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Washington, Tuesday, May 14, 1946

The President

PROCLAMATION 2691

DISCONTINUING THE HAWAIIAN, CRISTOBAL, GULF OF PANAMA, SAN FRANCISCO, COLUMBIA RIVER, PUGET SOUND, SOUTHEASTERN ALASKA, PRINCE WILLIAM SOUND, KODIAK, UNALASKA, LOS ANGELES AND SAN DIEGO MARITIME CONTROL AREAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the continuance of the maritime control areas hereinafter designated is no longer necessary in the interest of national defense:

NOW, THEREFORE, I, HARRY S. TRUMAN, by virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, do hereby discontinue the following-designated maritime control areas:

1. Hawaiian Maritime Control Area, established by Proclamation No. 2532 of December 27, 1941.

2. Cristobal Maritime Control Area, established by Proclamation No. 2536 of January 13, 1942.

3. Gulf of Panama Maritime Control Area, established by Proclamation No. 2536 of January 13, 1942.

4. San Francisco Maritime Control Area, established by Proclamation No. 2543 of March 25, 1942.

5. Columbia River Maritime Control Area, established by Proclamation No. 2543 of March 25, 1942.

6. Puget Sound Maritime Control Area, established by Proclamation No. 2543 of March 25, 1942.

7. Southeastern Alaska Maritime Control Area, established by Proclamation No. 2543 of March 25, 1942.

8. Prince William Sound Maritime Control Area, established by Proclamation No. 2543 of March 25, 1942.

9. Kodiak Maritime Control Area, established by Proclamation No. 2543 of March 25, 1942.

10. Unalaska Maritime Control Area, established by Proclamation No. 2543 of March 25, 1942.

11. Los Angeles Maritime Control Area, established by Proclamation No. 2569 of October 21, 1942.

12. San Diego Maritime Control Area, established by Proclamation No. 2573 of November 17, 1942.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 8th day of May in the year of our Lord nineteen hundred and forty-six, and of the Independence of the United States of America the one hundred and seventieth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 46-7948; Filed, May 10, 1946; 3:28 p. m.]

EXECUTIVE ORDER 9721

PROVIDING FOR THE TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes, and as President of the United States, it is hereby ordered as follows:

1. Upon the request of any public international organization which is designated pursuant to the act of December 29, 1945 (Public Law 291, 79th Congress), and in which the United States Government participates, and with the consent of the head of the department or agency concerned, any civilian employee of a department or agency in the Executive branch of the Federal Government who is serving under an appointment not limited to one year or less may be transferred to such public international organization.

2. Any employee serving under a war-service indefinite appointment who is transferred pursuant to this order and, while serving in such public international organization, is either reached in regular order for probational appointment from a civil-service register appropriate for filling the position in which he

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THE PRESIDENT

REGULATIONS AND NOTICES

FEDERAL REGISTER

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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.

[1] See Proc. 2691.

CODIFICATION GUIDE—Continued

was serving or could, with the approval of the head of such agency, have been given a classified civil-service status under section 6 of Executive Order No. 9691 [1] of February 4, 1946, if he had remained in the position in which he last served in a Federal agency, shall be considered as having acquired a classified civil-service status as of the date he is reached for probational appointment or classification: *Provided*, That this section shall become inoperative three years from the date of this order.

3. (a) An employee (1) who is transferred to a public international organization under this order, (2) who has a classified civil-service status at the time of transfer or acquires such status under section 2 of this order, and (3) whose service in such public international organization is subsequently terminated without prejudice within three years from the date of such transfer shall be reemployed, within thirty days of his application for reemployment, in his former position or a position of like seniority, status, and pay in the department or agency from which he was transferred: *Provided*, That he is still qualified to perform the duties of such position and makes application for reemployment within ninety days after termination of his service with the international organization.

(b) Whenever the agency from which the employee is transferred under this order decides to fill the vacancy during his absence, the appointment shall be made on a temporary basis pending the return of the employee.

4. With the consent of the Federal agency in which he was formerly employed, the provisions of this Executive order may be made applicable to any person now serving with a public international organization which is designated pursuant to the said act of December 29, 1945, and in which the United States Government participates.

5. The Civil Service Commission is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 10, 1946.

[F. R. Doc. 46-8004; Filed, May 13, 1946; 10:10 a. m.]

[1] 11 F. R. 1381.

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 91—EXECUTIVE ORDERS AFFECTING THE CIVIL SERVICE NOT OTHERWISE COVERED IN THIS CHAPTER

CROSS REFERENCE: For addition to tabulation in § 91.1 see Executive Order 9721, *supra*.

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

DELEGATION OF AUTHORITY TO ADMINISTRATOR OF FARM SECURITY ADMINISTRATION TO SELL CERTAIN LANDS IN JEFFERSON COUNTY, OREG.

By virtue of the authority vested in me by section 43, Title IV, of the Bankhead-Jones Farm Tenant Act (50 Stat. 530; 7 U.S.C., sec. 1017), respecting lands held by the United States under the supervision of the Secretary of Agriculture pursuant to Executive Order No. 7530, dated December 31, 1936,[1] as amended by Executive Order No. 7557, dated February 19, 1937,[1] *It is hereby ordered*, That any of the hereinafter described lands may, where suitable, be sold, and loans for the necessary improvement thereof may be made to such individuals and upon such terms as shall be in accordance with the provisions of Title I of said act. Full authority and responsibility for consummating and administering such sales and loans, including the execution of conveyances and other instruments on behalf of the United States, are hereby vested in the Administrator of the Farm Security Administration.

Said lands are within the Central Oregon Land Utilization Project, OR-LU-2, and the Administrator of the Farm Security Administration and the Chief of the Soil Conservation Service shall arrange such details of procedure as may be necessary in the satisfactory performance of their respective functions regarding said lands and to insure uninterrupted administration of all of said lands. Upon written determination by the Administrator of the Farm Security

[1] 3 CFR Cum. Supp.

Administration that any of the lands hereinafter described are suitable for sale as hereinabove provided, such lands shall be deemed transferred from the Soil Conservation Service to the Farm Security Administration. The Administrator of the Farm Security Administration and the Chief of the Soil Conservation Service are authorized to delegate any of the respective powers and functions hereunder.

This order shall take effect immediately with respect to lands in Jefferson County, Oregon, described as follows:

T. 11 S., R. 14 E. W. M.:

Sec. 30:	Acres
NW NE Only that part below canal	5.0
SW NE Only that part below canal	10.0
NE NW Only that part below canal	11.9
SE NW	40.0
Lot 2	32.93
NE SW Only that part below canal	12.6
SE SW Only that part below canal	10.2
SW SE Only that part below canal	9.1

T. 13 S., R. 12 E.:

Sec. 2:	
NW SW	40.0
SW SW	40.0
Sec. 3:	
Lot 1	37.28
Lot 2	37.28
SE NE	40.00
SW NE	40.0
Lot 3	37.78
Lot 4	39.63
SE NW	40.0
Lot 5	41.39
NE SW	40.0
NE SE	40.0
NW SE	40.0
Lot 9	41.38
Lot 10	41.93
Sec. 11:	
NE NW	40.0
NW NW	40.0
SW NW	40.0
SE NW	40.0
NE NE	40.0
NW NE	40.0
SW NE	40.0
SE NE	40.0
NW SE	40.0
SW SE	40.0
SE SE	40.0
NE SW	40.0
Sec. 12:	
Lot 4 Only that part below canal	14.2
Lot 5 Only that part below canal	15.8
Lot 11 Only that part below canal	23.7
Lot 12	40.45
Lot 13	40.45
Lot 14	40.47
Lot 10 Only that part west of wasteway	8.0
Lot 15	8.2
Sec. 14:	
Lot 1	33.99
Lot 2	40.42
Lot 3 Only that part east of Crooked River Appr.	37.0
Lot 4	35.45

T. 13 S., R. 13 E.:

Sec. 7:	
Lot 4 Only that part between R. R. and canal	2.0
SE SW Only that part between R. R. and canal	22.6
SW SE Only that part south of canal	24.7

T. 13 S., R. 13 E.—Continued.

Sec. 17:	Acres
NW SW Only that part NE of R. R.	4.0
Sec. 18:	
NW NE Only that part NE of R. R.	20.0
Sec. 20:	
NE SW	29.0
NW SW Only that part east of R. R.	14.0
SW SW Only that part east of R. R.	20.0
SE SW	40.0
NE SE	40.0
NW SE	40.0
SW SE	40.0
SE SE	40.0
Sec. 22:	
NW SW Only that part below canal	5.0
Sec. 27:	
NE SW Only that part below canal	25.8
NW SW	40.0
Sec. 28:	
SE NE	40.0
SW NE	40.0
NW NW	40.0
SW NW	40.0
SE NW	40.0
NE SE	40.0
NW SE	40.0
SW SE	40.0
SE SE Less the east 440'	26.66
NE SW	40.0
NW SW	40.0
SW SW	40.0
SE SW	40.0
Sec. 29:	
NE NE	40.0
NW NE	40.0
SW NE	40.0
SE NE	40.0

T. 12 S., R. 13 E.:

Sec. 2:	
NE SE Only that part below ditch	32.6
SE SE Only that part below ditch	8.0
NW SE Only that part below ditch	38.7
SE NE Only that part below ditch	26.7
SW NE Only that part below ditch	35.0
SE NW	40.0
NE SW	40.0
SE SW	40.0
Sec. 11:	
SW NE Only that part below canal	13.5
NE NW Only that part below canal	10.6
Sec. 14:	
SE NE Only that part below canal	3.3
NE SE Only that part below canal	10.0
NW SE Only that part below canal	6.0

Issued this 13th day of May 1946.

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

[F. R. Doc. 46-8013; Filed, May 13, 1946; 11:20 a. m.]

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

[WFO 75-7, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

LIVESTOCK SLAUGHTER RESTRICTIONS

War Food Order No. 75-7 (11 F.R. 4645), is hereby amended as follows:

1. By deleting the tables appearing at the end of paragraphs (b) (2), (b) (3) and (c) (2) and substituting in each case the following table:

Type of livestock:	Percentage
Cattle	100
Calves	100
Swine	90

This amendment shall become effective at 12:01 a. m., e. s. t., May 13, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-7, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

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

Issued this 10th day of May 1946.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 46-8014; Filed, May 13, 1946; 11:20 a. m.]

[WFO 75-3, Amdt. 31]

PART 1410—LIVESTOCK AND MEATS

PORK PRODUCTS REQUIRED TO BE SET ASIDE

War Food Order No. 75-3, as amended (11 F. R. 2498, 4967), is hereby further amended by deleting paragraph (b) and substituting in lieu thereof the following:

(b) *Set aside requirements; slaughterers affected.* This order shall apply to the following slaughterers, *Provided, however,* That until further order of the Assistant Administrator, the requirements of this paragraph shall not be applicable with respect to slaughtering operations conducted in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina and South Carolina:

All federally inspected slaughterers;
Every slaughterer whose hogs are slaughtered in an establishment operated under Federal inspection;
All certified slaughterers;
Every owner or operator of a certified slaughtering plant.

