Act of 1944, and Public Law 269, 79th Congress, approved December 28, 1945, authorizing the Federal Works Administrator to make advances of funds to non-Federal public agencies to assist in the plan preparation of their public works.

Sec.

AUTHORITY: §§ 201.1 to 201.18, inclusive, issued under Title V, War Mobilization and Reconversion Act of 1944, 58 Stat. 791, 50 U.S.C., Supp. App. 1671.

TITLE V OF THE WAR MOBILIZATION AND RECONVERSION ACT OF 1944, PUBLIC LAW 458, 78TH CONGRESS, APPROVED OCTOBER 3, 1944

SEC. 501. (a) In order to encourage States and other non-Federal public agencies to make advance provision for the construction of public works (not including housing), the Federal Works Administrator is hereby authorized to make, from funds appropriated for that purpose, loans or advances to the States and their agencies and political subdivisions (hereinafter referred to as "public agencies") to aid in financing the cost of architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of such public works: *Provided*, That the making of loans or advances hereunder shall not in any way commit the Congress to appropriate funds to undertake any projects so planned.

(b) Funds appropriated for the making of loans or advances hereunder shall be allotted by the Federal Works Administrator among the several States in the following proportion: 90 per centum in the proportion which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 10 per centum according to his discretion: *Provided*, That the allotments to any State shall aggregate not less than one-half of 1 per centum of the total funds available for allotment hereunder: *Provided further*, That no loans or advances shall be made with respect to any individual project unless it conforms to an over-all State, local, or regional plan approved by component State, local, or regional authority.

(c) Advances under this section to any public agency shall be repaid by such agency if and when the construction of the public works so planned is undertaken. Any sums so repaid shall be covered into the Treasury as miscellaneous receipts.

(d) The Federal Works Administrator is authorized to prescribe rules and regulations to carry out the purposes of this section.

(e) As used in this section, the term "State" shall include the District of Columbia, Alaska, Hawaii, and Puerto Rico.

EXCERPTS FOR FIRST DEFICIENCY APPROPRIATION ACT, 1946, PUBLIC LAW 269, 79TH CONGRESS, APPROVED DECEMBER 28, 1945, MAKING AN APPROPRIATION FOR ADVANCE PLANNING

* * * *Provided*, That no loans shall be made or participated in by any Federal agency for the construction of any public works, plans for which have been wholly or partly financed out of this appropriation, except in pursuance of a specific authorization.

§ 201.1 *Definitions.* For the purpose of this part, the following terms shall be construed, respectively, to mean:

(a) *Act.* Title V of the Act of Congress of October 3, 1944, entitled the "War Mobilization and Reconversion Act of 1944" (Public Law 458, 78th Congress), which provides for assistance to States and other non-Federal public agencies in the plan preparation of their proposed public works.

(b) *Administrator.* The Federal Works Administrator, Federal Works Agency.

(c) *Bureau.* The Bureau of Community Facilities, a constituent organization of the Federal Works Agency, which is authorized to administer the Act.

(d) *Commissioner.* The Commissioner of Community Facilities, Bureau of Community Facilities, Federal Works Agency.

(e) *State.* Any one of the several States of the United States, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *Public agencies.* The States and their agencies and political subdivisions established by law and which have basic authority to construct public works.

(g) *Applicant.* Any public agency which makes application for Federal assistance under the act and this part.

(h) *Application.* The document or documents, including amendments and communications, filed with the Bureau by the applicant for an advance of funds for plan preparation.

(i) *Plan preparation.* Architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, estimates of costs, procedures and other planning activities in advance of the construction of specific public works.

(j) *Advances.* The Federal funds advanced under the authority of the act and this part to any public agency to aid in financing the cost of plan preparation.

(k) *Agreement.* The document executed by the applicant and the Bureau covering the terms and conditions of an advance and the repayment thereof.

§ 201.2 *Purpose of the act.* The act authorizes the Federal Works Administrator to make loans or advances to public agencies in order to encourage and to assist them in completing the plan preparation of useful public works, thereby developing a reserve of non-Federal public works which can be placed under construction with a minimum of delay as circumstances warrant.

§ 201.3 *Advances.* (a) The act authorizes assistance in the form of loans or advances of Federal funds, but in order to simplify the administration of the act this part limits assistance to advances.

(b) The making of an advance does not in any way commit the Congress of the United States to appropriate funds to undertake any public works planned with the proceeds of such advance.

(c) The applicant in accepting an advance for plan preparation agrees that it will not accept any loan from any Federal agency for the construction of the public work planned in whole or in part with such advance unless the making of such construction loan shall be specifically authorized by Federal law.

(d) An advance shall not be required to be repaid until the construction of the public work for which the advance is made is undertaken or started as provided in § 201.12 hereof. Until such construction is undertaken or started the advance shall not be deemed by the United States to be a debt or obligation within the meaning of any constitutional or statutory limitation.

(e) No interest charge shall be made for any advance.

(f) Advances shall not be approved to reimburse the applicant for any disbursement made or to defray any costs incurred prior to the approval of an application. Funds advanced shall not be used to defray the cost of any contract entered into by the public agency prior to the approval of the application for an advance if in such contract the public agency has agreed to finance the plan preparation from other funds.

(g) Funds advanced shall not be used for the acquisition of land or any interest in land.

§ 201.4 *Apportionment of funds.* Funds appropriated for the making of advances under the Act shall be apportioned among the several States in the following manner:

(a) Ninety per centum in the proportion which the population of each State bears to the total population of all the States, as shown by the Federal census of 1940;

(b) States whose apportionments do not total one-half of one per centum of the total amount appropriated for advances after the above distribution shall have their apportionments increased to that percentage from the ten per centum available for discretionary use; and

(c) The balance of the funds as may be determined by the Commissioner with the approval of the Administrator.

§ 201.5 *Submission of applications.* Applications for advances for plan preparation shall be submitted to the Division Offices of the Bureau of Community Facilities.

§ 201.6 *Types of public works.* Applications for advances for the plan preparation of the following types of public works of States and other non-Federal public agencies are eligible under the provisions of the act:

(a) Highways, roads and streets, for which other Federal funds are not legally available, which shall consist of highways, roads, and urban streets, including such items as culverts, drainage facilities, sidewalks, curbs and gutters, guard rails and guard walls, road and street lighting, traffic control facilities, roadside landscaping, and other similar work.

(b) Bridges, viaducts and grade separations, for which other Federal funds are not legally available, which shall consists of bridges, viaducts, grade separation structures, grade crossing eliminations, tunnels, and other similar work.

(c) Airports, for which other Federal funds are not legally available, which shall consist of all types of public airport buildings and landing facilities, including such items as terminal buildings, hangars, administration buildings, grading, leveling and seeding of land fields, construction of runways, taxi strips, aprons, landing platforms, seaplane ramps, drainage facilities, lighting facilities, airway markers and beacons, and other airport and airway facilities.

(d) Sewer, water, and sanitation facilities, which shall consist of sewer systems, including such items as sewage treatment and disposal plants, sanitary sewers, storm sewers, and drainage systems; water systems, including such items as water supply and storage, water treatment plants, pumping stations, water distribution and irrigation systems; and sanitary facilities such as incinerator plants, malarial control facilities, and other similar work.

(e) Schools and other educational facilities, which shall consist of public school facilities such as school buildings, administration buildings, auditorium, gymnasiums, and dormitories; public libraries; and other educational facilities.

(f) Hospitals and health facilities, which shall consist of public hospitals, nurses' homes, clinics, health centers and laboratories, sanitariums and other health facilities.

(g) Other public buildings, which shall consist of city halls, courthouses, institutional buildings, administrative buildings, police and fire stations, armories, garages, storage buildings, community buildings, and other public buildings not included under paragraphs (c), (e), (f), (h), and (i).

(h) Parks and other recreational facilities, which shall consist of public parks, playgrounds, fairgrounds, and other recreational facilities, not included under paragraph (e), including such items as recreation centers, gymnasiums, athletic fields, swimming pools, tennis courts, and other such recreational facilities.

(i) Miscellaneous public facilities, which shall consist of other types of public facilities such as transportation facilities, port facilities, electric power plants, and distribution systems, public docks, wharves and piers, non-Federal river and harbor improvements, and other miscellaneous public facilities.

The following types of public works are not eligible for assistance under the provisions of the act:

(j) Public housing projects of Federal, State or local housing agencies or authorities.

(k) Federal projects of Federal departments, agencies, and instrumentalities.

(l) Federal-aid and State highway projects of the Federal Public Roads Administration and the State Highway Departments.

§ 201.7 *Comformity to over-all plan.* Each application for an advance for plan preparation shall contain evidence that the public work to be planned conforms to an over-all State, local or regional plan approved by competent State, local or regional authority. Where no legally authorized over-all planning agency exists, evidence of the approval of the proposed public work by the authority having jurisdiction thereof shall be required.

§ 201.8 *Arrangements for construction.* Each application shall contain evidence that the applicant has basic legal authority to finance and construct the public works, and that it plans and reasonably expects to initiate the construction of the proposed public works within four years after the receipt of the advance and to prosecute the public works to completion.

§ 201.9 *Agreements.* (a) An agreement between the applicant and the Bureau shall be executed for each advance on a form furnished by the Bureau. No payment on any advance shall be made by the United States unless and until such agreement has been executed.

(b) Subsequent to execution of the advance agreement, no change shall be made which will increase the amount of the advance of the Federal government or alter its terms or conditions except upon agreement with the Bureau.

§ 201.10 *Plan preparation.* (a) The applicant shall be responsible for the character, adequacy, and method of plan preparation, in accordance with acceptable professional practices, and upon the receipt of the initial payment shall take prompt steps to initiate and prosecute the plan preparation to completion.

(b) The applicant agrees that it will use the funds advanced only for the plan preparation for the public work for which the advance is made and that such plan preparation will be adequate and suitable for the purpose intended to be served by the advance.

(c) If the plan preparation is performed on a contractual basis, State or local regulations affecting employment within the professions involved shall be observed.

(d) If the applicant uses its own employees for the plan preparation, only those costs incurred by the applicant for the plan preparation which would not have been incurred except for such plan preparation shall be paid with the funds advanced.

§ 201.11 *Payment to applicants.* Upon execution of the agreement a partial payment of the agreed advance may be made by the Bureau to the applicant. Final payment shall not be made until the plan preparation has been completed and final costs determined. Any funds advanced which are found to be in excess of the final costs incurred by the applicant in the plan preparation shall be promptly refunded.

§ 201.12 *Repayment of advances.* Each advance shall be repaid in full without interest by the applicant when the construction of the public work for which the advance is made is undertaken or started. The construction shall be considered as undertaken or started when the first construction contract is awarded or the applicant begins construction with its own forces.

§ 201.13 *Records and documents.* Applicants shall keep accurate accounting records of all costs involved in connection with plan preparation. The accounts and records of the applicant shall be open at all times to inspection by the authorized representatives of the Bureau, and copies shall be furnished when requested. The applicant shall furnish the Bureau a copy of any contract for architectural or engineering services or any other contract entered into in connection with plan preparation immediately upon execution thereof. When requested by the Bureau, the applicant shall furnish a report on the progress of plan preparation.