No slaughterer subject to the provisions of this order shall deliver meat for civilian consumption unless he shall:

(1) Set aside, reserve and hold for delivery as directed in subparagraph (2) of this section a quantity of lard and rendered pork fats, the total weight of which shall be not less than 6.0 percent of the total live weight of each week's slaughter of hogs, and a quantity of pork and pork products, other than lard and rendered pork fats, the total weight of which shall be not less than 15.0 percent of the total live weight of each week's slaughter of hogs;

(2) Deliver to governmental agencies and authorized purchasers, before the close of each calendar week, pork and pork products of the types specified in paragraph (1) of this section hereof in an amount not less than the amount of such types of pork and pork products

required to be set aside, reserved and held during the previous week.

This amendment shall become effective at 12:01 a. m., e. s. t., May 12, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75–3, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; W.F.O. 75, 11 F.R. 4641)

Issued this 10th day of May 1946.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 46–7951; Filed, May 10, 1946; 4:52 p m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42–0]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3rd day of May 1946.

Effective August 1, 1946, the Civil Air Regulations are amended by adding a new Part 42 to read as follows:

The following regulations are prescribed for nonscheduled air carrier operations in interstate, overseas, or foreign air transportation.

AUTHORITY: §§ 42.0 to 42.9, inclusive, issued under 52 Stat. 984, 1007; 49 U. S. C. 425, 551.

§ 42.0 *Air carrier operating certificate.*

§ 42.00 *Certificate required.* No person shall operate as an air carrier without an air carrier operating certificate issued by the Administrator, or in violation of the terms of any such certificate.

§ 42.01 *Issuance.* An air carrier operating certificate describing the nonscheduled operations authorized and prescribing such operating specifications and limitations as may be reasonably required in the interest of safety, will be issued by the Administrator to a properly qualified applicant who demonstrates that he is capable of conducting the proposed operations in accordance with the applicable requirements hereinafter specified. Application for a certificate, or application for amendment thereof, shall be made upon a form prescribed and furnished by the Administrator.

§ 42.02 *Duration.* An air carrier operating certificate will continue in effect until canceled, suspended, revoked, or a termination date is set by the Board, after which it shall be surrendered to the Administrator upon request.

§ 42.03 *Display.* The air carrier operating certificate must be kept available at the carrier's principal operations office for inspection by an authorized representative of the Administrator or Board.

§ 42.04 *Inspection.* An authorized representative of the Administrator or the Board shall be permitted at any time and place to make inspections or examinations to determine the operator's compliance with the Civil Air Regulations.

§ 42.1 *Aircraft requirements.*

§ 42.10 *General.* Aircraft must be certificated in accordance with the airworthiness requirements of the Civil Air Regulations, and shall be of a type and class which the Administrator finds safe for the service offered.

§ 42.11 *Oxygen apparatus.* Aircraft operated at an altitude exceeding 10,000 feet above sea level continuously for more than 30 minutes, or at an altitude exceeding 12,000 feet above sea level for any length of time, shall be equipped with effective oxygen apparatus and an adequate supply of oxygen available for the use of the operating crew. Such aircraft shall also be equipped with an adequate separate supply of oxygen available for the use of passengers when operated at an altitude exceeding 12,000 feet above sea level.

§ 42.12 *Emergency equipment.* Aircraft to be flown long distances over uninhabited terrain must carry such additional emergency equipment as the Administrator designates for the particular operation involved. All aircraft operated over water shall be equipped with life preservers, or flotation devices readily available for each person aboard, and with a Very pistol or equivalent signal equipment, except that this requirement will not apply when such operations consist only of landings, take-offs, or flights of short duration over water where the Administrator finds that such equipment is not necessary. In addition, all aircraft operated for long distances over water shall be equipped with a sufficient number of life rafts to accommodate adequately all occupants and such additional emergency equipment as may be required by the Administrator.

§ 42.13 *Required instruments and equipment.* The following instruments and equipment for the type of operations specified shall be installed:

(a) *CFR (day).* (1) Airspeed indicator,

(2) Sensitive altimeter adjustable for change in barometric pressure,

(3) Magnetic direction indicator,

(4) Tachometer for each engine,

(5) Oil pressure gauge for each engine using pressure system,

(6) Temperature gauge for each liquid-cooled engine,

(7) Oil temperature gauge for each air-cooled engine,

(8) Manifold pressure gauge, or equivalent, for each altitude engine,

(9) Fuel gauge indicating the quantity of fuel in each tank,

(10) Position indicator, if aircraft has retractable landing gear or flaps,

(11) Two-way radio communications system when aircraft is operated in airport traffic zones,

(12) Certificated safety belts for all passengers and members of the crew,

(13) Fire extinguisher(s) adequate for the aircraft,

(14) Source of electrical supply, sufficient to operate all radio and electrical equipment,

(15) One spare set of fuses or 3 spare fuses of each magnitude,

(16) First-aid kit adequate for the crew and passengers.

(b) *CFR (night) and IFR.* (1) Instruments and equipment specified in § 42.13 (a),

(2) Set of certificated forward and rear position lights,

(3) At least one electric landing light,

(4) Certificated landing flares as follows, if the aircraft is operated beyond a 3-mile radius from the center of the airport of take-off:

Maximum authorized weight of aircraft:	*Flares*
3,500 pounds or less	5 class-three or 3 class-two.
3,500 pounds to 5,000 pounds	4 class-two.
Above 5,000 pounds	2 class-one or 3 class-two and 1 class-one.

If desired, flare equipment specified for heavier aircraft may be used.

(5) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used,

(6) Gyroscopic rate-of-turn indicator,

(7) Bank indicator,

(8) Clock with a sweep-second hand,

(9) Generator of adequate capacity,

(10) One set of instrument lights,

(11) One gyro direction indicator,

(12) One outside air temperature gauge easily readable from the pilot's position,

(13) One carburetor temperature gauge or equivalent approved device,

(14) If vacuum system is used, a vacuum gauge on the instrument panel installed in lines leading to air-driven gyroscopic instruments.

§ 42.14 *Pilot check list.* A pilot's check-off list shall be furnished for and maintained in the pilot compartment of the aircraft.

§ 42.15 *Maintenance.* All aircraft shall be maintained in airworthy condition and all repairs, alterations, and overhauls shall be performed in accordance with Part 18 of this chapter.

§ 42.150 *Inspections.* Aircraft must be given:

(a) An annual inspection within each 12-month period, and

(b) A periodic inspection within each 100 hours of flight time. The annual inspection required in paragraph (a) of this section will be accepted as one such periodic inspection.

§ 42.2 *Pilot rules.*

§ 42.20 *First pilot*—(a) *Pilot in command.* The first pilot is in command of the aircraft at all times during flight and is responsible for the safety of persons and goods carried, and for the conduct and safety of members of the crew.

(b) *Preflight action.* Prior to commencing a flight the pilot shall familiarize himself with the latest weather reports issued by the United States Weather Bureau pertinent to the flight and with the information necessary for the safe operation of the aircraft en route and on the airports or other landing areas to be used, and determine that the flight can be completed with safety.

(c) *Maps and flight equipment.* The pilot shall have in his possession in the cockpit proper flight and navigational facility maps, including instrument approach procedures when instrument flight is authorized, and such other flight equipment as may be necessary to properly conduct the particular flight proposed.

(d) *Check and control test.* Immediately prior to take-off the pilot shall check the items specified in the check-off list and in addition shall test the flight controls to the full limit of travel, each engine individually, at run-up r. p. m., check the engine instruments and as many as possible of the flight instruments.

(e) *Emergency decisions.* (1) The first pilot is authorized to follow any course of action which appears necessary in emergency situations which, in the interest of safety, requires immediate decision and action. He may, in such situations, deviate from prescribed methods, procedures, or minimums to the extent required by considerations of safety and shall, when practicable, keep the proper traffic control station fully informed regarding the progress of the flight. When such emergency authority is exercised the pilot shall file a report of such deviation with the Administrator.

(2) In an emergency requiring either the dumping of fuel or a landing at a weight in excess of the authorized landing weight, the first pilot may elect to follow whichever procedure he considers safer.

§ 42.21 *Flight time limitations.* A pilot may not fly more than 10 hours in any 24 consecutive hours without an intervening period of at least 8 hours during which he is relieved of all duty with the carrier.

§ 42.22 *Certification and experience*—(a) *First pilot.* Any pilot serving as first pilot must hold a valid commercial pilot rating with an aircraft type and class rating for the aircraft in which he is to serve, and for:

(1) Day flight CFR, he must have had at least 50 hours of cross-country flight time as pilot or copilot,

(2) Day flight IFR, he must possess a currently effective instrument rating and have had a total of at least 500 hours of flight time as pilot or copilot including 100 hours of cross-country flight.

(3) Night flight CFR or IFR, he must possess a currently effective instrument rating and have had a total of at least 500 hours of flight time as pilot or copilot, including 100 hours of cross-country flight of which 25 hours shall have been during the hours of darkness.

(b) *Second pilot.* Any pilot serving as second pilot in an aircraft requiring more than one pilot must hold for:

(1) CFR flights, a valid commercial pilot rating with the appropriate type and class ratings,

(2) IFR flights, in addition to (1), a currently effective instrument rating.

§ 42.23 *Recent flight experience*—(a) *General.* No pilot shall serve as first pilot in nonscheduled air transportation unless within the preceding 90 days he has made at least 5 take-offs and landings to a full stop in the same type and class of aircraft, 2 of which must have been in the same make and model. He shall not serve during the hours of darkness unless he has made at least 5 take-offs and landings to a full stop during the hours of darkness within the preceding 90 days.

(b) *Instrument flight.* A first pilot shall not pilot an aircraft under instrument flight rules unless within the preceding 6 months he has had a minimum of 6 hours of instrument flight time, at least 2 hours of which shall have been acquired by actual flight in the overcast while on an instrument flight plan filed with the appropriate traffic control center.

§ 42.24 *Logging flight time.* (a) A first pilot may log the total flight time elapsing during his command of the aircraft.

(b) A second pilot may log 50 percent of the total flight time, or he may log all the flight time during which he is the sole manipulator of the controls.

§ 42.240 *Logging instrument flight time.* Instrument flight time may be logged as such by the pilot actually manipulating the controls only when the aircraft is flown solely by reference to instruments either under actual or properly simulated instrument conditions.

§ 42.3 *Flight operation rules.*

§ 42.30 *Manifest.* The Administrator may require a flight manifest form for each flight if he finds it necessary for the safe operation of a type and class of aircraft or a particular type of operation. This form shall show the distribution in the aircraft of the total payload carried, and must be signed by the pilot or other authorized person charged with the duty of loading the aircraft. The pilot shall retain the original manifest until he has completed the flight and the air carrier must keep a copy available for inspection for at least 90 days at the principal operations office.

§ 42.31 *Flight record.* A flight record for each flight beyond 25 miles from the airport or landing area of origin shall be kept for a period of 12 months at the principal operations office, and shall contain the following information:

(a) Date and type of flight—CFR (day or night), IFR, or combination,

(b) Aircraft make, model, and NC number,

(c) Names of pilot and crew,

(d) Point of departure,

(e) Point of destination,

(f) Route to be followed and intended stops en route,

(g) Estimated time of arrival at destination,

(h) Amount of fuel on board (in hours of cruising consumption).

(i) Names and addresses of passengers carried. Such flight record is in addition to the flight plan required by § 60.250 of this chapter for IFR flight in control areas.

§ 42.32 *Instruments and equipment serviceability.* Prior to starting any flight, all instruments and equipment must be in operative condition. If any instrument or equipment becomes inoperative in flight it shall be repaired or replaced at the first airport where repairs or replacements are readily available, or the flight may continue to its destination if the pilot determines that with the remaining serviceable instruments and equipment the flight can be continued with safety.