§ 201.14 *Delegation of authority.* The Bureau shall be responsible for the carrying out of the provisions of the Act, and the Commissioner is hereby authorized to delegate such of the duties and responsibilities imposed upon him to such official or officials of the Bureau as in his judgment will result in economy and efficiency in effectuating the purposes of the act and of this part.

§ 201.15 *Operating procedures and instructions.* The Commissioner is hereby authorized to issue such operating procedures and instructions not in conflict with Federal law or with this part as he may deem necessary for carrying out the provisions and effectuating the purposes of the act and this part, and all such operating procedures and instructions issued by him shall be and continue in full force and effect from the date on which issued or made effective until modified or revoked by him.

§ 201.16 *Reports to the Administrator.* The Commissioner will submit to the Administrator a semi-annual report of operations under the act and such other special reports as he may request.

§ 201.17 *Interest of member of or delegate to Congress.* No member of or delegate to Congress or resident commissioner, shall be admitted to any share or part of any agreement providing for the making of an advance, or to any benefit arising from any such agreement.

§ 201.18 *Effective date.* These revised regulations shall be effective January 1, 1946, and shall supersede all regulations previously issued; *Provided however,* That the regulations dated May 1, 1945, shall be effective as to advances approved by the Administrator on or before December 28, 1945.

Issued by:

[SEAL] PHILIP B. FLEMING,
Federal Works Administrator.

JANUARY 3, 1946.

Recommended by:

GEORGE H. FIELD,
Commissioner of Community Facilities.

JANUARY 3, 1946.

[F. R. Doc. 46-718; Filed, Jan. 14, 1946; 11:20 a. m.]

Notices

DEPARTMENT OF JUSTICE.

[No. 14813]

INSURANCE POLICY COVERING LIFE OF ANDREW J. HARDY

In the District Court of the United States for the Western District of Washington.

The President of the United States of America to the Marshal of the United States for the Western District of Washington, Greeting:

Whereas a libel hath been filed in the United States District Court for the Western District of Washington, on the 28th day of August, A. D. 1945, by Wilma Hardy, libellant, vs. The United States of America and Alaska Steamship Company, a corporation, respondents, in a certain action, civil and maritime, to recover the proceeds of a policy of insurance commonly designated as a "Second Seamen's War Risk Policy" in the sum of Five Thousand Dollars ($5,000.00) for the loss of the life of Andrew J. Hardy, a merchant seaman, and for the loss of said merchant seaman's personal effects in the sum of Three Hundred Dollars ($300.00), therein alleged to be due the said libellant, amounting to a total recovery of Five Thousand Three Hundred Dollars ($5,300.00); and

Whereas the respondent, the United States of America, hath filed in the said Court an Answer and Counterclaim for Interpleader to the said libel, praying that Alice Johnston, Janet Hardy, Willie Mae Hardy and Mary Hardy be made additional parties respondent in this action, and that there be published in the FEDERAL REGISTER a citation commanding and admonishing all persons unknown to the respondent, the United States of America, and not now parties to this proceeding but who may claim an interest on account of the insurance involved, to appear and answer; and

Whereas the above entitled Court, on the third day of December A. D., 1945, entered an Order on said Answer and Counterclaim for Interpleader in accordance with the provisions of section 1128d, Title 46 U.S.C., that the Clerk of this Court shall forthwith cause to be published in the FEDERAL REGISTER a Citation commanding and admonishing all persons unknown to the respondent, the United States of America, and not now parties to this proceeding but who may claim an interest on account of the insurance involved, to appear and answer herein and set up such claim within thirty (30) days after the publication of such Citation, and that with the said Citation there shall be published certified copies of the said Libel, Answer and Counterclaim and Order,

Now, therefore, we do hereby empower and strictly charge and command you, the said Marshal, that you cite and admonish all persons unknown to the respondent, the United States of America, and not now parties to this proceeding but who may claim an interest on account of the insurance involved herein, to appear and answer and set up such claim, within thirty (30) days after the publication of this citation in the FEDERAL REGISTER, and then and there answer said Libel, Answer and Counterclaim and Order, and to make their allegations in that behalf, and that you shall forthwith cause to be published in the FEDERAL REGISTER certificed copies of this Citation, and the Libel, Answer and Counterclaim and Order. And have you then and there this writ, with your return endorsed thereon.

Witness, the Honorable John C. Bowen, Judge of said Court at the City of Seattle, in said Western District of Washington, this 11th day of December A. D., 1945.

MILLARD P. THOMAS,
Clerk.
By PERCY MADDUX,
Deputy Clerk.

J. CHARLES DENNIS,
United States Attorney,
FRANK PELLEGRINI,
Assistant United States Attorney.
Proctors for Respondent,
United States of America.

WILMA HARDY, LIBELANT, VS. UNITED STATES OF AMERICA, AND ALASKA STEAMSHIP COMPANY, A CORPORATION, RESPONDENTS, IN ADMIRALTY No. 14813

LIBEL IN PERSONAM

Comes now the libelant, and for cause of action against the respondents alleges:

I. That now, and at all times hereinafter mentioned, the respondent Alaska Steamship Company is a corporation organized and existing under and by virtue of the laws of the State of Nevada, with its principal place of business in the Western District of Washington, Northern Division. That the respondent United States of America was the owner of the S. S. *John Straub*, a merchant vessel of the United States, and that said respondents had some arrangement, the exact nature of which is unknown to the libelant, whereby they operated said vessel. That the libelant is a resident of the Western District of Washington, Northern Division.

II. That the respondents employed Andrew J. Hardy as a second cook and merchant seaman on said vessel under written articles dated the 8th day of April 1944, copies of which articles are in the possession of respondents. That by the terms of said articles, there was incorporated therein a policy of insurance commonly designated as the "Second Seamen's War Risk Policy", copies of which said policy are in possession of the respondents, whereby each member of the crew of said vessel was insured by respondents in the sum of Five Thousand Dollars ($5,000.00) for loss of life due to war risks, payable to the lawful surviving wife, and for the sum of Three Hundred Dollars ($300.00) for the loss of personal effects of the members of the crew due to war risk, payable to the lawful surviving wife, upon death of the crew member due to war risks.

III. That said vessel was lost due to war risk on the 18th day of April, 1944, with a heavy loss of life, including that of Andrew J. Hardy, and a certificate of presumptive death of said Andrew J. Hardy due to enemy action was issued by the United States of America as of April 18, 1944.

IV. That at the time said Andrew J. Hardy signed on said vessel, and at the time of his death, he was married to and left surviving him as his lawful wife, the libelant, Wilma Hardy. That by the terms of the Second Seamen's War Risk Policy hereinabove referred to, said Wilma Hardy is the beneficiary thereof and there is due and owing to the libelant the sum of Five Thousand, Three Hundred Dollars ($5,300.00), within ninety days following the death of said Andrew J. Hardy.

V. That demand therefore was made by the libelant, and that respondents have refused, and still refuse, to pay the amounts due under said policy, and there is now due and owing from the respondents to the libelant the sum of Fifty-three Hundred Dollars ($5,300.00), together with interest thereon at the legal rate from the 18th day of July, 1944.

Wherefore, libelant prays for judgment against the respondents, and each of them, in the sum of Fifty-three Hundred Dollars ($5,300.00), together with interest thereon at the legal rate from the 18th day of July 1944, and for her costs herein.

SAM L. LEVINSON,
Proctor for Libelant.

ANSWER

Comes now the respondent, the United States of America, by J. Charles Dennis, United States Attorney, and Frank Pellegrini, Assistant United States Attorney, in and for the Western District of Washington, and for answer to the libel filed herein says:

I. This respondent admits the allegations contained in Article I of the libel.

II. This respondent admits the allegations of Article II of the libel except that this respondent denies that the insurance is payable to the lawful surviving wife and avers that the proceeds of the insurance are payable to the person or persons found to be entitled thereto under the provisions of the policy.

III. This respondent admits the allegations contained in Article III of the libel except that this respondent says it is without knowledge or information sufficient to form a belief as to whether Andrew J. Hardy did in fact lose his life as alleged.

IV. This respondent denies the allegations contained in Article IV of the libel.

V. This respondent denies the allegations contained in Article V of the libel, but admits and alleges that the libellant has made claim upon respondent's War Shipping Administration for payment of the proceeds of the insurance here involved.

Counterclaim for Interpleader

Further answering herein and by way of counterclaim for interpleader this respondent alleges:

I. That the S. S. *John Straub*, an American flag vessel owned by the War Shipping Administration and operated for its account by the respondent Alaska Steamship Company, was destroyed by enemy action on or about April 19, 1944, on the high seas; that Andrew J. Hardy was a member of the crew of said vessel; that at the time of the destruction of the said vessel there was in effect for each member of its crew a contract of crew life and injury insurance known as the Second Seamen's War Risk Policy issued by the respondent providing for life insurance protection against war risks in the amount of Five Thousand Dollars ($5,000.00) and for indemnification for loss of personal effects by reason of war risks in the amount of Three Hundred Dollars ($300.00); that on or about May 19, 1944, the Maritime War Emergency Board issued a certificate of presumptive death declaring that the said Andrew J. Hardy was presumed to have died on April 19, 1944, as a result of enemy action and his personal effects to have been lost while he was a member of the crew of the S. S. *John Straub;* that by virtue of the issuance of said certificate of presumptive death this respondent became obligated to make payment of the sum of Five Thousand Three Hundred Dollars ($5,300.00) to the beneficiary found entitled, subject to the conditions hereinafter set forth in paragraph IX hereof.

II. That at the time of the destruction of the said vessel there was in effect a signed certificate of designation of beneficiary duly attested by the United States Shipping Commissioner at Seattle, Washington, whereby the said Andrew J. Hardy designated as beneficiary of his insurance Alice Johnston, of 928 31st Avenue, Seattle, Washington, described as mother; that the said Alice Johnston has asserted a claim for the entire proceeds of this insurance as such designated beneficiary.

III. That Janet Hardy, of 857 Prior Street, Vancouver, British Columbia, in the Dominion of Canada, has asserted a claim to the insurance herein involved, alleging that she became the common law wife of Andrew J. Hardy at Vancouver, British Columbia in November 1943, and was such at the time of the disappearance of said Andrew J. Hardy.

IV. That in the articles of the S. S. *John Straub*, the said Andrew J. Hardy listed as his wife and next of kin, Mary Hardy, of

3619 Gilman Avenue, Seattle, Washington; that this respondent has been unable to locate the said Mary Hardy at such address, but respondent believes that Mary Hardy might assert an interest in the proceeds of the insurance here sued upon.

V. That Willie Mae Hardy, 1644 Webster Street, San Francisco, California, has filed a claim for the entire proceeds of the insurance involved, alleging that she is a sister of Andrew J. Hardy.

VI. That this respondent has reasonable cause to believe that other persons unknown to this respondent might assert claims on account of such insurance.

VII. That by reason of the conflicting claims as hereinabove alleged and the possibility of other claimants unknown to the respondent asserting claims on account of this insurance this respondent cannot determine whether the proceeds of the policy of insurance involved herein are payable to the libellant, Wilma Hardy, or to Alice Johnston, Janet Hardy, Mary Hardy, or Willie Mae Hardy, or any of them, or to other unknown persons who may hereafter assert claims thereto, and this respondent, while admitting that the said insurance is due and payable to the beneficiary lawfully entitled to receive the same, says that it cannot safely pay the same to any of the aforesaid claimants without the aid of this court.

VIII. That this respondent disclaims any interest in the said insurance proceeds except as hereinafter alleged, other than to pay the same to the person or persons found to be lawfully entitled thereto, and it offers to deposit into the registry of this court the sum of Five Thousand Three Hundred Dollars ($5,300.00), the same being the total amount of its liability by reason of the presumptive death and loss of personal effects of Andrew J. Hardy.

IX. That this respondent says that its liability of Five Thousand Three Hundred Dollars ($5,300.00), as admitted herein, is subject in all respects to Clarification No. 3 of Decision No. 5, revised, of the Maritime War Emergency Board, wherein it is provided that in the event evidence satisfactory to the Board is subsequently received that Andrew J. Hardy, is alive the Board will issue a certificate of correction as to its prior finding of presumptive death, and in the event death benefits have been paid under the insurance contract hereinabove referred to, such death benefits shall be repaid to the United States of America.

Wherefore, libellant prays judgment:

(1) That the deposit of the said Five Thousand Three Hundred ($5,300.00) into the registry of this court be allowed;

(2) That the court order that Alice Johnston, Janet Hardy, Mary Hardy, and Willie Mae Hardy be made parties respondent in this action and that they be served with a citation and a copy of the libel herein, together with a copy of this answer and counterclaim for interpleader, and be required to implead their respective claims herein;

(3) That the court direct service by publication in the FEDERAL REGISTER upon persons unknown who might assert claims on account of the insurance here involved, pursuant to the provisions of section 1128d, Title 46 U.S.C.;

(4) That upon a final hearing the court adjudge whether the libellant, Wilma Hardy, or Alice Johnston, Janet Hardy, Mary Hardy, or Willie Mae Hardy, or any of them, or any person or persons appearing and claiming by reason of said service upon persons unknown, are entitled to receive the said insurance benefits under the Second Seamen's War Risk policy and direct the payment of the said insurance to the person thereunto entitled;

(5) That in its final judgment the court require the beneficiary or beneficiaries receiving such payment, in consideration thereof, to execute a proper release, assignment and indemnity providing for the repayment of the amount of the death benefits to this respondent, the United States of America, in the event evidence satisfactory to the Maritime War Emergency Board is subsequently received that Andrew J. Hardy, the insured, is alive;

(6) That the court discharge this respondent from any and all liability in the premises, except to the person or persons, if any, who shall be adjudged entitled to receive said insurance benefits;

(7) For its costs and such further relief as may to the court seem proper.

J. CHARLES DENNIS,
United States Attorney.
FRANK PELLEGRINI,
Asst. United States Attorney.

United States of America, Western District of Washington, Northern Division, SS:

Frank Pellegrini, being first duly sworn, on oath deposes and says: That he is one of the proctors for the respondent, United States of America; that he has read the within and foregoing Answer and believes the same to be true.

FRANK PELLEGRINI,
Asst. United States Attorney.

Subscribed and sworn to before me this 29th day of November 1945.

[SEAL] J. CHARLES DENNIS,
Notary Public in and for the State of Washington, residing at Seattle.

RESPONDENTS IN ADMIRALTY No. 14813

ORDER JOINING ADDITIONAL PARTIES RESPONDENT AND DIRECTING SERVICE BY PUBLICATION UPON UNKNOWN CLAIMANTS

Upon consideration of the answer and counterclaim for interpleader filed herein by the respondent, the United States of America, and its motion to join as parties respondent herein Alice Johnston, a resident of Seattle, Washington, Janet Hardy, a resident of Vancouver, British Columbia, Canada, Willie Mae Hardy, a resident of San Francisco, California, and Mary Hardy, a resident of Seattle, Washington, and for an order directing service by publication in the FEDERAL REGISTER upon other unknown persons who might assert claims on account of the insurance involved in this action, and it appearing to the court that, unless the conflicting claims of all the parties are now judicially determined, the respondent, the United States of America, may be subject to further litigation and possible multiple liability on account of the said contract of insurance;

It is ordered, That, in accordance with the provisions of section 1128d, Title 46 U.S.C., the said Alice Johnston, Janet Hardy, Willie Mae Hardy, and Mary Hardy be and they are hereby made parties respondent in this action, and

It is further ordered, That a certified copy of the libel, and a certified copy of the respondent's answer and counterclaim, together with a certified copy of this order, as well as a citation requiring each of said parties to appear in this court within twenty days after service of said citation, libel, answer and counterclaim and order, be personally served upon the said parties as follows: on the said Alice Johnston and Mary Hardy by the United States Marshal in and for the Western District of Washington, on Willie Mae Hardy by the United States Marshal in and for the Northern District of California, and on Janet Hardy of 857 Prior Street, Vancouver, British Columbia, Canada, by the United States Marshal in and for the Western District of Washington mailing certified copies thereof to her at the said address.

It is further ordered, That the Clerk of this court shall forthwith cause to be published in the FEDERAL REGISTER, as provided in section 1128d, Title 46, U. S. C., a citation commanding and admonishing all persons unknown to the respondent, the United States of America and not now parties to this proceeding, but who may claim an interest on account of the insurance involved herein, to appear and answer herein and set up such claim within 30 days after the publication of such citation, and with the said citation there shall be published copies of the said libel, answer and counterclaim, and this order.

It is further ordered, That the order setting the cause for trial on December 18, 1945, be and it is hereby vacated.

Done in open court this 3d day of December 1945.

JOHN C. BOWEN,
United States District Judge.

Presented by:

FRANK PELLEGRINI,
Assistant United States Attorney.

[F. R. Doc. 46-638; Filed, Jan. 11, 1946; 12:14 p. m.]

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

CHIEFS OF FRUIT AND VEGETABLE BRANCHES

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by the Secretary of Agriculture, there is hereby delegated to each of the following: Chief, Northeast Division; Chief, Western Division; Chief, Midwest Division; Chief, Southern Division; Chief, Southwest Division, within the group of States comprising the respective Fruit and Vegetable Branch divisions of which each is chief, in which (a) or (b) of this paragraph will be applicable, authority to consider and to give prior written approval of (a) the maximum prices for fresh fruits and vegetables as established or adjusted, from time to time, by any regional office of the Office of Price Administration in accordance with Maximum Price Regulation No. 426, or Maximum Price Regulation No. 376, and (b) such changes in the definition of the term "purveyor" contained in said Maximum Price Regulation No. 426, as any regional office of the Office of Price Administration may, from time to time, make in accordance with said Maximum Price Regulation No. 426.

The authority delegated herein may be redelegated by each chief of the respective division herein above mentioned to any employee of the United States Department of Agriculture within the respective division.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Maximum Price Regulation No. 426" means Maximum Price Regulation No. 426 (8 F.R. 9546), issued by the Price Administrator, Office of Price Administration, on July 10, 1943, as amended and in effect at the time the authority delegated herein is exercised.

The term "Maximum Price Regulation No. 376" means Maximum Price Regulation No. 376 (8 F.R. 5487), issued by the Price Administrator, Office of Price Administration, on April 24, 1943, as amended and in effect at the time the authority delegated herein is exercised.

The term "fresh fruits and vegetables" shall have the same meaning as that which it has when used in said Maximum Price Regulation No. 426 and Maximum Price Regulation No. 376.

The term "regional office of the Office of Price Administration" includes each field office of the Office of Price Administration to which authority to act has been delegated, in accordance with Maximum Price Regulation No. 426 or Maximum Price Regulation No. 376, by the appropriate regional office of the Office of Price Administration.

(56 Stat. 23; 58 Stat. 632; 50 U.S.C., 1940 ed., Sup. IV, 901 et seq.; Public Law 108, 79th Cong.; 56 Stat. 765; 58 Stat. 632; 50 U.S.C., 1940 ed., Sup. IV, 961 et seq.; Public Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; E.O. 9599, 10 F.R. 10155)

Issued this 11th day of January 1946.

[SEAL] E. A. MEYER,
Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 46-680; Filed, Jan. 14, 1946; 11:07 a. m.]

Rural Electrification Administration.

[Administrative Order 1001]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 29, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kansas 45A Ellsworth	$329,000
Montana 19E Stillwater	195,000
Texas 145A Dallam	250,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-681; Filed, Jan. 14, 1946; 11:07 a. m.]

[Administrative Order 1002]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 29, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 31G Larimer	$230,000
Louisiana 6G St. Mary	25,000
Nebraska 87A Webster	420,000
South Carolina 41C York	160,000
South Dakota 21C Brown	200,000
West Virginia 10M Harrison	50,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-684; Filed, Jan. 14, 1946; 11:07 a. m.]

[Administrative Order 1003]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 3, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Maryland 4X St. Marys	$365,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-682; Filed, Jan. 14, 1946; 11:07 a. m.]

[Administrative Order 1004]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 4, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 32F Hancock	$82,000
Nebraska 1D Roosevelt District Public	50,000
Nebraska 94A Adams District Public	369,000
Ohio 41H Licking	25,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-683; Filed, Jan. 14, 1946; 11:07 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1051 et al.]

MID-CONTINENT AIR LINES, INC.; KANSAS CITY-MEMPHIS-FLORIDA CASE

NOTICE OF HEARING

In the matter of the applications of Mid-Continent Air Lines, Inc., and other applicants for certificates and amendments of certificates of public convenience and necessity known as the Kansas City-Memphis-Florida Case, Docket No. 1051 et al. under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 401 and 1001 of the said Act, that a hearing in the above-entitled proceeding is assigned to be held on February 18, 1946, at 10 a. m. (eastern standard time), in Conference Room C, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., before Examiners Curtis C. Henderson and Barron Fredricks.

Dated Washington, D. C., January 10, 1946.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 46-668; Filed, Jan. 14, 1946; 10:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

WDAK, COLUMBUS, GA.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSEE

The Commission hereby gives notice that on November 26, 1945, there was filed with it an application (B3-AL-513) for its consent under section 310 (b) of the Communications Act (47 USCA 310) to the proposed assignment of license of standard broadcast station WDAK, Columbus, Georgia, from a partnership (consisting of L. J. Duncan and five others) doing business as Valley Broadcasting Company, General Tyler Hotel Building, West Point, Georgia, to Radio Columbus, Inc., 1028 Broadway, Columbus, Georgia. The proposal to assign said license is based upon an agreement of October 12, 1945, wherein four of the present licensed partners (L. J. Duncan, Lelia A. Duncan, Effie H. Allen and Josephine Rawls) agree to sell their entire (82%) interest in the assets and properties of the partnership (with a special arrangement as to cash and accounts receivable) to Allen M. Woodall (one of the present partners), Howard E. Pill and David Earl Dunn for a consideration of $164,000, payable $10,000 in cash to be placed in escrow, and the remaining $154,000 to be paid within one week after Commission consent. The agreement indicates that the proposed purchasers have the right of assigning any part of their interest under the agreement to a corporation, or other organization which may be formed. Arrangements contemplate receipt by assignee of the above interests and the remaining 18% interests in WDAK in liquidation of subscriptions to shares in Radio Columbus, Inc., a recently formed Alabama corporation. Further details as to the arrangements are set forth in the contract and associated papers which are on file with the Commission.