§ 42.33 *Fuel supply*—(a) *Flight under contact flight rules (CFR).* A flight shall not be started unless the aircraft carries sufficient fuel and oil, considering the wind and other weather conditions forecast, to fly to the next point of intended landing and thereafter for a period of at least 30 minutes at normal cruising consumption.

(b) *Flight under instrument flight rules (IFR).* Sufficient fuel and oil, considering the wind and other weather conditions forecast, shall be carried to:

(1) Complete the flight to the point of first landing, and thereafter,

(2) Fly to the alternate airport, and thereafter,

(3) Fly at normal cruising consumption for a period of 45 minutes.

§ 42.34 *Weather minimums*—(a) *Take-off.* No flight may be started when the visibility is less than one-half mile or the ceiling is less than 200 feet at the point of take-off.

(b) *Destination.* No flight may be started unless the current weather reports and forecasts show a trend indi-

cating that the ceiling and visibilities at the place of intended landing are, and will remain, at or above the following minimums:

(1) *Contact flight operations (CFR).*

(i) Ceiling—1,000 feet.
(ii) Visibility—3 miles.

(2) *Instrument flight operations (IFR).*

(i) Ceiling—500 feet.
(ii) Visibility—1 mile.
(iii) Alternate airport: if airport is served by a radio directional facility, ceiling—1,000 feet, visibility—3 miles; if airport is not served by a radio directional facility, visibility 3 miles and a ceiling of 1,500 feet with broken clouds or better.

§ 42.35 *Flight altitude rules*—(a) *Day (CFR) operation.* Except during take-off and landing, aircraft shall not be flown less than 500 feet from any obstacle in flight, except in such cases as may be specifically authorized by the Administrator.

(b) *Night (CFR) or instrument (IFR) operation.* Except during take-off and landing, no aircraft shall be flown at an altitude of less than 1,000 feet above the highest obstacle located within 5 miles of the aircraft in flight.

§ 42.36 *Icing conditions.* Aircraft must not be flown into known or probable heavy icing conditions and may be flown into light or medium icing conditions only if the aircraft is equipped with an approved means for de-icing the wings, propellers, and such other parts of the aircraft as are essential to safety.

§ 42.37 *Instrument approach and landing rules.* Unless otherwise instructed by a control tower or center, the standard instrument approach procedures authorized for the airport shall be used.

§ 42.4 *Miscellaneous rules.*

§ 42.40 *Pilots at controls.* In the case of aircraft requiring two or more pilots, two pilots must remain at the controls at all times while landing and taking off, and while the aircraft is en route except when the absence of one is necessary in connection with his regular duties or when he is replaced by a person authorized under the provisions of § 42.41.

§ 42.41 *Admission to pilot compartment.* In aircraft having a separate pilot compartment, no person other than a crew member, a check pilot, an inspector of the Administrator or a representative of the Board in pursuance of official duty, or a person whose admission is approved by the first pilot, may be admitted to the pilot compartment. In the latter case, the first pilot must remain at the controls.

§ 42.42 *Manual.* When the Administrator finds that the operation and type of aircraft used so requires, the air carrier shall prepare and maintain a manual for the use and guidance of operations and maintenance personnel which contains full information necessary to guide flight and ground personnel in the conduct of flight operations, and to inform such personnel regarding their duties and responsibilities. The manual must be in a form and content approved by the Administrator, and be furnished to all persons designated by the Administrator or Board. All copies must be kept up-to-date.

§ 42.43 *Records.* Each carrier shall keep at the operating base the following current records with respect to all aircraft, aircraft engines, propellers, and, where practicable, appliances used in air transportation:

(a) Total time and service,
(b) Time since last overhaul,
(c) Time since last inspection, and
(d) Mechanical failures.

§ 42.44 *Emergency flights.* In the case of emergencies necessitating the transportation of persons or medical supplies for the protection of life or property, the rules contained herein regarding type of aircraft, equipment, and weather minimums to be observed will not be applicable: *Provided,* That within 48 hours after any such flight returns to its base the air carrier shall file a report with the Administrator setting forth the conditions under which the flight was made, the necessity therefor, and giving the names and addresses of the crew and passengers.

§ 42.45 *Exemptions.* An air carrier engaged in nonscheduled air carrier operations on or before August 1, 1946, may continue to engage in such nonscheduled air carrier operations without an air carrier operating certificate until such time as the Administrator shall pass upon the application for such certificate if prior to August 1, 1946, he has filed with the Administrator an application for such certificate.

§ 42.46 *Exceptions.* Whenever upon investigation the Administrator finds that the general standards of safety required for air carrier operations require or permit a deviation from any specific requirement of this part for a particular operation or a class of operations for which an application for an air carrier operating certificate has been made, he may issue an air carrier operating certificate with appropriate changes. The Administrator shall promptly notify the Board of any deviations included in the air carrier operating certificate and the reasons therefor.

§ 42.9 *Definitions.* "Air carrier" means any citizen of the United States who undertakes, whether directly or indirectly, or by a lease, or by any other arrangement the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation, between any of the following places: a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; places in the same State of the United States through the air space over any place outside thereof; places in the same Territory or possession (except the Philippine Islands) of the United States, or the District of Columbia; a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; a place in the United States and any place outside thereof.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 46-8008; Filed, May 13, 1946; 10:41 a. m.]

[Civil Air Regs., Amdt. 97-3]

PART 97—RULES OF PRACTICE GOVERNING SUSPENSION AND REVOCATION PROCEEDINGS

EXAMINER'S REPORT; EXCEPTIONS; ORAL ARGUMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3d day of May 1946.

Effective May 3, 1946, Part 97 of the Civil Air Regulations is amended by adding in § 97.19 the following sentence: "If no exceptions to the Examiner's report and recommendation are filed within the time allowed for filing such exceptions, the Examiner's report and recommendation will be adopted by the Board as its final decision."

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

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 46-8007; Filed, May 13, 1946; 10:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

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

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-310, as Amended May 13, 1946]

HIDES, SKINS AND LEATHER

The fulfillment of requirements for the defense of the United States has created shortages in hides, skins and leather for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

(a) General definitions.
(b) Provisions applying to all hides, skins and leather.
(c) Untanned cattlehides, calfskins and kips.
(d) Effect on prior orders.
(e) Reports.
(f) Appeals.

(g) Communications to the Civilian Production Administration.
(h) Violations.

§ 3290.196 *Conservation Order M-310*—(a) *General definitions.* (1) "Tanner" means a person in the business of tanning, dressing, or similarly processing hides or skins, who in any calendar month after April 1, 1940, processed or processes more than 500 hides or skins.

(2) "Contractor" or "converter" means a person in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(3) "Collector" means a person, including a dealer or importer, engaged in the business of acquiring from others untanned hides or skins for resale, or removing hides or skins from animals not slaughtered by him.

(4) "Producer" means a person in the business of slaughtering animals.

(5) "Military order" means an order for hides, skins or leather for delivery against a specific contract placed by any of the following, or for incorporation in any product to be delivered against such a contract:

The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration.

(6) "Military specifications" or "military quality" means, except as herein otherwise specifically provided, the specifications applicable to military orders or the quality of material meeting such specifications.

(7) "Sole leather" means vegetable tanned sole leather unless otherwise specified.

(8) "Whole stock" means sides, crops, backs, bends, shoulders with heads on, shoulders with heads off, bellies and belly centers.

(b) *Provisions applying to all hides, skins and leather.* (1) No person shall process any hides, skins or leather contrary to any specific direction issued from time to time by the Civilian Production Administration relating to the processing or production of specific types of leather to meet military or designated civilian requirements.

(2) No producer, collector, tanner, contractor, converter or cutter shall sell, deliver, accept delivery of, cut, use or incorporate in any product any hides skins or leather contrary to any specific direction issued from time to time by the Civilian Production Administration deemed necessary in order to fill military or designated civilian requirements.

(3) Notwithstanding the provisions of any regulation or order of the Civilian Production Administration, no preference rating shall be applied or extended for the delivery of hides, skins or leather, except:

(i) Leather for military orders (excluding sole leather whole stock and cattlehide splits in the blue, pickled, or lime state); or

(ii) When specifically authorized in writing by the Civilian Production Administration pursuant to this paragraph (b) (3) (ii).

(4) [Deleted May 13, 1946.]

(c) *Untanned cattlehides, calfskins and kips*—(1) *Definition.* "Cattlehide", "calfskin" and "kip" mean the hide or skin of a bull, steer, cow or buffalo, foreign or domestic (excluding slunks).

(2) No producer or collector shall put into process or cause to be put into process any untanned cattlehide, calfskin or kip, or portion thereof, other than splits and gluestock, except to the extent specifically authorized in writing by the Civilian Production Administration. Applications for such authorization may be made by letter setting forth the quantity of each kind of cattlehide, calfskin or kip, or portion thereof, which the applicant desires to put into process or cause to be put into process.

(3) No person shall sell, deliver, purchase or accept delivery of any untanned cattlehide, calfskin or kip, or portion thereof, other than splits and glue stock, except to the extent that the purchaser is specifically authorized by the Civilian Production Administration on Form WPB or CPA-1323 or Form WPB or CPA-3507. Applications may be made on Form WPB or CPA-1325 for the purchase of domestic cattlehides, and on Form WPB or CPA-1322 for the purchase of domestic calfskins and kips: *Provided*, That the following may be made without such authorization:

(i) Transactions between collectors and between producers and collectors for purposes of resale or delivery within the continental United States.

(ii) The sale and delivery to and the purchase and acceptance of delivery by any person other than a tanner of less than 500 hides or skins in any calendar month.

(4) In acting under paragraph (c) (3), it will be the policy of the Civilian Production Administration, so far as is practicable, to grant authorizations so that contractors or tanners will obtain cattlehides, calfskins or kips in the proportions that their respective wettings of such skins computed separately during the calendar year 1942, bore to all wettings thereof during that year by all contractors and tanners producing the same type of leather, except that authorizations to tanners or contractors having more than a practicable minimum working inventory may be reduced or omitted.

(d) *Pickled sheepskins and slats*—(1) *Definitions.* (i) "Pickled sheepskin" means a de-wooled, untanned, unsplit skin which has been removed from a sheep or lamb, except a skin from a hair sheep or a South African coarsewool sheep. The term includes any slat which has been pickled or immersed in a chemical solution to condition it for tanning, but does not include any slat as defined in the next paragraph.

(ii) "Slat" means a dried, untanned sheepskin which has no wool or has wool less than ¼ inch in length of no commercial value, and which has not been pickled or immersed in a chemical solution to condition it for tanning.

(2) *Restrictions on withdrawal from Customs.* On and after February 16, 1946, no person shall withdraw any pickled sheepskins or slats from United States Customs within the continental United States except as specifically authorized in writing by the Civilian Production Administration under this paragraph. Before arrival of the sheepskins or slats in the United States the importer shall notify the Civilian Production Administration, Hide & Leather Branch, Washington 25, D. C., Ref.: M-310, by letter specifying the quantity, type, country of origin, probable date of arrival, and, if available, name of ship. This provision does not relieve the importer from complying with applicable provisions of General Imports Order M-63.