In the Commission's decision of September 6, 1945, granting the application for transfer of control of Crosley Corporation (Docket No. 6767), it was announced that public hearings would be held to consider proposed new rules and regulations for the handling of assignment and transfer applications including provision for public notice by the applicant and the Commission of the filing of such applications and pertinent details in cases where

a controlling interest is involved. Thereafter on October 3, 1945, the Commission also gave public notice (10 F.R. 12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, such applications would be deferred unless applicants desired to follow the procedure proposed in the WLW decision, and supplement their applications so as to come within the framework of the announced procedure including the provision for public notice. Pursuant thereto the Commission was advised on December 17 and 26, 1945, that notice was on December 12, 1945, inserted in a newspaper of general circulation in Columbus, Georgia, of the proposed acquisition of the interests in the partnership licensed to operate WDAK and the subsequent assignment of the license as indicated herein.

In accordance with the procedure proposed in the WLW decision and that announced in the Commission's release, no action will be had upon the WDAK application for a period of 60 days from December 17, 1945, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U.S.C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-640; Filed, Jan. 11, 1946; 2:27 p. m.]

KANS, WICHITA, KANS.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on December 3, 1945, there was filed with it an application (B4-AL-514) for its consent under section 310 (b) of the Communications Act (47 USCA 310) to the proposed assignment of license of standard broadcast station KANS, Wichita, Kansas, and associated relay stations from the KANS Broadcasting Company, Wichita, Kansas (assignor), to Kansas Broadcasting, Inc., Wichita, Kansas (assignee). The arrangements for assignment of the licenses of station KANS and the associated relay stations are based upon a contract entered into November 3, 1945, between J. Herbert Hollister and Elizabeth A. Hollister, his wife, and Don Searle (owners of the entire capital stock of KANS Broadcasting Company, present licensee of station KANS), and O. L. Taylor, and a further contract dated November 28, 1945, between Taylor and the assignee, pursuant to which it is proposed to sell, subject to the approval of the Federal Communications Commission, the entire capital stock of such licensee for the sum of $400,000, plus or minus a sum equalling the difference between the value of certain assets of licensee at the close of business on the last day of the month preceding approval by the Commission and the amount of all liabilities, including taxes, of such corporation at the close of business on such date.

Further details as to the arrangements between the parties or pertaining to the application may be determined from an examination of the application and associated papers on file at the offices of the Commission.

In the Commission's decision of September 6, 1945, granting the application for transfer of control of the Crosley Corporation (Docket No. 6767), it was announced that public hearings would be held to consider new rules and regulations for the handling of assignment and transfer applications including provision for public notice by the applicant and by the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Thereafter, on October 3, 1945, the Commission also gave public notice (10 F.R. 12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, consideration of such applications would be deferred unless applicants desired to follow the procedure proposed in the Crosley decision and supplement their applications so as to come within the framework of the announced procedure, including the provision for public notice. Pursuant thereto, the Commission was advised on December 5, 1945, that notice would be published in a daily newspaper of general circulation printed and published in Wichita, Kansas, of the proposed assignment of license.

In accordance with the procedure proposed in the Crosley decision and that announced in the Commission's release, no action will be had upon the KANS application for a period of 60 days from December 5, 1945, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 USCA 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-641; Filed, Jan. 11, 1946; 2:27 p. m.]

[Docket Nos. 6791, 6190, 6790, 6792, 6793]

METROPOLITAN BROADCASTING SERVICE

ORDER GRANTING INTERVENTION AND AMENDING AND ENLARGING ISSUES

In re applications of The Metropolitan Broadcasting Service, New York, N. Y., Docket No. 6791, File No. B1-P-4099; Newark Broadcasting Corporation, Newark, New Jersey, Docket No. 6190, File No. B1-P-3249; Donald Flamm, New York, N. Y., Docket No. 6790, File No. B1-P-4056; Wage, Inc. (wage), Syracuse, New York, Docket No. 6792, File No. B1-P-4098; WCAX Broadcasting Corporation (WCAX), Burlington, Vermont, Docket No. 6793, File No. B1-P-3961; for construction permits.

The Commission having under consideration a petition filed December 11, 1945 by The Yankee Network, Inc. (WICC), Bridgeport, Connecticut, for leave to intervene in the above consolidated proceedings now scheduled to be held January 7 to 11, inclusive, 1946, and for enlargement of the issues therein, designated upon the above-entitled applications of The Metropolitan Broadcasting Service, New York, N. Y. (File No. B1-P-4099) and Donald Flamm, New York, N. Y. (File No. B1-P-4056);

It is ordered, This 21st day of December 1945, that the petition be, and it is hereby granted, and that the issues in the said proceedings upon the respective applications of The Metropolitan Broadcasting Service, New York, N. Y. (File No. B1-P-4099) and Donald Flamm, New York, N. Y. (File No. B1-P-4056), be, and they are hereby amended and enlarged to include the following: "to determine the nature, extent and effect of any interference which may result from the proposed operation to the service of Station WICC, Bridgeport, Connecticut, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations."

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-642; Filed, Jan. 11, 1946; 2:28 p. m.]

[Docket Nos. 6791, 6190, 6790, 6792, 6793]

METROPOLITAN BROADCASTING SERVICE ET AL.

ORDER GRANTING INTERVENTION AND AMENDIND AND ENLARGING ISSUES

In re applications of The Metropolitan Broadcasting Service, New York, New York, Docket No. 6791, File No. B1-P-4099; Newark Broadcasting Corporation, Newark, New Jersey, Docket No. 6190, File No. B1-P-3249; Donald Flamm, New York, New York, Docket No. 6790, File No. B1-P-4056; WAGE, Inc. (WAGE), Syracuse, New York, Docket No. 6792, File No. B1-P-4098; WCAX Broadcasting Corporation (WCAX), Burlington, Vermont, Docket No. 6793, File No. B1-P-3961; for construction permits.

The Commission having under consideration a petition filed December 19, 1945 by Pennsylvania Broadcasting Company (WIP), Philadelphia, Pennsylvania, for leave to intervene in the above-consolidated proceedings now scheduled to be held January 7 to 11, inclusive, 1946, and for enlargement of the issues therein, designated upon the above-entitled applications of The Metropolitan Broadcasting Service, New York, New York (File No. B1-P-4099) and Donald Flamm, New York, New York (File No. B1-P-4056);

It is ordered, This 21st day of December 1945, that the petition be, and it is hereby, granted; and the issues in the said proceedings upon the respective applications of The Metropolitan Broadcasting Service, New York, New York (File No. B1-P-4099) and Donald Flamm, New York, New York (File No. B1-P-4056) be, and they are hereby, amended and enlarged to include the following: "To determine the nature, extent and effect of any interference which may result from the proposed operation to the service of Station WIP, Philadelphia, Pennsylvania, the areas and populations

affected thereby, and the availability of other broadcast service to such areas and populations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-643; Filed, Jan. 11, 1946; 2:28 p. m.]

[Docket No. 7005]

BORGER BROADCASTING CO.

NOTICE OF HEARING

In re application of W. J. Harpole, J. C. Rothwell and W. T. Kemp, a partnership d/b as Borger Broadcasting Company (New); date filed, October 15, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Borger, Texas; operating assignment specified: frequency, 1490 kc.; power, 250 w.; hours of operation, unlimited time. File No. B3-P-4204.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the application of Richard George Hughes, Borger, Texas (File No. B3-P-4205, Docket No. 7005), on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership, and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine upon a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

W. J. Harpole, J. C. Rothwell & W. T. Kemp, a partnership d/b as Borger Broadcasting Company, % W. J. Harpole, P. O. Box 1071, Plainview, Texas.

Dated at Washington, D. C., January 4, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-644; Filed, Jan. 11, 1946; 2:28 p. m.]

[Docket No. 7006]

RICHARD GEORGE HUGHES

NOTICE OF HEARING

In re application of Richard George Hughes (New); date filed, October 17, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Borger, Texas; operating assignment specified: frequency 1490 kc.; power 250 w.; hours of operation, unlimited time. File No. B3-P-4205.

You are hereby notified that the Commission has examined the application of the above-entitled case and has designated the matter for hearing in consolidation with the application of W. J. Harpole, J. C. Rothwell, and W. T. Kemp, a partnership d/b as Borger Broadcasting Company, Borger, Texas (File No. B3-P-4204, Docket No. 7005), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Richard George Hughes, 117 West Kingsmill Street, Pampa, Texas.

Dated at Washington, D. C., January 4, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-645; Filed, Jan. 11, 1946; 2:28 p. m.]

[Docket No. 6903]

OLD PUEBLO BROADCASTING CO.

NOTICE OF HEARING

In re application of Old Pueblo Broadcasting Company (New); date filed, October 3, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Tucson, Arizona; operating assignment specified: frequency 1340 kc; power 250 w; hours of operation, unlimited time; File No. B5-P-4073.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the application of Sun Country Broadcasting Company, Tucson, Arizona (File No. B5-P-4121, Docket No. 6904), Catalina Broadcasting Company (File No. B5-P-4262, Docket No. 7069), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast services, and if

so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

6. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Old Pueblo Broadcasting Company, 77 North Court Street, Tucson, Arizona.

Dated at Washington, D. C., January 5, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-646; Filed, Jan. 11, 1946; 2:28 p. m.]

[Docket No. 6904]

SUN COUNTRY BROADCASTING CO.

NOTICE OF HEARING

In re application of Sun Country Broadcasting Company (new); date filed, October 8, 1945; for, Construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Tucson, Arizona; operation assignment specified: frequency, 1340 kc, power, 250 w; hours of operation, unlimited time; File No. B5-P-4121.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Old Pueblo Broadcasting Company (File No. B5-P-4073, Docket No. 6903), Catalina Broadcasting Company (File No. B5-P-4262, Docket No. 7069) on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast services, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

6. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Sun Country Broadcasting Company, 74 East Pierson Street, Phoenix, Arizona.

Dated at Washington, D. C., January 5, 1946.

By the Commission.

[SEAL] T. J. SLOWIE. *Secretary.*

[F. R. Doc. 46-647; Filed, Jan. 11, 1946; 2:29 p. m.]

[Docket No. 7069]

CATALINA BROADCASTING CO.

NOTICE OF HEARING

In re application of the Catalina Broadcasting Company (new); date filed November 5, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Tucson, Arizona; operating assignment specified: frequency, 1340 kc.; power, 250 w.; hours of operation, unlimited time. File No. B5-P-4262.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Sun Country Broadcasting Company (File No. B5-P-4121, Docket No. 6904), Old Pueblo Broadcasting Company (File No. B5-P-4073, Docket No. 6903) on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast services, and if so, the nature and extent thereof, and the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

6. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Catalina Broadcasting Company, P. O. Box 4325, Tuscon, Arizona.