(3) *Restrictions on purchase and acceptance of delivery by a tanner or converter.* (i) On and after February 16, 1946, no tanner or converter shall purchase or accept delivery of pickled sheepskins or slats for any purpose, or have them purchased or accepted for his account for any purpose, except in quantities specifically authorized in writing by the Civilian Production Administration (upon application on Form CPA-4404), and no person shall make any sale or delivery which he knows or has reason to believe would be accepted in violation of this paragraph. In the case of a tanner or converter who performs the de-wooling operation or has it done for his account, the movement of the pickled sheepskins or slats after de-wooling to be tanned by him or for his account shall constitute an acceptance of delivery by him subject to this paragraph.

(ii) However, this paragraph (d) (3) does not apply to any pickled sheepskins or slats before they are imported into the continental United States. Also, a tanner or converter who has been designated in an authorization under paragraph (d) (2) to receive imported pickled sheepskins or slats, may receive them without restriction under this paragraph (d) (3) and without counting them against the total quantities specifically authorized under this paragraph (d) (3).

(iii) Moreover, this paragraph (d) (3) does not apply to the acceptance by any tanner or converter of pickled sheepskins or slats which were consigned to him and were in transit within the Continental United States on February 16, 1946.

(4) *Policy.* In acting under paragraphs (d) (2) and (3), it will be the policy of the Civilian Production Administration, so far as is practicable, to grant authorizations so that:

(i) Each tanner and converter will obtain pickled sheepskins in the proportion that wettings for his own account of such skins during any calendar year 1941 to 1945, inclusive, bears to the total computed by adding together the wettings of such skins for his own account by each tanner and converter during the calendar year from 1941 to 1945 which he selects.

(ii) Each tanner and converter will obtain heavy foreign pickled sheepskins (averaging 45 pounds per dozen or heavier) in the proportion that his wettings of such skins during calendar year 1941 bore to the total thereof by all tanners and converters during the same period.

Authorizations to tanners or converters having more than a practicable minimum working inventory may be

withheld or may be granted in reduced quantities.

(5) *Base period report.* Each tanner or converter seeking to qualify under pargaraph (d) (4) for authorizations under paragraphs (d) (2) or (3) shall file as soon as possible a one-time base period report on Form CPA-4405.

(e) *Regular reports.* Every person described below shall, on or before the 10th day of each month execute and file reports with the Civilian Production Administration, as directed on the respective forms mentioned below:

Tanners and converters of cattlehides	WPB or CPA-1325
Tanners and converters of calfskins and kips	WPB or CPA-1322
Tanners and converters of pickled sheepskins and slats	CPA-4404

Failure to file any of the reports mentioned above or any other reports requested pursuant to approval by the Bureau of the Budget shall constitute a violation of this order.

(f) *Plants without quotas.* Any person who owns a plant equipped to process hides or skins but whose past operations do not qualify him under paragraphs (c) (4) or (d) (4), may apply for authorization under paragraphs (c) or (d) by letter. The letter should be addressed to the Civilian Production Administration, Hide and Leather Branch, Washington 25, D. C., and should indicate the name and address of the plant, type and quantity of leather raw material which the applicant wishes to process per month, and the quantity of each type which he has processed during the preceding four calendar months. Authorizations may be granted on an equitable basis to applicants who did not process a monthly average of more than 500 hides and skins of all kinds during the preceding four calendar months.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Communications to the Civilian Production Administration.* All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Civilian Production Administration, Textile Division, Washington 25, D. C., Ref: M-310.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who 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 further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 13th day of May 1946.

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

INTERPRETATION 1: Revoked Aug. 27, 1945.

INTERPRETATION 2: Revoked Jan. 17, 1946.

[F. R. Doc. 46-8020; Filed, May 13, 1946; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1346—BUILDING MATERIALS

[RPS 45, Amdt. 8]

ASPHALT AND TARRED ROOFING PRODUCTS

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

Revised Price Schedule No. 45 is amended in the following respects:

1. Section 1346.60 (a) (7) is amended to read as follows:

(7) "Distributor" means a buyer who regularly serves the retail dealer trade from his own warehouse stock, who regularly buys in carload or truckload lots, who regularly transacts such wholesale distribution through his own sales efforts, whose sales at wholesale are essentially to retail dealers and who assumes full credit responsibility for his sales of asphalt and tarred roofing products.

2. Table 4 of § 1346.63 (d) is amended to read as follows:

TABLE 4—BUILT-UP ROOF MATERIALS

	Underwriters label	Maximum prices, f. o. b. shipping points (per roll)	
		L./C.L.	C. L.
ASPHALT SATURATED FELT	Av. approximate wt. per roll:		
15 lb. 432 sq. ft.	65 lb.	[1] $2.09	[2] $1.80
15 lb. 324 sq. ft.	48 lb.	[1] 1.62	[2] 1.39
14 lb. 432 sq. ft.	60 lb.	[1] 2.09	[2] 1.80
30 lb. 216 sq. ft.	65 lb.	[1] 2.09	[2] 1.80
12 lb. 432 sq. ft.	52 lb.	[1] 1.81	[2] 1.56
24 lb. 216 sq. ft.	52 lb.	[1] 1.81	[2] 1.56
TARRED FELT			
15 lb. 432 sq. ft.	65 lb.	[1] 2.09	[2] 1.80
15 lb. 324 sq. ft.	48 lb.	[1] 1.62	[2] 1.39
14 lb. 432 sq. ft.	60 lb.	[1] 2.09	[2] 1.80
13 lb. 432 sq. ft.	55 lb.	[1] 1.81	[2] 1.56
12 lb. 432 sq. ft.	52 lb.	[1] 1.81	[2] 1.56
24 lb. 216 sq. ft.	52 lb.	[1] 1.81	[2] 1.56

[1] Less 6 percent and 5 percent.
[2] Less 5 percent.

3. In Table 6 of § 1346.63 (d), all references to maximum prices, f. o. b. shipping points (per roll) of mineral surfaced roofings (Class C label), fixtures included, average approximate weight per roll 90 lbs., are amended to read as follows:

Maximum Prices f. o. b. Shipping Points (Per Roll)

L/CL	*CL*
$2.15 less 6% and 5%	$1.85 less 5%

4. Section 1346.63 (e) is amended to read as follows:

(e) *Discounts.* The manufacturer shall allow to distributors a discount of 5% in addition to the discounts set forth in paragraph (d) of this Appendix A. All allowable discounts except the 5% additional discount required for distributor sales shall be prominently set forth on any and all price lists issued subsequent to May 10, 1946.

5. Section 1346.63 (f) is amended to read as follows:

(f) For all asphalt or tarred roofing products expressly listed above, maximum prices shall be as so listed, whether in any specific case the manufacturer has or has not manufactured such products before. Products not listed above shall be construed as coming within the provisions of this paragraph (f). For all asphalt or tarred roofing products not expressly listed above, the maximum list prices, f. o. b. shipping points, shall be the list prices which were actually charged or which would have been charged by the manufacturer on a sale made on June 29, 1941. Such list prices shall be subject to discounts of 6% plus 5% in the case of LCL sales and a discount of 5% in the case of CL sales. In addition, these sales shall also be subject to all other provisions of this price schedule, including the specific provisions of § 1346.63 (e), which apply to sales made to distributors.

6. Section 1346.63 (i) is amended to read as follows:

(i) An amount not in excess of 8 percent may be added to the maximum net prices established under this § 1346.63, such added amount to be shown separately on every invoice.

7. A new § 1346.63 (j) is added to read as follows:

(j) The following amounts may be added to the list prices of non-standard items of asphalt and/or tar saturated felt weighing approximately 60 to 65 lbs. per roll:

L/CL	*CL*
$0.16 per roll	$0.14 per roll

8. A new § 1346.63 (k) is added to read as follows:

(k) *Manufacturers' individual price adjustments.* (1) Any individual price adjustments granted prior to May 10, 1946, by the Price Administrator or any Regional Administrator to any manufacturer of any of the items covered by § 1346.63 in an amount equal to or less than the increases permitted by §§ 1346.63 (i) and 1346.63 (j) are hereby revoked.

(2) Any individual price adjustments granted prior to May 10, 1946, by the Price Administrator or any Regional Administrator to any manufacturer of any of the items covered by § 1346.63 in an amount greater than the increases permitted by §§ 1346.63 (i) and 1346.63 (j) are hereby continued in full force and effect; such individual price adjustments shall not, however, be further increased by the increases permitted by §§ 1346.63 (i) and 1346.63 (j).

9. A new § 1346.64 (i) is added to read as follows:

(i) A amount not in excess of 3 percent may be added to the maximum net

prices established under this § 1346.64, such added amount to be shown separately on every invoice.

10. A new § 1346.64 (j) is added to read as follows:

(j) *Manufacturers' individual price adjustments.* (1) Any individual price adjustments granted prior to May 10, 1946, by the Price Administrator or any Regional Administrator to any manufacturer of any of the items covered by §1346.64 in an amount equal to or less than the increase permitted by § 1346.64 (i) are hereby revoked.

(2) Any individual price adjustments granted prior to May 10, 1946, by the Price Administrator or any Regional Administrator to any manufacturer of any of the items covered by § 1346.64 in an amount greater than the increase permitted by § 1346.64 (i) are hereby continued in full force and effect; such individual price adjustments shall not, however, be further increased by the increase permitted by § 1364.64 (i).

11. Section 1346.65 is amended to read as follows:

§ 1346.65 *Maximum prices for sales and deliveries by jobbers and dealers.* The maximum prices for sales and deliveries of asphalt or tarred roofing products by a person other than a manufacturer shall be established in accordance with the provisions of §§ 1499.2, 1499.3, and 1499.18 of the General Maximum Price Regulation except that any person purchasing asphalt or tarred roofing products for resale in the same form may add to his maximum price established on May 9, 1946, an amount not in excess of the actual dollars-and-cents increased cost resulting to him by reason of the increase permitted manufacturers under Amendment 8 to Revised Price Schedule 45. Notwithstanding the provisions of this section, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

This amendment shall become effective May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7981; Filed, May 10, 1946; 5:12 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 10 to Rev. Supp. 2]

OATS

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.

All base prices in section 6 (a) (1), in section 11 (b) (2) and in Tables III and IV of Appendix A to Revised Supplement 2 to Food Products Regulation 2 are increased by 5 cents per bushel.

This amendment shall become effective 12:01 a. m., May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7956; Filed, May 10, 1946; 5:04 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 8 to Rev. Supp. 3]

BARLEY

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.

All base prices in section 6 (a) (1) and in Table III of Appendix A of Revised Supplement 3 to Food Products Regulation 2 are increased by 9 cents per bushel.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7960; Filed, May 10, 1946; 5:05 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 11 to Supp. 4]

CORN

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.

All base prices in section 6 (a) (1) and in Tables III and IV of Appendix A of Supplement 4 to Food Products Regulation 2 are increased by 25 cents per bushel.

This amendment shall become effective 12:01 a. m., May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7966; Filed, May 10, 1946; 5:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 7 to Supp. 6]

GRAIN SORGHUMS

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.

All base prices in section 6 (a), in section 15 and in Table II of Appendix A of Supplement 6 to Food Products Regulation 2 are increased by 18¢ per hundred pounds.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7965; Filed, May 10, 1946; 5:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 5 to Supp. 1]

COTTONSEED PRODUCTS

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

All listed prices in the table in section 6 (a) (1) (i) are increased by $14.00 per ton.