Dated at Washington, D. C. January 5, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-648; Filed, Jan. 11, 1946; 2:29 p. m.]

[Docket No. 7107]

WWSW, INC.

ORDER DESIGNATING PETITION FOR HEARING ON STATED ISSUES

In re petition of WWSW, Incorporated (WWSW), Pittsburgh, Pennsylvania; for hearing or rehearing and for leave to intervene in the matter of the grant of a construction permit to Central Broadcasting Company, Inc., Johnstown, Pennsylvania (B2-P-3732).

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of December, 1945;

The Commission having under consideration the petition for hearing or rehearing and for leave to intervene, filed by WWSW, Inc. (WWSW), Pittsburgh, Pennsylvania, directed against the action of the Commission on the 9th day of November, 1945, granting the application of Central Broadcasting Company, Inc., Johnstown, Pennsylvania, for construction at that place of a new standard broadcast station to operate on the frequency 1490 kc, with 250 watts power, unlimited time (File No. B2-P-3732); and the opposition filed thereto by Central Broadcasting Company, Inc., Johnstown, Pennsylvania;

It is ordered, That the said petition for hearing or rehearing and for leave to intervene of WWSW, Inc. (WWSW) be, and it is hereby designated for hearing

on the 22d day of January, 1946, at the offices of the Federal Communications Commission, Washington, D. C., on the following issue:

1. To determine whether the operation of the permittee's station would involve any encroachment on the normally protected contours of Station WWSW, Pittsburgh, Pennsylvania.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-649; Filed, Jan. 11, 1946; 2:29 p. m.]

[Docket No. 6920]

CENTRAL ILLINOIS RADIO CORP.

ORDER GRANTING PETITION AND REDESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of Central Illinois Radio Corporation, Peoria, Illinois, for construction permit; File No. B4-P-3911.

The Commission having under consideration a petition filed December 14, 1945 by Central Illinois Radio Corporation, Peoria, Illinois, for leave to amend its application for construction permit so as to specify the frequency 1290 kc. instead of 1340 kc., and other changes in its application, as more specifically set out in the amendment, and to remain on the hearing docket in consolidation with the applications of Greater Peoria Radio Broadcasters (Docket No. 6709), Illinois Valley Broadcasting Company ,(Docket No. 6710) and F. F. McNaughton (Docket No. 6713), all of Peoria, Illinois;

It is ordered, This 27th day of December 1945, that the petition for leave to amend be, and it is hereby, granted; the amendment submitted simultaneously with the petition covering the matters hereinabove described be, and it is hereby, accepted; and the application, as amended, be, and it is hereby, redesignated for hearing in consolidation with the applications of Greater Peoria Radio Broadcasters (Docket No. 6709), Illinois Valley Broadcasting Company (Docket No. 6710) and F. F. McNaughton (Docket No. 6713), all of Peoria, Illinois.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-651; Filed, Jan. 11, 1946; 2:29 p. m.]

[Docket Nos. 6912 and 6913]

SYRACUSE BROADCASTING CORP. ET AL.

ORDER GRANTING PETITION AND AMENDING AND ENLARGING ISSUES

In re applications of Syracuse Broadcasting Corporation, Syracuse, New York, Docket No. 6912, File No. B1-P-4114; WLEU Broadcasting Corporation (WLEU), Erie, Pennsylvania, Docket No. 6913, File No. B2-P-4115; for construction permits.

The Commission having under consideration a petition filed December 18, 1945, by The Yankee Network, Incorporated (WNAC), Boston, Massachusetts, requesting leave to intervene in the consolidated hearing upon the applications listed above, now scheduled to be heard January 3 and 4, 1946, and for enlargement of the issues therein designated upon the above-entitled application of Syracuse Broadcasting Corporation, Syracuse, New York (File No. B1-P-4114);

It is ordered, This 27th day of December, 1945, that the petition be, and it is hereby, granted; and the issues in the said proceedings on the application of the Syracuse Broadcasting Corporation, Syracuse, New York (File No. B1-P-4114) be, and they are hereby amended and enlarged to include the following:

"To determine the nature, extent and effect of any interference which may result from the proposed operation to the service of Station WNAC, Boston, Massachusetts, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations."

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-652; Filed, Jan. 11, 1946; 2:29 p. m.]

[Docket Nos. 6696, 6705, 6818-6822, 7081, 7095]

CITY OF SEBRING, FLA., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re applications of: City of Sebring, Florida, Sebring, Florida, Docket No. 6696, File No. B3-P-3853; A. Frank Katzentine, Orlando, Florida, Docket No. 6705, File No. B3-P-3674; Thomaston Broadcasting Company, Thomaston, Georgia, Docket No. 6818, File No. B3-P-3829; J. W. Woodruff, J. W. Woodruff, Jr. and E. E. Cartledge, Jr., doing business as Columbus Broadcasting Company (WRBL), Columbus, Georgia, Docket No. 6819, File No. B3-P-3986; Muscogee Broadcasting Company, a partnership, composed of F. R. Pidcock, Sr., N. C. Dunlap, Jr., F. M. Pidcock, Jr., Beecher Hayford and James M. Wilder, Columbus, Georgia, Docket No. 6820, File No. B3-P-4082; Chattahoochee Broadcasting Company, Columbus, Georgia, Docket No. 6821, File No. B3-P-4149; Palm Beach Broadcasting Corporation (WWPG), Palm Beach, Florida, Docket No. 6822, File No. B3-P-3968; Florida Broadcasting Company (WMBR), Jacksonville, Florida, Docket No. 7081, File No. B3-P-3036; Georgia-Alabama Broadcasting Corporation, Columbus, Georgia, Docket No. 7095, File No. B3-P-4324; for construction permits.

The Commission having under consideration a petition filed December 26, 1945 by the Georgia-Alabama Broadcasting Corporation, Columbus, Georgia requesting that its application for construction permit (File No. B3-P-4324, Docket No. 7095) for a new standard broadcast station at Columbus, Georgia, on the frequency 1450 kc, be consolidated with the applications in the above-entitled proceeding now scheduled for hearing January 7-12, inclusive, 1946, at Washington, D. C.;

It is ordered, This 28th day of December 1945, that the petition be, and it is hereby, granted; and the said application filed simultaneously with the petition be, and it is hereby, consolidated for hearing with the applications in the above-entitled proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-653; Filed, Jan. 11, 1946; 2:30 p. m.]

[Docket No. 6651]

ALLOCATION OF FREQUENCIES TO VARIOUS CLASSES OF NON-GOVERNMENTAL SERVICES

ORDER DESIGNATING PETITION FOR HEARING ON STATED ISSUES

In the matter of allocation of frequencies to the various classes of non-governmental services in the Radio Spectrum from 10 kilocycles to 30,000,000 kilocycles.

The Commission having under consideration a petition filed by Zenith Radio Corporation on January 2, 1946, requesting that the band 42 megacycles to 50 megacycles be assigned for FM broadcasting in addition to the assignment already made to FM in the 88 to 108 megacycle band;

It is ordered, This 3d day of January 1946, that a hearing on said petition be held before the Commission en banc at 10:00 a. m., on January 18, 1946, on the following issues:

1. Whether the band 42 megacycles to 50 megacycles, or any part of it, should be made available for FM broadcasting in addition to the assignment already made to FM in the 88 to 108 megacycle band.

2. If any portion of such band is made available for FM broadcasting, whether such frequencies should be available for Non-Commercial Educational, Community, Metropolitan and Rural FM stations or only for Rural FM stations, and whether such frequencies should be available for FM stations in the entire United States or only in Area II.

3. To obtain information concerning the additional cost of FM receivers if the band 42 megacycles to 50 megacycles, or any part of it, is made available for FM broadcasting in addition to the band 88 to 108 megacycles.

Licensees of FM or television stations, manufacturers of FM equipment, and other interested persons may participate in said hearing. Persons desiring to participate should file an appearance with the Commission no later than January 14, 1946, stating the name or names of the witnesses who will appear, the subject matter concerning which they will testify, and the length of time they will need for their testimony.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-650; Filed, Jan. 11, 1946; 2:29 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 86, Order 35]

WESTINGHOUSE ELECTRIC CORP.

APPROVAL OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 14 and 21 of Maximum Price Regulation No. 86; *It is ordered:*

(a) This order establishes ceiling prices for sales of the Laundromat automatic washing machine manufactured by the Westinghouse Electric Corporation, 140 East Fourth Street, Mansfield, Ohio, as follows:

(1) *Distributors' ceiling prices.* For sales by distributors to dealers the ceiling prices are those set forth below:

Quantities	Ceiling prices for sales to dealers—	
	Without 5-year warranty on the automatic transmission	With 5-year warranty on the automatic transmission
	Each	*Each*
1 or 2 units	$118.98	$123.98
3 to 5 units	116.13	121.13
6 or more units	113.23	118.23

These ceiling prices are f. o. b. each seller's warehouse.

(2) *Dealers' ceiling prices.* For sales by dealers to consumers the ceiling price is $203.95 each. This price includes delivery and installation. If at the request of the purchaser, the machine is sold with the additional 5 year warranty on the automatic transmission, the dealer may add $5.00 to his ceiling price stated above.

Installation means connection of the Laundromat to electric and plumbing facilities to be provided by the consumer so that the washing machine is ready for use. Installation includes a home instruction course on washability and Laundromat operation to be given in the consumer's home by expert demonstrators and instructors provided by the dealer.

(3) The 5 year warranty for which a $5.00 additional charge is allowed is a guarantee to the original purchaser to replace the automatic transmission free of charge at any time up to and including December 31st of the fifth year after year of manufacture, if it is proved to the satisfaction of the manufacturer to be inoperative due to defects in factory workmanship or material.

(4) All the ceiling prices listed in this paragraph (a) include a one year warranty that the Laundromat and all parts thereof are free from defects in material or workmanship under normal use and service and are subject to each seller's customary terms, discounts, allowances, and other price differentials, in effect on sales for similar articles.

(b) At the time of, or prior to, the first invoice to each distributor the manufacturer shall notify him of the ceiling prices established by this order for resales by the distributor. This notice may be given in any convenient form.

(c) All the provisions of Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of the washing machine covered by this order except to the extent that these provisions are modified by this order.

(d) Unless the context requires otherwise, the definitions set forth in Maximum Price Regulation No. 86 shall apply to the terms used herein.

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

(f) This order shall become effective on the 12th day of January 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-620; Filed, Jan. 11, 1946; 11:29 a. m.]

[MPR 64, Order 243]

PRESSED STEEL CAR CO., INC.

APPROVAL OF MAXIMUM PRICES

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

(a) This order establishes maximum prices for sales of Standard Model S-100 electric range, manufactured by Pressed Steel Car Co., Inc., Chicago, Ill., as follows:

(1) For sales by the manufacturer to wholesale distributors the maximum prices are those set forth below:

Article	Model	Maximum price to wholesale distributors
		Each
Electric range with steel oven door	S-100	$82.50
Electric range with glass oven door	S-100	84.75

These prices are f. o. b. factory and include the range cord set (customarily referred to in the industry as a "pigtail"), and are subject to terms of 1%—10 days, net—30 days.