This amendment shall become effective 12:01 a. m., May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7962; Filed, May 10, 1946; 5:05 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 1 to Supp. 2]

BABASSU, COPRA, OURICURI, PALM KERNEL AND SESAME PRODUCTS

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

All listed prices in the table in section 6 (a) are increased by $10.00 per ton.

This amendment shall become effective 12:01 a. m., May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7964; Filed, May 10, 1946; 5:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 5 to Supp. 3]

SOYBEAN PRODUCTS

A statement of the considerations involved in the issuance of this amend-

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

All listed prices in the table in section 6 (a) are increased by $14.00 per ton.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7961; Filed, May 10, 1946; 5:05 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 3 to Supp. 4]

BEET PULP PRODUCTS

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

Sections 6 (a) (1), 6 (a) (2) and 6 (a) (3) are amended to read as follows:

(1) *Produced in Area A.* Base per ton price for dried beet pulp produced at any point in Area A is $55.20 less the per ton carload freight rate (including the 3% transportation tax) for a shipment of dried beet pulp from such point to Boston, Massachusetts.

(2) *Produced in Area B.* Base per ton price for dried beet pulp produced at any point in Area B is $56.90 less the per ton carload freight rate (including the 3% transportation tax) for a shipment of dried beet pulp from such point to Atlanta, Georgia.

(3) *Produced in Area C.* Base per ton price for dried beet pulp produced at any point in Area C is $42.00 per ton.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7969; Filed, May 10, 1946; 5:07 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 3 to Supp. 5]

LINSEED PRODUCTS

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

All listed prices in the table in section 6 (a) are increased by $14.00 per ton.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7970; Filed, May 10, 1946; 5:08 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 3 to Supp. 7]

PEANUT PRODUCTS

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

All listed prices in the Table in section 6 (a) (1) are increased by $14.00 per ton.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7967; Filed, May 10, 1946; 5:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Amdt. 2 to Supp. 8]

WET CORN MILLING BY-PRODUCTS FOR ANIMAL AND POULTRY FEEDS

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.

All listed prices in the table in section 6 (a) (1) (i) are increased by $14.00 per ton.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7968; Filed, May 10, 1946; 5:07 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 150, Amdt. 14]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

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

Section 12 (a) (1) (ii) is amended to read as follows:

(ii) $40.00 per ton for rice bran plus his transportation cost.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7959; Filed, May 10, 1946; 5:05 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 305, Amdt. 14]

CORN MEAL, CORN FLOUR, CORN GRITS, HOMINY GRITS, BREWERS' GRITS AND OTHER PRODUCTS MADE BY A DRY CORN MILLING PROCESS

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 1351.1754 (d) is added to read as follows:

(d) The maximum base point price for hominy feed, corn bran, corn germ cake and corn germ meal, shall be $2.63 per hundredweight at the basing point of Kansas City, Missouri.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7953; Filed, May 10, 1946; 5:03 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 526, Amdt. 1]

MALT DRIED GRAIN, DRIED BREWERS' GRAIN, MALT CLEANINGS, MALT HULLS AND MALT SPROUTS

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.

All listed prices in the tables in section 4 (a) and 4 (d) are increased by $10.00 per ton.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7955; Filed, May 10, 1946; 5:04 p. m.]

PART 1361—FARM EQUIPMENT

[MPR 133, Amdt. 12]

INCREASES IN PRICES

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

Maximum Price Regulation 133 is amended in the following respects:

1. Section 1361.3 (c) (2) (i) is amended to read as follows:

(i) *Where the cost to the dealer has not increased prior to May 10, 1946.* The maximum price shall be the highest price at which the dealer sold or offered to sell the item on April 1, 1942 increased by 5%.

2. Section 1361.3 (c) (2) (ii) is amended to read as follows:

(ii) *Where the cost to the dealer has increased.* If when the dealer established the price he was charged on April 1, 1942, his cost was lower than it was on May 9, 1946, or if the price he was charged on April 1, 1942, has after May 10, 1946 been increased by more than 10%, the maximum price shall be determined by adding a percentage markup to his current cost (not in excess of the applicable maximum price). The percentage markup to be added shall be ¾ of the percentage markup that the dealer realized on his last sale of the item before May 10, 1946.

3. Section 1361.3 (c) (3) is amended to read as follows:

(3) *Where the item was not dealt in on April 1, 1942.* If the dealer did not sell or offer to sell the item on April 1, 1942, its maximum price shall be determined as follows: The maximum price shall be the net cost of the item to the dealer plus a certain percentage of that price. The percentage markup used shall be the first of the following percentages that the dealer can determine;

(i) ¾ of the percentage markup over net invoiced cost that the dealer realized on his last sale of the item before April 1, 1942.

(ii) ¾ of the percentage markup over net invoiced cost that the dealer realized on his last sale of the most comparable item during the period January 1, 1941, to April 1, 1942, inclusive.

(iii) ¾ of the average percentage markup over net invoiced cost that the dealer realized on sales of all farm equipment and parts during March 1942.

4. Section 1361.3 (d) is amended by adding the following sentence:

The provisions of this paragraph, however, do not apply to sales by mail order houses.

5. Section 1361.3 is amended by adding the following paragraph (e):

(e) *Sales by mail order houses at retail.* The provisions of this paragraph apply to all sales by mail order houses at retail, whether direct or through retail stores.

(1) *Where the cost to the seller has not increased prior to May 10, 1946.* The maximum price shall be the highest price at which the seller sold or offered to sell the item to the same class of purchaser on April 1, 1942 increased by 5%.

(2) *Where the cost to the seller has increased prior to May 10, 1946, or where after May 10, 1946, the cost to the seller is increased more than 10%, or where the item was not dealt in on April 1, 1942.* The maximum price for any such product shall be determined as follows:

First step. The seller shall ascertain its present net invoice cost for the item not in excess of the applicable maximum price. For the purpose of this paragraph the net invoice cost shall mean the amount exclusive of freight or handling charges paid to an independent manufacturer or charged in any manner by a manufacturing division or subsidiary of the seller.

Second step. The seller shall add to the amount found in step one, the first of the following percentages that the seller can determine.

(i) ¾ of the percentage markup over net invoiced cost that the seller realized on his last sale of the item before April 1, 1942.

(ii) ¾ of the percentage markup over net invoiced cost that the seller realized on his last sale of the most comparable item during the period January 1, 1941 to April 1, 1942 inclusive.

(iii) ¾ of the average percentage markup over net invoiced cost that the seller realized on sales of all farm equipment and parts during March 1942.

Third step. The seller shall add to the amount found in step two, all charges for transportation and handling charged by the seller to a purchaser of the same class on April 1, 1942, except that actual transportation costs paid by the seller less any allowances or rebates received by the seller may be used. If it was the seller's custom on April 1, 1942, he may use average instead of actual transportation costs and if such average transportation costs are used, they must be applied to all sales and must be computed on the basis of the average of transportation costs, less any allowances or rebates, for complete items of farm equipment during the completed calendar year immediately preceding the date of the sale.

Fourth step. The seller shall apply to the amount found in step three, all discounts and allowances in effect to the purchaser of the same class on May 9, 1946.

6. Section 1361.9 (a) (3) is amended by striking out the phrase "as a result, maximum prices applicable to the sale of new equipment by mail order houses, whether direct or through retail stores, shall be calculated in accordance with paragraph (c) of § 1341.3."

7. Section 1361.9 (a) is amended by adding the following subparagraph (9).

(9) *Purchaser of the same class.* Purchaser of the same class shall mean a purchaser belonging to the same price class: That is a group of purchasers to whom it was the sellers practice on the base date to sell or lease the same (or comparable) product at a particular price or discount off of the list price. The class of purchaser may be determined on a basis of standards such as the nature of the buyer, or the nature of the sale (large, small, cash, credit, etc.), the place to which delivery of the product may be made without consideration of transportation charges), or other pertinent factors. Any new purchaser must be placed in the proper price class in accordance with the standards of the seller previously established.

This amendment shall become effective May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7971; Filed, May 10, 1946; 5:08 p. m.]

PART 1361—FARM EQUIPMENT

[MPR 246, Amdt. 16]

MANUFACTURERS' AND WHOLESALE PRICE FOR FARM EQUIPMENT

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

Maximum Price Regulation 246 is amended in the following respects:

1. Section 1361.52 is stricken out and the following section is substituted:

§ 1361.52 *Maximum prices; general provisions*—(a) *Suggested retail price*—(1) *Machinery and equipment.* This paragraph is applicable to any product, except parts, for which the manufacturer has filed with the OPA a suggested retail price in effect on March 31, 1942, or a suggested retail price computed under the provisions of §§ 1361.53, 1361.54 or 1361.54a. For every product to which this paragraph is applicable, the manufacturer shall increase the suggested retail price by 5%. If, however, prior to May 10, 1946, the manufacturer has received an adjustment of the maximum prices of any of his products covered by this regulation (under the provisions of § 1361.64a or in accordance with the provisions of Supplementary Order No. 142), he may not apply the percentage increase provided by this paragraph to the suggested retail price as adjusted by reason of his individual adjustment. In such case, the manufacturer shall proceed as follows:

Step 1. He shall compute the net realized price on sales to dealers for the product as established by his individual adjustment (whether such price is established by him or the wholesale distributor).

Step 2. He shall compute what the net realized price would be on sales to dealers if the price of the product to dealers which was established before the application of his individual adjustment were increased by 10%.

Step 3. If the price found in Step 1 is lower than the price found in Step 2, he shall establish his new suggested retail price for the product by increasing by 5% his suggested retail price of the product which was established before the application of his individual adjustment.

Step 4. If the price found in Step 1 is greater than the price found in Step 2, he shall multiply the price found in Step 1 by 100 and divide this figure by 100 less

the applicable new discount provided in the following paragraph (b). If the manufacturer does not sell to dealers, the discount shall be 4/5 of the wholesale distributors' discount to dealers in effect on May 9, 1946. The resulting figure will be his new suggested retail price.

(2) *Parts.* This paragraph is applicable to parts for which the manufacturer has filed with the OPA a suggested retail price in effect on March 31, 1942, or a suggested retail price computed under the provisions of §§ 1361.53, 1361.54 or 1361.54a. The manufacturer of such parts shall establish, as the suggested retail price, the suggested retail price in effect on March 31, 1942 or the price filed with the OPA under the provisions of §§ 1361.53, 1361.54 or 1361.54a. If the manufacturer has received an individual adjustment under the provisions of § 1361.64a, or in accordance with the provisions of Supplementary Order No. 142, which has resulted in an increase of his suggested retail price of any part less than 10% of the price filed with the OPA under the provisions of §§ 1361.53, 1361.54, 1361.54a or the price in effect on March 31, 1942, he must, nevertheless, establish the new suggested retail price of that part as provided by this paragraph. If, however, such increase established by an individual adjustment has been in excess of 10%, then the manufacturer shall establish the new suggested retail price of that part as follows: he shall multiply the net realized price for the part (including the increase allowed by his individual adjustment) by 100 and divide this figure by 100 less the applicable new discount provided in the following paragraph (b). If the manufacturer does not sell to dealers, the discount shall be 4/5 of the wholesale distributors' discount to dealers in effect on May 9, 1946. The resulting figure shall be the new suggested retail price.

(3) *Reports.* Every manufacturer establishing a new suggested retail price for any part, machinery or equipment under the provisions of this paragraph shall file with the OPA a report of such price within ninety days after the date when he establishes such price.

(b) *Manufacturers price (except for products with a suggested retail price).* This paragraph is applicable to all products covered by this regulation for which the manufacturer has filed a suggested retail price with the OPA. The maximum price for the sale by a manufacturer of any product covered by this paragraph, except sales to wholesale distributors, shall be the suggested retail price (either established under the preceding paragraph (a) or hereafter filed with the OPA under the provisions of this regulation including a suggested retail price established by an individual adjustment under § 1361.64a of Supplementary Order No. 142) less the discount provided by this paragraph to a purchaser of the same class on May 9, 1946. To this price, the manufacturer may add any extra charges in effect to a purchaser of the same class on May 9, 1946. The discount which shall be applicable to the sales of products covered by this paragraph shall be 4/5 of the percentage discount in effect to a purchaser of the same class on May 10, 1946.

(c) *Manufacturers sales to wholesalers of products with suggested retail price.* This paragraph is applicable to sales by manufacturers to wholesalers of any product for which the manufacturer has a suggested retail price. (1) If the manufacturer had a price in effect on March 31, 1942, the maximum price shall be computed by adding to the highest net price, which the manufacturer would have received on March 31, 1942, for the item from a purchaser of the same class, 10% of that price. The seller shall then adjust that price for all applicable extra charges, discounts or other allowances in effect on March 31, 1942 to a purchaser of the same class.

(2) If the manufacturer had no price in effect on March 31, 1942, but did have a price in effect on March 31, 1941, the maximum price for the sale of the product shall be computed as follows: The manufacturer shall ascertain the highest price which he would have charged a purchaser of the same class for the item on the last date prior to March 31, 1942 when a price for the item was in effect. The seller shall then add to that price 10% of that price. The seller shall then adjust the total price so computed for all applicable extra charges, discounts or other allowances in effect to a purchaser of the same class on the date when the price was last established prior to March 31, 1942.

(3) In the case of any sale by a manufacturer to a wholesale distributor of a product for which a manufacturer has a suggested retail price, the manufacturer shall state to the wholesale distributor the maximum price to all classes of purchasers established under the provisions of paragraph (b) of this section.

(d) *Manufacturers sales of products without a suggested retail price.* This paragraph is applicable to sales by manufacturers of a product for which the manufacturer has no suggested retail price.

(1) If the manufacturer had a price in effect on March 31, 1942, the maximum price shall be computed by adding to the highest net price, which the manufacturer would have received on March 31, 1942, for the item from a purchaser of the same class, 10% of that price. The seller shall then adjust that price for all applicable extra charges, discounts or other allowances in effect on May 9, 1946, to a purchaser of the same class.

(2) If the manufacturer had no price in effect on March 31, 1942, but did have a price in effect on March 31, 1941, the maximum price for the sale of the product shall be computed as follows: The manufacturer shall ascertain the highest price which he would have charged a purchaser of the same class for the item on the last date prior to March 31, 1942 when a price for the item was in effect. The seller shall then add to that price 10% of that price. The seller shall then adjust the total price so computed for all applicable extra charges, discounts or other allowances in effect to a purchaser of the same class on that date when the price was last established prior to March 31, 1942.

(e) *Wholesalers sales of products without a manufacturer's suggested retail price.* This paragraph is applicable to sales by wholesale distributors of products for which the manufacturer has no suggested retail price. For such product, the maximum price shall be computed by adding to the highest net price which the seller would have received on March 31, 1942 for the item from a purchaser of the same class, 10% of that price. The seller shall then adjust that price for all applicable extra charges, discounts or other allowances in effect on March 31, 1942 to a purchaser of the same class.

(f) *Wholesale distributors sales of products for which the manufacturer has a suggested retail price.* This paragraph is applicable to sales by wholesale distributors of products for which a manufacturer has a suggested retail price. The maximum price for sales by wholesale distributors of the products covered by this paragraph shall be the suggested retail price of the manufacturer filed with OPA less 4/5 of the percentage trade discount which the distributor had in effect to a purchaser of the same class on May 9, 1946. No addition may be made for transfer, handling or other extra charges.

2. Section 1361.54 (a) (1) is amended to read as follows:

(1) The manufacturer shall use the price determining method which was in use on October 1, 1941, or during the selling season last prior to that date, applying the overhead rate or rates, machine-hour rate or rates, if any, or other bases of computation which were in use for the most comparable item on October 1, 1941, or during the selling season last prior to that date.

3. Section 1361.54 (a) (5) is amended to read as follows:

(5) In the case of products for which the manufacturer does not establish a suggested retail price, he shall increase the formula price to each class of purchaser by 10%. He shall then apply all extra charges, discounts or other allowances in effect on May 9, 1946, to a purchaser of the same class.

4. Section 1361.54 (a) is amended by adding a new paragraph (6) to read as follows:

(6) In the case of products for which the manufacturer established a suggested retail price, he shall apply to the price to the purchaser commanding the lowest price the mark-up to that class of purchaser in effect on May 9, 1946. If the product is a part, the resulting figure shall be his suggested retail price. If the product is a complete item of farm equipment, other than parts, the resulting figure, increased by 5% shall be his suggested retail price.

5. Section 1361.55 (a) is amended to read as follows:

(a) The maximum price shall be computed as follows: The manufacturer shall ascertain the last contract price for the item to the same customer agreed upon prior to March 31, 1942. He shall add to this price a percentage increase equal to the percentage increase, if any, in the manufacturer's price to distributors for the same item made since such last con-

tract was entered into, but before March 31, 1942. To the sum of those, the manufacturer shall add 10% of that sum. If, however, the item has been modified and is priced to distributors, under the provisions of § 1361.53, the manufacturer shall select the last contract price for the item to the same customer agreed upon prior to March 31, 1942, and shall increase that price by 10%. He shall then add or subtract (as the case may be) a percentage equal to the percentage by which the maximum price for the modified item, computed under the provisions of § 1361.53, exceeds or is less than the maximum price of the item before modification; or

6. Section 1361.57 (b) is amended to read as follows:

(b) *Limit beyond which a maximum price determined in accordance with this section may not go.* The wholesale distributor's maximum price determined in accordance with this section shall not exceed the manufacturer's suggested retail price filed with OPA less ⅘ of the percentage trade discount which the distributor had in effect to a purchaser of the same class on May 9, 1946 and plus the actual cost of freight to the distributor. No addition may be made for handling, transfer or other extra charges.

7. Section 1361.57 (e) is amended by adding the following subparagraph (3):

(3) To the price computed under the provisions of subparagraph (1) of this paragraph (2), the wholesaler shall add 10% of that price.

8. Section 1361.57 (f) (1) is amended to read as follows:

(1) The maximum price for the sale by a wholesale distributor of any item of farm equipment whose price to him has been increased in accordance with the provisions of Supplementary Order No. 142, or in accordance with the provisions of this regulation after March 31, 1942, shall be determined as follows:

9. Section 1361.57a is amended by adding a new paragraph (d) to read as follows:

(d) The maximum prices established under this section shall be increased by 10%.

10. Section 1361.64a is amended by deleting therefrom subparagraph (a) (3).

11. Section 1361.66a is amended by adding the following subparagraph (8):

(8) *Suggested retail price.* Suggested retail price means the price stated by the manufacturer in a list of suggested or recommended retail prices, f. o. b. factory, which is furnished to or available to dealers in farm equipment. Prices issued by mail order houses are not suggested retail prices as used in this regulation.

12. Section 1361.67 (b) is amended by adding the following subparagraph (9):

(9) Engines, internal combustion, which are not sold as an integral part of or attached to a piece of complete farm equipment covered by this regulation.

13. Section 1361.67 is amended by adding the following paragraph (c):

(c) This regulation does not apply to retail sales by mail-order houses. It does establish the price or transfer cost for deliveries of any item of farm equipment manufactured by a division or subsidiary of a mail-order house to the retail or mail-order division.

14. Section 1361.57a is amended by adding the following paragraph (d):

The maximum prices computed under this section shall be increased by 10%.

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

This amendment shall become effective May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7972; Filed, May 10, 1946; 5:08 p. m.]

PART 1363—FEEDINGSTUFFS

[RPS 73, Amdt. 9]

FISH MEAL AND FISH SCRAP

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 Price Schedule 73 is amended in the following respects:

1. All listed prices in the table in § 1363.12 (a) (1) are increased by $10.00 per ton.

2. Section 1363.12 (c) is amended to read as follows:

(c) *Maximum prices for sales of fish scrap f. o. b. conveyance at fish reduction plant.* The maximum price for sales of fish scrap f. o. b. conveyance at fish reduction plant shall be $5.50 per ton less than the prices specified in paragraph (a) of this section.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7957; Filed, May 10, 1946; 5:04 p. m.]

PART 1363—FEEDINGSTUFFS

[RMPR 74, Amdt. 10]

ANIMAL PRODUCT FEEDINGSTUFFS

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 74 is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. *Maximum prices for sales by all persons of dry rendered tankage.* (a) The maximum price for the sale of domestic dry rendered tankage, per ton, bulk, by any person shall be at the rate of $1.25 for each percentage of protein therein plus $7.50 per ton plus transportation charges from production plant thereof to the buyer's receiving point by a usual route and method of transportation.

(b) The maximum price for the sale of imported dry rendered tankage, per ton, bulk, by any person shall be at the rate of $1.25 for each percentage of protein therein plus $7.50 per ton delivered at any conversion plant in the forty-eight states or the District of Columbia of the United States.

2. Section 5 is amended to read as follows:

SEC. 5. *Maximum prices for sales by all persons of wet rendered tankage and dried blood.* (a) The maximum price for the sale of domestic wet rendered tankage and dried blood, per ton, bulk, by any person shall be at the rate of $5.53 for each percentage of ammonia therein plus $7.50 per ton plus transportation charges from production plant thereof to the buyer's receiving point by a usual route and method of transportation.

(b) The maximum price for the sale of imported wet rendered tankage and dried blood, per ton, bulk, by any person shall be at the rate of $5.53 for each percentage of ammonia therein plus $7.50 per ton delivered at any conversion plant in the forty-eight states or the District of Columbia of the United States.

3. Sections 6 (b) (1) and 6 (b) (2) are amended to read as follows:

(1) For meat scraps, $1.25 for each percentage of the guaranteed minimum percentage of protein therein plus $17.50 per ton and plus transportation charges from production plant of the meat scraps (or if imported, from port of entry thereof) to buyer's receiving point by a usual route and method of transportation.

(2) For digester tankage, blood meal and blood flour, $1.0755 for each percentage of the guaranteed percentage of protein therein, plus $16.50 per ton and plus transportation charges from production plant of the digester tankage, blood meal or blood flour (or if imported, from port of entry thereof) to buyer's receiving point by a usual route and method of transportation..

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7952; Filed, May 10, 1946; 5:03 p. m.]

PART 1363—FEEDINGSTUFFS

[RMPR 173, Amdt. 5]

WHEAT MILL FEEDS

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.

All listed prices in section 7 (a) and 7 (b) are increased by $10.00 per ton.

This amendment shall become effective 12:01 a. m., May 13, 1946.

Issued this 10th day of May, 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7954; Filed, May 10, 1946; 5:03 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[2d Rev. MPR 487, Amdt. 12]

WHEAT

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.