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

Article	Quantity	Model	Maximum price to retail dealers			
			Zone 1	Zone 2	Zone 3	Zone 4
			Each	*Each*	*Each*	*Each*
Electric range with steel oven door	1 to 4	S-100	$111.38	$113.72	$116.06	$118.41
	5 or more	S-100	107.25	109.50	111.75	114.00
Electric range with glass oven door	1 to 4	S-100	114.44	116.78	119.12	121.47
	5 or more	S-100	110.19	112.44	114.69	116.94

These prices are f. o. b. wholesale distributor's city and include the Federal excise tax, and range cord set (customarily referred to in the industry as a "pigtail"). In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

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

Article	Model	Maximum price to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
Electric range (with steel oven door)	S-100	$173.25	$176.95	$180.75	$184.50
Electric range (with glass oven door)	S-100	178.00	181.70	185.50	189.25

These prices include the Federal excise tax, a one year warranty, delivery, a range cord set (customarily referred to in the industry as a "pigtail") and installation to electric facilities provided by the purchaser. In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to the first invoice to each purchaser for resale after the effective date of this order, The Pressed Steel Car Co., Inc., shall notify each purchaser for resale at wholesale of the maximum prices and conditions established by this order for resale 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, shall attach securely to the outside panel of the oven door of each range, a label showing the name of the manufacturer, the model number of the range, its OPA retail ceiling price in each zone and a list of the states included in each zone. The label shall also contain a statement that the ceiling prices shown on the label include delivery, installation with connection to electric facilities provided by the purchaser, a one year warranty, the Federal excise tax. 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: Illinois.

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

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

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

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

This order shall become effective on the 12th day of January 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-616; Filed, Jan. 11, 1946; 11:27 a. m.]

[MPR 64, Order 244]

AGRICOLA FURNACE 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 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes ceiling prices for sales by zones of Model 1 Magazine Radiant coal heater manufactured by the Agricola Furnace Company, Gadsden, Ala., as follows:

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

Model	Ceiling prices for sales to retail dealers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
No. 1	$27.03	$29.22	$31.41	$33.91

These prices are f. o. b. distributor's city and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers, the mailing 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*
No. 1	$43.25	$46.75	$50.25	$54.25

These prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale after the effective date of this order, the manufacturer shall notify the purchaser of the ceiling prices and conditions established by this order for resale by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer, before delivering any stove covered by this order after the effective date of this order shall attach securely to the front of each stove a tag or label which plainly states its retail ceiling prices in each zone, together with a list of the states included in each zone. This tag or label may not be removed until after the stove has been sold to an ultimate consumer.

(d) For purposes of this order, Zones 1, 2, 3 and 4 comprise the following states:

Zone 1: Alabama.

Zone 2: Georgia, Florida, South Carolina, North Carolina, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Michigan, Indiana, Kentucky, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

Zone 3: Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, New Mexico, Oklahoma, Texas, and Maine.

Zone 4: Washington, Oregon, Idaho, Montana, Wyoming, Utah, Arizona, Nevada, and California.

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

(f) This order shall become effective on the 12th day of January 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-617; Filed, Jan. 11, 1946; 11:28 a. m.]

[MPR 64, Order 245]

TAPPAN STOVE CO.

APPROVAL OF MAXIMUM PRICES

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

(a) This order establishes maximum prices for sales of eight models of gas ranges manufactured by the Tappan Stove Company, Mansfield, Ohio.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax, are those set forth below:

Model	Maximum prices for sales by wholesale distributors to retail dealers	
	Zone 4	Zone 5
	Each	*Each*
CPGVD-557	$126.63	$127.88
CPGV-557	107.35	108.60
PGVD-57	120.01	121.26
GVD-57	119.36	120.61
PGV-57	100.43	101.68
GV-57	99.63	100.88
PG-57	93.02	94.27
G-57	92.38	93.63

These prices are f. o. b. wholesale distributor's city. In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Maximum prices for sales to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
CPGVD-557	$183.00	$185.95	$189.00	$203.25
CPGV-557	154.50	157.50	160.25	173.25
PGVD-57	172.75	175.95	178.75	192.95
GVD-57	172.00	174.95	178.00	191.95
PGV-57	144.50	147.50	150.25	162.50
GV-57	143.50	146.50	149.00	161.25
PG-57	134.00	136.95	139.75	150.95
G-57	133.00	135.95	138.75	149.95

Model	Maximum prices for sales to ultimate consumers		
	Zone 4A	Zone 5	Zone 5A
	Each	*Each*	*Each*
CPGVD-557	$191.50	$205.25	$194.25
CPGV-557	162.75	175.25	165.00
PGVD-57	181.50	194.95	184.00
GVD-57	180.50	193.95	183.25
PGV-57	152.50	164.50	155.00
GV-57	151.75	163.25	154.00
PG-57	142.25	152.95	144.50
G-57	141.50	151.95	143.50

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting $6.00 from his maximum price as shown above for sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in 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 after the effective date of this order the manufacturer shall notify the purchaser in writing 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 shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone, the area included in each zone, together with a list of the States included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $6.00 less than the price shown on the label.

(d) For purposes of this order Zones 1, 2, 3, 4, 4A, 5 and 5A comprise the following areas:

Zone 1: Ohio.

Zone 2: Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Kentucky, Tennessee, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina and the District of Columbia.

Zone 3: North Dakota, South Dakota, Nebraska, Kansas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Maine, and Oklahoma except for the counties of Cimarron, Texas, and Beaver.

Zone 4: Montana, Colorado, Wyoming, the counties of Cimarron, Texas, and Beaver in Oklahoma; the counties of Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Jones, and Throckmorton in Texas and the 60 counties in Texas north of the counties named.

Zone 4A: All of the state of Texas except the 69 counties included in Zone 4.

Zone 5: Washington, Oregon, Idaho, Utah, Arizona, New Mexico, Nevada, and that part of the state of California north of a line drawn from a point on the Pacific coast due west of the city of Santa Barbara and running east and just north of that city, thence, northeast to a point due west of the city of Bakersfield at the western boundary of Kern county and thence east and just north of Bakersfield to the eastern boundary of the state.

Zone 5A: All of the state of California not included in Zone 5.

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

(f) This order shall become effective on the 25th day of January 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-618; Filed, Jan. 11, 1946; 11:28 a. m.]

[SO 119, Order 45]

WOLLENSAK OPTICAL CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Wollensak Optical Company, 850 Hudson Avenue, Rochester, New York, may increase by no more than 9 percent its ceiling prices in effect on the effective date of this order to each class of purchaser for optical instruments, of its manufacture. Such company may also increase by 12 percent its ceiling prices to each class of purchaser in effect on the effective date of this order for photographic equipment of its manufacture.

(b) *Ceiling prices of purchasers for resale.* Purchasers for resale of such articles which the manufacturer has sold at the adjusted maximum prices permitted by paragraph (a) above, shall determine their maximum 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 calculate his ceiling 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 section.

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

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

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or thereafter properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

Article	Model	Quantity	Dealers' ceiling prices to consumers			
			Zone 1	Zone 2	Zone 3	Zone 4
Wringer-type washing machine	51230		*Each*	*Each*	*Each*	*Each*
		Carload lots	$79.95	$82.95	$83.95	$86.95

These ceiling prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on similar articles.

(b) For purposes of this order zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Illinois, Indiana, Michigan, Ohio, Wisconsin.

Zone 2: Connecticut, Delaware, District of Columbia, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia.

Zone 3: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee.

Zone 4: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming.

(e) All requests for adjustment of maximum prices not specifically granted by this order are hereby denied.

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

(g) This order shall become effective on January 12, 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-624; Filed, Jan. 11, 1946; 11:26 a. m.]

[MPR 86, Order 34]

NINETEEN HUNDRED CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Maximum Price Regulation No. 86, *It is ordered:*

(a) This order establishes ceiling prices for sales of Model No. 51230 Whirlpool wringer-type washing machine manufactured by the Nineteen Hundred Corporation, St. Joseph, Mich.

(1) For sales by distributors to dealers the ceiling prices are those set forth below:

Article	Model	Quantity	Ceiling price for sales by distributors to dealers			
			Zone 1	Zone 2	Zone 3	Zone 4
Wringer-type washing machine	51230		*Each*	*Each*	*Each*	*Each*
		Carload lots	$50.35	$52.20	$52.85	$54.75
		Less than carload lots	52.00	53.95	54.60	56.55

These prices are f. o. b. seller's city. When, however, shipment is made directly from the factory to the dealer pursuant to the distributor's order, the above prices are f. o. b. the dealer's city.

(2) The ceiling prices for sales by dealers in each zone for the model listed below are as follows:

(c) At the time of, or prior to, the first invoice to each distributor, the manufacturer shall notify him of the ceiling prices established by this order for resales by the distributor. This notice may be given in any convenient form.

(d) All the provisions of Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except to the extent that those provisions are modfied by this order.

(e) Unless the context requires otherwise, the definitions set forth in the various sections of Maximum Price Regulation No. 86 shall apply to the terms used herein.

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

This order shall become effective on the 12th day of January 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-619; Filed, Jan. 11, 1946; 11:28 a. m.]

[SO 119, Order 46]

DETECTO SCALES, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal

Register, and pursuant to sections 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Detecto Scales, Inc., 1 Main Street, Brooklyn, New York, may increase by 13 percent its ceiling prices to each class of purchaser for scales of its manufacture.

(b) *Ceiling prices of purchasers for resale.* Purchasers for resale of such articles which the manufacturer has sold at adjusted maximum prices shall determine their ceiling 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 calculate his ceiling 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 section.

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

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

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's customary terms, discounts, allowances and other price differentials on sales to each class of purchaser in effect during March 1942, or established under any applicable OPA regulation.

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

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

(f) *Effective date.* This order shall become effective on January 12, 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46–625; Filed, Jan. 11, 1946; 11:26 a. m.]

[MPR 120, Amdt. 4 to Order 1548]

ELLIOT COAL MINING CO., ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.212 (c) of Maximum Price Regulation No. 120; *It is ordered:*

Order No. 1548 under Maximum Price Regulation No. 120 is hereby amended in the following respects.

Paragraph (a) is amended by adding thereto the following name of the producer, address, mine name and index number, and preparation plant name, as follows:

Producer and address	Mine name	Mine index No.	Location and name of preparation plant through which the coals are produced
Lee Hollow Coal Co., 32 North Second St., Clearfield, Pa.	Clover Run No. 1-D and Clover Run No. 1-C.	5526 and 5527	Lee Hollow Coal Co. Preparation plant at point 4 miles northeast of Willman, Pa., on Pennsylvania Railroad.

This Amendment No. 4 to Order No. 1548 under Maximum Price Regulation No. 120 shall become effective January 12, 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46–621; Filed, Jan. 11, 1946; 11:29 a. m.]

[MPR 580, Order 276]

ORR FELT AND BLANKET CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 276; establishing ceiling prices at retail for certain articles; Docket No. 6063–580–13–356.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Orr Felt and Blanket Company, 750 South Main Street, Piqua, Ohio, and described in the manufacturer's application dated September 13, 1945:

BLANKETS

Brand name	Size	Style No.	Retail ceiling price
Orrspun	72 x 84"	108	$14.95
	72 x 90"	109	15.95
	80 x 90"	107	16.95
Orr Health	72 x 84"		15.95
Orrlaskan	72 x 84"		14.95

(b) The retail ceiling price of an article stated in paragraph (a) shall apply to any other article of the same type, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this order.

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after February 15, 1946, Orr Felt and Blanket Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Price $------

On and after March 15, 1946, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to March 15, 1946, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

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

This order shall become effective January 12, 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46–623; Filed, Jan. 11, 1946; 11:29 a. m.]

[MPR 580, Amdt. 1 to Order 204]

SPRINGFIELD WOOLEN MILLS CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Amendment 1 to Order 204; establishing ceiling prices at retail for certain articles; Docket No. 6063–580–13–413.

For the reasons set forth in the opinion issued simultaneously herewith, paragraph (a) of Order No. 204 is amended by adding the following:

BLANKETS

Style	Size	Manufacturer's selling price	Retail ceiling price	
			Except in California, Oregon, and Washington	In California Oregon, and Washington
Cordell	72 x 90	$8.19	$12.95	$13.95
	80 x 90	9.79	15.95	16.95
Riviera	80 x 90	13.14	21.00	22.00
Radiant	80 x 90	15.07	27.50	27.50
Annette Crib	40 x 60	3.40	5.95	5.95
Princess Crib	36 x 54	4.15	6.95	6.95
Paradise Pair (solid color pair)	72 x 90	21.94	42.50	42.50
	80 x 90	25.65	49.50	49.50
Springtime (summer blanket)	72 x 90	7.17	11.95	12.95
	80 x 90	8.42	13.95	14.95
Trousseau	80 x 90	27.47	55.00	55.00

This amendment shall become effective January 12, 1946.

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46–622; Filed, Jan. 11, 1946; 11:30 a. m.]

[MPR 64, Order 248]

PHILLIPS PETROLEUM CO.

APPROVAL OF MAXIMUM PRICES

For the reasons stated in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This order establishes ceiling prices for sales of the Model 1746 gas range manufactured by the Tappan Stove Company, Mansfield, Ohio, and sold to the Phillips Petroleum Company, Bartlesville, Okla.

(1) For sales by the Phillips Petroleum Company to retail dealers the ceiling price is as follows:

CEILING PRICES FOR SALES TO RETAIL DEALERS

Model No.	F. o. b. Mansfield, Ohio	F. o. b. seller's warehouse
1746	*Each* $99.37	*Each* $102.57

This price includes the Federal excise tax and is subject to the seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

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

CEILING PRICES FOR SALES TO ULTIMATE CONSUMERS

Model No.	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
1746	*Each* $173.75	*Each* $176.95	*Each* $179.75	*Each* $182.50	*Each* $184.25

These prices include the Federal excise tax and delivery and installation. If the retail dealer does not provide installation he shall compute his ceiling price by subtracting $6.00 from his ceiling price as shown above for his sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale after the effective date of this order, the Phillips Petroleum Company shall notify the purchaser of the ceiling prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) *Tagging.* The Phillips Petroleum Company shall, before delivering any gas range covered by this order, after the effective date thereof, cause to be attached securely to the outside oven door panel of the range a label which plainly states the retail ceiling prices established by this order for sales to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation and that if the seller does not provide installation, his maximum price is $6.00 less than the price shown on the label.

(d) *Zones.* For purposes of this order Zones 1, 2, 3, 4 and 5 comprise the following states:

Zone 1: Ohio.

Zone 2: Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Tennessee, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and the District of Columbia.

Zone 3: Maine, Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

Zone 4: Texas, Colorado, Wyoming and Montana.

Zone 5: Washington, Oregon, Idaho, Utah, Nevada, California, Arizona and 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 11th day of January 1946.

Issued this 11th day of January 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-658; Filed, Jan. 11, 1946; 4:43 p. m.]

[SO 108—Rev. Special Order 9]

OPTIONAL RULE FOR DECEMBER 1945 FOR SELLERS WITH SURCHARGES

Special Order No. 9 under section 17 of SO 108 (Special Rules for December 1945 for Sellers with Surcharges) is redesignated Revised Special Order No. 9 under section 17 of SO 108 (Optional Rule for December 1945 for Sellers with Surcharges) and is revised and amended to read as set forth below.

An opinion accompanying this order issued simultaneously herewith has been filed with the Division of the Federal Register.

SECTION 1. *What this order does.* This order provides for a special type of operation during December 1945 for sellers who, during the third quarter of 1945 incurred net surcharges which they had not made up by December 1, 1945. Such sellers may operate either as provided in section 2 of this order or on a makeup basis (as described in section 7 (a) of SO 108) during December 1945.

SEC. 2. *Special operation during December 1945—*(a) *Sellers to whom this order applies.* This order applies to you if you incurred a net surcharge during the third quarter of 1945 which you have not made up in its entirety before December 1, 1945 and if by filing the reports required by section 3, below, on or before January 31, 1946, you have elected to operate under this order instead of under section 7 (a) of SO 108.

(b) *How to operate under this section.* If this order applies to you, your deliveries of all items, during December 1945, must be made at such prices that your total net dollar amount charged for all items delivered during that month does not exceed the total of your maximum average prices multiplied separately for each category by the number of units delivered in that category (that is, the total net dollar amount you would have charged for all of your merchandise if you had delivered each item at the maximum average price for its category).

If your total net dollar amount charged for deliveries made during December 1945 is higher than the total net dollar amount you would have charged if you had delivered each item at the maximum average price (for its category) the amount of the excess constitutes an overcharge on the aggregate of your deliveries during December 1945.

As used in this section, your "maximum average price" means the highest of the following: Your maximum average price after adjustment under Special Order 3 under section 17 of SO 108, or addition of tolerance under Special Order 5 under section 17 of SO 108, or adjustment by individual order under section 21 of SO 108.

SEC. 3. *Reports.* If you wish to make deliveries under this order rather than under section 7 (a) of SO 108, you must file the reports described in this section instead of the quarterly and makeup reports required by section 12 (b) (1) and (2) of SO 108.

(a) *Report covering December 1945 deliveries.* On or before January 31, 1946, you must file with your OPA District Office two copies of a report (signed by an owner, officer or principal) covering all categories which you delivered during December 1945. This report shall state that it is filed under section 3 (a) of Revised Special Order 9 and shall contain the following:

(1) Your business name and address;

(2) Statement that the report covers only December 1945;

(3) Category number and title of each category delivered during December 1945;

(4) Maximum average price listed on your maximum average price chart for each category listed in (3);

(5) Maximum average price for each category listed in (3) after adjustment under Special Order 3 or addition of tolerance under Special Order 5 (issued under section 17 of SO 108) or adjustment by individual order under section 21 of SO 108. Indicate the provision under which each maximum average price has been adjusted;

(6) Total net dollar amount charged for deliveries during December 1945 for each category;

(7) Total number of units delivered during December 1945 in each category;

(8) Weighted average price for each category for December 1945;

(9) Dollar amount of surcharge made up, if any, in each category during December 1945 (the product of (7) × (5) minus (6) or your surcharge, if any, in each category for December 1945 ((6) minus the product of (7) × (5));

(10) Total dollar amount of surcharge made up, if any, during December 1945 in all categories (taken from (9));

(11) Dollar amount of total surcharge, if any, for December 1945 in all categories (sum of all surcharges listed in (9));

(12) Net dollar amount of surcharge made up during December 1945 ((10)

minus (11)) or net surcharge for December 1945 ((11) minus (10)), if any.

(b) *Report covering deliveries from October 1 to November 30, 1945.* On or before January 31, 1946, you must file with your OPA District Office two copies of a report (signed by an owner, officer or principal) covering all categories which you delivered during October and November 1945. This report shall state that it is filed under section 3 (b) of Revised Special Order 9 and shall contain the following:

(1) Your business name and address;

(2) Statement that the report covers only October and November 1945;

(3) Your net surcharge at the end of the third quarter of 1945;

(4) Category number and title of each category delivered during October and November 1945;

(5) Maximum average price listed on your maximum average price chart for each category listed in (b);

(6) Maximum average price for each category listed in (4) after adjustment under Special Order 3 or addition of tolerance under Special Order 5 (issued under section 17 of SO 108) or adjustment by individual order under section 21 of SO 108. Indicate the provision under which each maximum average price has been adjusted;

(7) Total net dollar amount charged for deliveries during October and November 1945 for each category;

(8) Total number of units delivered during October and November 1945 in each category;

(9) Dollar amount of surcharge made up in each category during October and November 1945, if any, (the product of (8) × (6) minus (7));

(10) Dollar amount of excess over maximum average price incurred in each category in October and November 1945, if any, ((7) minus the product of (8) × (6));

(11) Dollar amount of net surcharge made up in all categories during October and November 1945, if any, (sum of all amounts listed in (9) minus sum of all amounts listed in (10));

(12) Dollar amount of total excess over maximum average prices incurred in all categories during October and November 1945, if any, (sum of all amounts listed in (10) minus sum of all amounts listed in (9));

(13) Accumulated surcharge on November 30, 1945 ((3) minus (11) if you made an entry for (11) or (3) plus (12) if you made an entry for (12)).

This special order shall become effective as of December 31, 1945.

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

Issued this 11th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-656; Filed, Jan. 11, 1946; 4:42 p. m.]

[SO 94, Rev. Order 14]

RECONSTRUCTION FINANCE CORP.

SPECIAL MAXIMUM PRICES FOR CERTAIN HYDRAULIC JACKS

Order 14 under Supplementary Order 94 is redesignated Revised Order 14 and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices for resellers of new hydraulic jacks hereinafter described, which have been or may be purchased from the Reconstruction Finance Corporation.

(b) *Maximum prices.* The maximum delivered prices per hydraulic jack described herein shall be:

Description of jack	Price for all sales to jobber or distributor	Price for all sales to consumer
Hydraulic jack, roller type 10-ton capacity, TAC tentative specifications MS No. 245-B...	$97	$139

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the jacks described in paragraph (b) to a jobber or distributor shall notify the purchaser in writing of the purchaser's maximum reselling price. This notice may be given in any convenient form.

(e) *Tagging.* Any person who sells the jacks described in paragraph (b) to a consumer shall attach to each jack before sale a tag or label which plainly states a selling price not in excess of $139.00, as follows:

OPA Price—$_____.

(f) *Relation to other regulations and orders.* This order with respect to the commodity it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective January 15, 1946.

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-696; Filed, Jan. 14, 1946; 11:35 a. m.]

[SO 94, Amdt. 1 to 2d Rev. Order 16]

UNITED STATES GOVERNMENT AGENCIES

SPECIAL MAXIMUM PRICES FOR CERTAIN DOUBLE DECK BUNK BEDS, SINGLE BEDSTEADS, COTS, MATTRESSES AND HOSPITAL BEDS

An opinion accompanying this amendment has been issued simultaneously herewith.