All of the base prices in the tables in section 3.2 and in Table IV of section 4.7 of 2d Revised Maximum Price Regulation 487 are increased by 15 cents per bushel.

This amendment shall become effective 12:01 a. m. May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7958; Filed, May 10, 1946; 5:04 p. m.]

PART 1305—ADMINISTRATION

[Rev. SO 114, Amdt. 7]

ADJUSTABLE PRICING OF CERTAIN COTTON TEXTILES

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

In the table contained in section 5 of Revised Supplementary Order No. 114, reference number 50 is revoked.

This amendment shall become effective May 13, 1946.

Issued this 13th day of May, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8034; Filed, May 13, 1946; 11:49 a m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 604, Amdt. 4]

RYE

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.

All of the base prices in section 3.2 and in Table II of Appendix A of Maximum Price Regulation 604 are increased by 10¢ per bushel.

This amendment shall become effective 12:01 a. m., May 13, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 10, 1946.

N. E. DODD,
Under Secretary of Agriculture.

[F. R. Doc. 46-7963; Filed, May 10, 1946; 5:05 p. m.]

PART 1305—ADMINISTRATION

[SO 126,[1] Amdt. 29]

EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL

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. 126 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Articles exempted from price control.* Notwithstanding the provisions of any price regulation heretofore or hereafter issued by the Office of Price Administration, all purchases, sales and deliveries of any articles of consumer goods listed in sections 2, 3, 4, and 5 of this order are exempt from price control. Parts for articles listed in section 2 are also exempt from price control. For the purpose of this section, "part" means any specific part, sub-assembly or accessory of an article which is listed in section 2 which was originally designed for use in or in connection with such an article, and which is fabricated to such an extent that it may be identified as to its ultimate use in or in connection with that article, and which would not ordinarily be used for any other purpose.

2. Section 6 is amended to read as follows:

SEC. 6. *Articles suspended from price control.* Notwithstanding the provisions of any price regulation heretofore or hereafter issued by the Office of Price Administration, price control is suspended as to all purchases, sales and deliveries of any articles of consumer goods listed in sections 7, 8, 9, and 10 of this order. Price control is suspended as to all parts of articles listed in section 7. These suspensions are for an indefinite period of time except when it is otherwise specifically provided by the Administrator. For the purpose of this section, "part" means any specific part, sub-assembly, or accessory of an article which is listed in section 7 which was originally designed for use in or in connection with such an article, and which is fabricated to such an extent that it may be identified as to its ultimate use in or in connection with that article, and which would not ordinarily be used for any other purpose.

3. Section 2 (1) is amended by adding the following item:

Sensitized paper for photographic use, both commercial and amateur.

This amendment shall become effective on the 13th day of May 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8035; Filed, May 13, 1946; 11:51 a. m.]

[1] 10 F.R. 10200, 11348, 11512, 12919, 12110, 13071, 13776, 14396, 14396, 14734, 14735, 14899, 15346; 11 F.R. 881, 712, 1774, 2375, 2375, 2375.

PART 1305—ADMINISTRATION

[SO 126,[1] Amdt. 30]

EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL

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. 126 is amended in the following respect:

1. Section 10 (e) is added to read as follows:

(e) The following commodities when made of cotton for use in connection with the manufacture of cheese:

1. Cheese bandages
2. Crinoline cheese circles
3. Press cloths

This amendment shall become effective May 13, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8036; Filed, May 13, 1946; 11:48 a m.]

PART 1305—ADMINISTRATION

[SO 129, Amdt. 19]

EXEMPTION AND SUSPENSION OF PRICE CONTROL OF MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

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

Supplementary Order 129 is amended as follows:

1. Section 13 (a) is amended by adding the following products:

Ship and marine castings subject to RMPR 125 provided they are of such design as to generally permit their use only in ships or other marine structures.

2. Section 13 (b) is amended by changing the paragraph now reading as "Marine or ship castings subject to RPS 41 or RMPR 125 when specifically designed for ship or marine use, except castings in machinery and accessories used for ship propulsion", to read instead as "ship and marine castings subject to RPS 41 and as defined in § 1306.109 (e) (4) thereof".

3. Section 13 (b) is further amended by adding the following products:

High alloy castings as defined in and subject to MPR 214.

This amendment shall become effective May 13, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8037; Filed, May 13, 1946; 11:51 a. m.]

PART 1305—ADMINISTRATION

[SO 131,[1] Amdt. 24]

REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

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

Supplementary Order 131 is amended in the following respects:

1. Section 3 is amended by adding thereto paragraphs (k), (l), and (m) to read as follows:

(k) Maximum prices for the goods named below shall be the prices established by § 1400.118 (d) (18) and/or § 1400.101 (b) of Maximum Price Regulation No. 118, increased by the following percentages:

Ref. No.	Name of goods	Band A, percent increase	Band B, percent increase
1	Girl Scout colored yarn uniform cloth	24.24	19.28
2	Luggage cloth	24.24	19.28
3	Cap cloth	14.81	12.20
4	Export suitings	18.87	14.49
5	Grey Trouserings (rayon decorated)	18.87	14.49
6	Cheesecloth (woven checks)	20.61	15.60
7	Cheesecloth (woven stripes)	20.61	15.60
8	Packaged polishing cloth (print cloth yarn)	20.61	15.60
9	Grey reinforced mosquito netting (print cloth yarns)	20.61	15.60
10	Colored yarn dress goods, Styles Nos. 2600, 2600D, 2600G, 2600I, R-11, 1900 of the Steven's Manufacturing Company	24.24	19.28

(l) Maximum prices for the goods named below shall be the producer's prices established by the General Maximum Price Regulation, increased by the following percentages:

Ref. No.	Name of goods	Band A, percent increase	Band B, percent increase
1	Fancy whipcords, less than 25% wool, woven on woolen system	16.49	12.20
2	Cotton suitings, less than 25% wool, woven on woolen system	24.24	19.28
3	Cotton velvet, with all combed yarn back and carded yarn pile	21.26	15.86
4	Knitted polishing cloths	14.81	12.20
5	Knitted laundry padding	14.81	12.20

(m) Maximum prices for the hospital gauze diapers, nursery gauze pads and gauze bibs listed in § 1400.118 (d) (14) (ii) (*a*) of Maximum Price Regulation No. 118 are increased by 20.61 percent for Band A and by 15.60 percent for Band B.

2. In section 4 (qq) Table I is amended by adding after Reference No. 21, under "Warp Yarns 40's or Finer", the figure "20.0%" in the higher band column.

This amendment shall become effective May 13, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8038; Filed, May 13, 1946; 11:51 a. m.]

PART 1305—ADMINISTRATION

[SO 131,[1] Amdt. 25]

REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

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

Section 4 of Supplementary Order 131 is amended by adding the following paragraph (aaa):

(aaa) *Yarn dyed slack suiting.* The maximum prices established by § 1400.-118 (d) (19) of Maximum Price Regulation 118 are revised in accordance with the following:

Mill	Description	Column I. Maximum price for deliveries made prior to Mar. 8, 1946 — Higher band	Column II. Maximum price — Band A
		Cts. per yd.	*Cts. per yd.*
Cone Export and Commission Company.	36" Rutherford, sanforized	24.43	26.68
	36" Cliffside, sanforized	28.04	30.84
Southeastern Cotton, Inc.	36" H. P. 2 plains, sanforized	21.70	23.47
	36" H. P. 14 plains, sanforized	19.93	21.68
Eagle and Phoenix Mills	36" Tweed burn, sanforized (checks and plaids)	32.35	36.47
	36" Red pine, sanforized	25.40	28.57
Swift Manufacturing Co	36" Crisp cool, sanforized	39.90	42.51
Travora Manufacturing Co	38" Royal Diamond No. 1 regular finish	25.40	28.04
	38" Royal Diamond No. 2	26.34	28.92
	38" Royal Diamond No. 3	28.20	31.12
	38" Royal Diamond No. 4	29.47	32.38
	38" Royal Diamond No. 5	30.58	33.44
	38" Royal Diamond No. 6	32.14	35.66
	38" Royal Diamond No. 7	32.12	35.67
	38" Royal Diamond No. 8	33.60	37.09
	38" Royal Diamond No. 9	34.30	37.78
	38" Royal Diamond No. 10	29.88	32.76
	38" Royal Diamond No. 11	28.59	31.50
	38" Royal Diamond No. 12	34.17	37.67
	38" Royal Diamond No. 13	35.65	39.22
	38" Royal Diamond No. 14	25.75	30.22
Mooresville Cotton Mills	Style No. 9185	71.64	77.36
	Style No. 8530	30.12	32.49
	Style No. 9006-9008	42.61	45.85

This amendment shall become effective May 13, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8039; Filed, May 13, 1946; 11:49 a. m.]

PART 1305—ADMINISTRATION

[SO 146, Amdt. 2]

RECONVERSION INDUSTRY REPORTING

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

Supplementary Order No. 146 is amended in the following respect:

1. The following item is deleted from the table in Appendix A: "Woolen floor coverings 6065-2610, 6065-2604 July 1940-June 1941."

This amendment shall become effective on May 18, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8040; Filed, May 13, 1946; 11:50 a. m.]

PART 1305—ADMINISTRATION

[SO 158]

ESTABLISHMENT OF CEILING PRICES OF HAND LAWN MOWERS, ALUMINUM WARE, AND SMALL ELECTRICAL APPLIANCES SOLD BY CERTAIN DISTRIBUTORS AND RETAILERS

A statement of the considerations involved in the issuance of this order,

[1] 10 F.R. 11296, 11890, 12116, 13268, 13269, 13812, 14504, 14657, 14779, 15004, 15383; 11 F.R. 532, 1771, 1888, 2635, 2973, 3599, 3744, 4037, 4329, 4584.

[1] 10 F.R. 11296, 11890, 12116, 13268, 13269, 13812, 14504, 14657, 14779, 15004, 15383; 11 F.R. 532, 1771, 1888, 2635, 2973, 3599.

issued simultaneously herewith, has been filed with the Division of the Federal Register.

SECTION 1. *Scope of this order.* This order provides a method for determining the ceiling prices of certain sellers for articles for which their ceiling prices would otherwise be determined under:

(a) Revised Order No. 1 under § 1499.-159e of Maximum Price Regulation 188—Household Aluminum Cooking Utensils.

(b) Revised Order No. 3 under § 1499.-159e of Maximum Price Regulation 188—Hand Lawn Mowers.

(c) Order No. 6 under § 1499.159e of Maximum Price Regulation 188—Small Electrical Appliances.

SEC. 2. *Sellers and transactions covered by this order.* (a) This order covers all sales and deliveries of articles, whose ceiling prices otherwise would be determined by the orders set forth in Section 1, by distributor-retailers, except sales and deliveries of articles for which uniform retail ceiling prices have been established under the following provisions:

(1) Household aluminum cooking utensils for which uniform retail ceiling prices have been fixed by an order of the Office of Price Administration under section 5 (d) of Revised Order No. 1 under § 1499.159e of MPR 188.

(2) Hand lawn mowers for which uniform retail ceiling prices have been fixed by an order of the Office of Price Administration under section 5 (e) of Revised Order No. 3 under § 1499.159e of MPR 188.

(3) Small electrical appliances for which uniform retail ceiling prices have been fixed by an order of the Office of Price Administration under section 4 (a) of Order No. 6 under § 1499.159e of MPR 188.