Second Revised Order 16 under Supplementary Order 94 is amended in the following respects:

1. Paragraph (b) (3) is amended by adding thereto the following description and prices:

Article and description	Price for all sales to retailers, f. o. b. shipping point	Price for all sales at retail
Reconditioned metal folding hospital bed, 36" wide, 78" long, 2" x 1½" angle frame, steel fabric spring, Federal Stock No. 9907500. Reconditioning to include shortening legs from original height of 32¾"----------	$5.50	$8.50

This amendment shall become effective January 15, 1946.

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-695; Filed, Jan. 14, 1946; 11:34 a. m.]

[SO 94, Rev. Order 88]

RECONSTRUCTION FINANCE CORP. ET AL.

SPECIAL MAXIMUM PRICES FOR CERTAIN BARBED WIRE

Order 88 under Supplementary Order 94 is redesignated Revised Order 88 and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with Section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new barbed wire hereinafter described may be sold by the Reconstruction Finance Corporation and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices per spool of the barbed wire described herein shall be:

Description: New barbed wire, steel, galvanized—type A, 12½ gauge—2 strand, 4 point barb—4 inch spacing.

	Price for all sales to wholesalers or brokers, f. o. b. shipping point	Price for all sales by brokers, f. o. b. shipping point	Price for all sales to retailers and exporters by wholesalers, f.o.b. shipping point, provided material is warehoused	Price for all sales at retail
28-lb. spool...	$0.95	$1.05	$1.25	$1.65
80-rod spool...	2.80	3.08	3.66	4.85
100-lb. spool...	3.25	3.58	4.25	5.65

Maximum prices for export sales shall be determined in accordance with the provisions of Second Revised Maximum Export Price Regulation.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the barbed wire described in paragraph

(b) to a retailer shall furnish the retailer with an invoice of sale setting forth the maximum prices for sales at retail, and stating that the retailer is required by this order to attach to each spool of barbed wire before sale a tag or label which plainly states a selling price not in excess of the appropriate retail ceiling price.

(e) *Tagging.* Any person who sells the barbed wire described in paragraph (b) at retail shall attach to each spool of barbed wire before sale a tag or label which plainly states a selling price not in excess of the appropriate retail ceiling price.

(f) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Broker" means any person who buys and sells barbed wire without warehousing the wire.

(2) "Wholesaler" means any person who warehouses barbed wire and makes deliveries from his warehouse to retailers or exporters.

(3) "Retailer" means any person who sells to ultimate consumers.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective January 15, 1946.

Issued this 14th day of January 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-697; Filed, Jan. 14, 1946; 11:35 a. m.]

Regional and District Office Orders.

[Region VIII Order G-12 Under RMPR 251]

INSTALLED INSULATION IN SOUTHERN CALIFORNIA

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, it is hereby ordered:

(a) *Geographical applicability.* This order applies to the following counties in the State of California: Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.

(b) *Maximum prices.* The maximum price in the above area for the sale or delivery on an installed basis of any of the insulating materials herein specified is the price set forth below. These insulating materials are mineral wool (both nodulated and loose, and other loose material including redwood bark, ground newsprint, expanded mica, etc., all types of insulating batts and blanket insulation such as those containing mineral wool, cotton, spun glass, balsam wool, redwood bark, and chemically impregnated wood fiber when installed in an existing structure. The item numbers below refer to the numbers in the accompanying sketch [1] to assist identification of the place of installation:

[1] Filed as part of the original document.

Item No.	Place of installation	Maximum price per square foot of area				
		Mineral wool, 4" depth	Other loose material, 4" depth	Batt or blanket thickness		
				1"	2"	3"
1	Exposed ceilings (additions can be made for openings)[1]	$0.13	$0.11	$0.09	$0.11	$0.13
2	Ceilings under rough floors (price includes opening and closing floor)	.16	.14	.12	.14	.16
3	Ceilings under finished floors (price includes opening and closing floor)	.20	.18	.16	.18	.20
4	Floors where underside is finished (additions can be made for openings)[1]	.14	.12	.11	.13	.15
5	Floors over unexcavated areas where the floor is:					
	Less than 5' above ground level	[2].14	[2].12	.16	.18	.20
	Over 5' above ground level	[2].14	[2].12	.14	.16	.18
6	Roofs (additions can be made for openings)[1]	.14	.12	.12	.14	.16
7	Interior walls (price includes opening and closing and furnishing backing material if necessary)	.17	.15	.11	.13	.15
8	Exterior walls and gable ends:					
	Wood or asphalt shingles or clapboard	.17	.15	.11	.13	.15
	Brick, stone, stucco, or cement shingles (price includes opening and closing of blowing holes)	.23	.21	.11	.13	.15

[1] Maximum additions for opening and closing when necessary:

Manhole (to permit entrance of operator)	$5.00 each.
Hose opening	$2.00 each.
Strip opening	$0.50 per lineal foot.
For tile roofs and decks covered with canvas or metal	Actual cost of labor and material.

Closing of openings includes restoring of original finish but not decorating.

[2] Plus cost of labor and material necessary if retaining material is furnished.

NOTES: For loose material installed in depths other than 4" the above prices may be increased by 1½¢ (or 2½¢ in the case of mineral wool) for each inch over 4" and shall be decreased by 1½¢ (2½¢ in the case of mineral wool) for each inch under 4".

In regard to depth of loose material, a fill ⅜" less than nominal will be recognized as full. In regard to thickness of batts, a 1" (standard) batt shall include all thicknesses of 1" and over but less than 2"; the 2" (semithick) batt shall include all batts 2" and over but less than 3"; the 3" (full-thick) batt shall include all batts 3" or more in thickness.

Batt or blanket insulation material shall be properly secured in place with laths or strips and stapled or nailed when installed in other than horizontal places.

(c) The maximum prices provided in paragraph (b) shall apply to all installations made within 25 miles of the seller's nearest place of business. For installations at more distant points the following additions may be made. Mileage shall be calculated to the nearest mile.

(i) For installations from 26 to 75 miles distant 1 cent per square foot.

(ii) For installations from 76 to 150 miles distant 2 cents per square foot.

(iii) For installations distant 151 miles or more 3 cents per square foot.

(d) *Measurements.* It shall be the seller's responsibility to ascertain that all square foot measurements are accurate. Measurements for exterior walls are to be taken over-all, with no allowance for openings, except that for walls where window and door areas occupy 40% or more of the total surface, such window and door areas must be deducted. The area of elevator shafts, ventilators, skylights, monitors, and penthouses on flat roofs shall not be included where they are more than 16 square feet in area and extend through the areas to be insulated. Where the exterior walls are of brick and/or stone veneer or solid brick, the area of floors or ceilings to be insulated shall be determined by taking gross interior dimensions. For stairwell walls, measurements may be taken as a rectangle from floor to ceilings instead of as a triangle. In determining the total square foot area for each type of insulation ordered by the buyer, a tolerance of five percent will be permitted.

(e) Where a sale for which a maximum price is provided above includes either the special insulation work enumerated in paragraph (i) below, or incidental construction work of the types enumerated in paragraphs (ii) and (iii) below, the maximum price so provided may be increased by the amount of the seller's maximum price for the special insulation work or incidental construction work established in accordance with Revised Maximum Price Regulation No. 251.

(i) Insulation of doors and scuttle covers.

(ii) Construction of slant roof louvres, gable louvres, roof ventilators, knee wall ventilators, and similar ventilating fixtures.

(iii) Other incidental construction work not included with the maximum prices established in paragraph (b).

(f) The maximum price which may be charged for sales in the area in which this order is applicable for any installation for which no specific price is provided by this order shall be the price provided either by special order or by amendment to this order issued by the Regional Administrator either on his own motion or on application filed by the seller with the District Office of the Office of Price Administration having jurisdiction over the seller's place of business.

(g) *Quoting a "guaranteed price."* The seller may offer to sell an insulation job covered by this Order No. G-12 on the basis of a "guaranteed price" wherein the seller agrees to charge a fixed amount; *Provided however,* That the "guaranteed price" must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order. Upon completion of the contract, and before final payment, if required by the purchaser, the seller is required to furnish the purchaser with an itemized statement showing the number of square feet and the thickness and unit price for each category of insulation used which is specified in paragraph (b), and an explanation of the amount for incidental work.

(h) *Notification.* Every person making sales subject to this order shall state on his sales tag or invoice that the price charged does not exceed the price per-

mitted by this Order No. G–12 under Revised Maximum Price Regulation No. 251.

(i) *Evasion.* Any practice or device which results in a higher price to the purchaser than is permitted by this order is as much a violation as an outright over-ceiling charge and subjects the seller to the penalties provided by section 16 of Revised Maximum Price Regulation No. 251.

(j) This order may be revised, amended, or revoked by the Office of Price Administration at any time.

This order shall become effective October 15, 1945.

Issued this 9th day of October 1945.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46–627; Filed, Jan. 11, 1946; 11:30 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following order under Revised General Order 51 was filed with the Division of the Federal Register December 17, 1945.

REGION IV

Nashville Order 1–D, covering butter in the Nashville area—Certain counties of Tennessee and part of Washington County, Virginia. Filed 9:51 a. m.

Copies of this order may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46–659; Filed, Jan. 11, 1946; 4:42 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5263]

MODERN MANNER CLOTHES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of January A. D. 1946.

In the matter of Joseph Rosenblum, an individual trading and doing business as Modern Manner Clothes.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, January 25, 1946, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York,

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46–685; Filed, Jan. 14, 1946; 11:24 a. m.]

[Docket No. 5394]

EXCELSIOR LABORATORY, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1946.

In the matter of Excelsior Laboratory Inc., a corporation, and Dorothy Flatter, trading as Dorothy Gosewisch, and O. R. Flatter, individually and as officers of said corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 28, 1946, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46–686; Filed, Jan. 14, 1946; 11:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811–466]

ATLANTIC COAST LINE CO.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of January A. D. 1946.

The Atlantic Coast Line Company, a registered investment company, having filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company within the meaning of said act;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on January 28, 1946, at 10:00 a. m., Eastern Standard Time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

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 such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to The Atlantic Coast Line Company and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–667; Filed, Jan. 14, 1946; 10:34 a. m.]

INVESTMENT REGISTRY OF AMERICA, INC.

ORDER REVOKING REGISTRATION AS BROKER AND DEALER AND AS INVESTMENT ADVISER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of January A. D. 1946.

In the matter of Investment Registry of America, Inc., 1515 Locust Street, Philadelphia, Pa.

Proceedings having been instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Investment Registry of America, Inc., as broker and dealer should be revoked;

Proceedings having been instituted pursuant to section 203 (d) of the Investment Advisers Act of 1940 to determine whether the registration of said company as investment adviser should be revoked;

Both proceedings having been consolidated by order of the Commission, hearings having been held after due notice, the Commission having been duly advised and having this day issued its findings and opinion herein, on the basis of said findings and opinion,

It is ordered, That the registration of Investment Registry of America, Inc, as a broker and dealer and its registration as an investment adviser be, and they hereby are, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–666; Filed, Jan. 14, 1946; 10:34 a. m.]