(b) *Definitions.* (1) "Distributor-retailer" means a person dealing principally in such articles as automobile tires, automotive supplies, hand tools, hardware, housewares and electrical appliances, who does business both as a retailer (through a number of separate "company-owned" stores) and as a wholesaler, and whose wholesale sales of articles which he does not manufacture normally account for more than a third of the total annual dollar volume of his business in such articles.

(2) "Company-owned store" means a retail store owned or controlled by a "distributor-retailer."

(3) "Affiliated dealer" means a person whose retail store is not owned or controlled by a distributor-retailer and who sells at retail articles purchased from a "distributor-retailer."

(4) "Class of purchaser" means a purchaser (affiliated dealer or company-owned store) or group of purchasers to whom the distributor-retailer had an established practice in March, 1942, of selling articles at prices different from those charged other purchasers or groups of purchasers for the same articles.

SEC. 3. *How to qualify to use this order*—(a) *Registration.* A distributor-retailer who meets the qualifications of this order and wishes to price under this order must file his election to do so with the Central Pricing Office, Office of Price Administration, Washington 25, D. C., on or before June 1, 1946, and before he may sell or deliver an article priced under this order he must have received an acknowledgment from that office.

(b) *Form of election and registration.* The election shall be in writing, signed by a duly authorized officer or agent and shall contain the following:

(1) Date.

(2) Name and address.

(3) A description of manner of doing business.

(4) A statement of the discount structure maintained in March, 1942, accompanied by a substantiating document such as a catalog.

(5) Description of classification of customers, particularly describing "small dealer," (one to whom the distributor-retailer offered smallest discount from list price in March 1942).

(6) A description of the zones maintained in March, 1942.

(c) *Acknowledgment.* The acknowledgment referred to in paragraph (a) above shall be in writing and shall be issued only to a properly qualified distributor-retailer. The acknowledgment must be kept at the principal office of the distributor-retailer for inspection by the Office of Price Administration.

SEC. 4. *Pricing under this order.* Except as provided in section 2 (a), a distributor-retailer, properly registered under this order, may establish his maximum prices in accordance with the following:

(a) *Household aluminum cooking utensils.* For household aluminum cooking utensils sold by distributor-retailers the prices shall be:

(1) *Retail prices.* The retail prices shall be the total of the following:

(i) F. o. b. factory cost and the applicable amount of:

81.8% of that cost on sheet aluminum ware

94.2% of that cost on cast aluminum ware; and

(ii) The appropriate zone differential, if any, as described in section 5.

(2) *Small dealer prices.* The price to a small dealer (one in the class of purchasers to whom the smallest discount from list was offered in March 1942) shall be the sum of:

(i) The retail price in the zone in which the f. o. b. point from which the distributor-retailer acquired the item is located, reduced by the applicable amount of:

22.5% of that price on sheet aluminum ware

24.3% of the price on cast aluminum ware; and

(ii) The appropriate zone differential, if any, as described in section 5.

(3) *Prices to dealers other than small dealers.* The price to a dealer who falls into any class of purchaser other than "small dealers" shall be the sum of:

(i) The price found in paragraph (2) in the zone in which the f. o. b. point from which the distributor-retailer acquired the item is located, reduced by:

87.1% of its customary discount differentials to that class of purchaser on sheet aluminum ware

96.1% of its customary discount differentials to that class of purchaser on cast aluminum ware; and

(ii) The appropriate zone differential, if any, described in section 5.

(b) *Hand lawn mowers.* For hand lawn mowers sold by distributor-retailers the prices shall be:

(1) *Retail prices.* The retail prices shall be the total of the following adjusted to the nearest five cents:

(i) F. o. b. factory cost and 73.7% thereof; and

(ii) The appropriate zone differential, if any, as described in section 5.

(2) *Small dealer prices.* The price to a small dealer (one in the class of purchasers to whom the smallest discount from list was offered in March, 1942) shall be the sum of:

(i) The retail price in the zone in which f. o. b. point from which the distributor-retailer acquired the item is located, reduced by 20.9%; and

(ii) The appropriate zone differential, if any, as described in section 5.

(3) *Prices to dealers other than small dealers.* The price to a dealer who falls into any class of purchaser other than "small dealers" shall be the sum of:

(i) The price found in paragraph (2) in the zone in which the f. o. b. point from which the distributor-retailer acquired the item is located, reduced by 79.2% of its customary discount differentials to that class of purchaser; and

(ii) The appropriate zone differential, if any, described in section 5.

(d) *Small electrical appliances.* For small electrical appliances sold by distributor-retailers the prices shall be:

(1) *Retail prices.* The retail prices shall be the total of the following adjusted to the nearest five cents:

(i) F. o. b. factory cost (exclusive of the Federal excise tax) and 88.6% thereof; and

(ii) The amount of the Federal excise tax; and

(iii) The appropriate zone differential, if any, as described in Section 5.

(2) *Small dealer prices.* The price to a small dealer (one in the class of purchasers to whom the lowest discount from list was offered in March, 1942) shall be the sum of:

(i) The retail price in the zone in which the f. o. b. point from which the distributor-retailer acquired the item is located (exclusive of the Federal excise tax) reduced by 23.1% and

(ii) The amount of the Federal excise tax; and

(iii) The appropriate zone differential, if any, as described in Section 5.

(3) *Prices to dealers other than small dealers.* The price to a dealer who falls into any class of purchaser other than "small dealers" shall be the sum of:

(i) The price found in paragraph (2) in the zone in which the f. o. b. point from which the distributor-retailer acquired the item is located (exclusive of the Federal excise tax) reduced by 90.0% of its customary discount differentials to that class of purchaser; and

(ii) The amount of the Federal excise tax; and

(iii) The appropriate zone differential, if any, as described in section 5.

SEC. 5. *Zone differentials.* Wherever in this order a "zone differential" is permitted in arriving at a price, the amount to be included shall be the additional freight cost customarily reflected in the distributor-retailer's retail price list for shipments to zones outside the zone in which the f. o. b. point from which he acquired the item is located. Zones shall be determined on the basis habitually used by the distributor-retailer as established by the information submitted under section 3 (b) (6).

SEC. 6. *Modification of provisions of this order.* The provisions of this order as applied to articles or persons subject thereto may be modified by orders of general applicability issued under this paragraph.

SEC. 7. *Retail price tag.* (a) On and after June 1, 1946, no person who is required to compute the retail price of an article under this order may ship such article unless there is attached to it a tag or label containing the information set forth in paragraph (c).

(b) On and after July 1, 1946 no person may display, offer for sale, sell, or deliver at retail any article priced under this order unless there is attached to it a tag or label containing the information required by paragraph (c). Purchasers for resale who have received "untagged" articles which must be tagged with the retail ceiling price, may tag all such articles with a tag or label containing the information required by paragraph (c).

(c) The tag or label shall contain the following information:

(1) At the top of the label or tag shall be the phrase "OPA Retail Ceiling Price Tag".

(2) The manufacturer's name or brand name.

(3) The model designation or other identification of the article.

(4) The OPA retail ceiling price of the article.

(5) The notation that the prices were computed under "SO 158".

(6) Where Federal excise is applicable a statement that such tax is included in the retail ceiling price shown on the label or tag.

(7) Where there are different retail ceiling prices for sales in different zones, the tag or label shall show the prices for sales in all zones or it may show only the price in the particular zone in which the article will be sold to consumers. In either case the tag or label shall specifically describe the geographic area included in the zones or zone.

(8) Wherever certain warranties, services or attachments are included in the retail ceiling price they shall be specifically stated on the tag or label.

(9) The tag or label must also contain a statement that it may not be removed until after the article has been delivered to the consumer.

SEC. 8. *Applicability of other regulations.* The provisions of regulations, price schedules, and orders otherwise applicable to sales of the articles covered by this order shall apply except to the extent they are inconsistent with the provisions of this order.

This order shall become effective May 18, 1946.

NOTE: The 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 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8041; Filed, May 13, 1946; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 9 to Rev. Supp. 2]

OATS

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 Supplement 2 to Food Products Regulation 2 is amended in the following respects:

1. Section 5 (a) (3) is amended to read as follows:

(3) "Oats" means oats, feed oats and mixed feed oats as defined in the Official Grain Standards of the United States.

2. The second undesignated paragraph of section 6 is amended to read as follows:

In order to provide a base price for domestic oats at every point in the United States for every grade and quality, it is necessary to establish base prices by location for a "standard grade" of oats and provide premiums and discounts from that "standard grade" for other grades and qualities and for feed oats and mixed feed oats. The "standard grade" is No. 3 oats having a test weight of 27 pounds per bushel and a moisture content of not more than 14½ percent. Base prices for other grades and qualities and for feed oats and mixed feed oats are determined by adding or subtracting the premiums and discounts provided in Table I of Appendix A to or from the corresponding price for the "standard grade" except that oats grown in California, Nevada and in Lake and Klamath counties, Oregon are not required to be sold on grade and the base prices in paragraph (a) shall apply on all sales of such oats without discount or premium.

3. Section 11 (b) (2) is amended to read as follows:

(2) The following are the base prices in United States dollars, bulk, per bushel of 32 pounds for Canadian oats at the base points listed below:

Base points:	*Cents per bushel*
Buffalo, N. Y.	87
Minneapolis, Minn.	80
Portland, Oreg.	79
Boston, Mass.	94

Whenever it becomes necessary in order to complete a contract of sale for Canadian oats which do not grade feed oats or mixed feed oats under the Official Grain Standards of the United States to adjust the price of such oats according to the premiums and discounts provided in Table I (a) of Appendix A, the foregoing base prices shall be deemed to be for No. 3 oats with a test weight of 38 pounds per bushel and with a moisture content not exceeding 14½ percent. Canadian oats which do not grade feed oats or mixed feed oats under the Official Grain Standards of the United States may be resold on the basis of their Canadian inspection without application of the schedule of premiums and discounts in Table I of Appendix A, *Provided*, That they are not commingled or averaged with domestic oats, but if commingled they will not be subject to the provisions of Section 2.3 of Food Products Regulation 2 relating to use of standard grade and quality, and all Canadian oats so commingled or averaged shall be considered to be of the same grade and quality. If commingled or averaged with oats grown in the United States, all provisions of section 2.3 of Food Products Regulation 2 shall apply.

Base prices for Canadian oats which grade feed oats and mixed feed oats under the Official Grain Standards of the United States must be adjusted according to the premiums and discounts provided in Table I (a) of Appendix A. For such purpose, the base prices specified in this section shall be deemed to be for No. 3 oats with a test weight of 38 pounds per bushel and with a moisture content not exceeding 14½ percent.

4. Section 11 (e) is hereby deleted.

This amendment shall become effective May 18, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 2, 1946.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-8024; Filed, May 13, 1946; 11:56 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 3 to Rev. Supp. 5]

PROCESSED GRAINS FOR FEEDING AND MIXING

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

Revised Supplement 5 to Food Products Regulation 2 is amended in the following respects:

1. Section 2 (b) (5) is amended to read as follows:

(5) *Processed grains for human consumption.* This supplement shall apply only to processed grains manufactured for feeding to animals or poultry, or for mixing for that purpose, or for brewing or distilling purposes, except that the sale and delivery of degermed grain sorghum grits for brewing or distilling purposes shall not be covered by this supplement.

2. Section 5 (a) (21) is added to read as follows:

(21) "Degermed grain sorghum grits" means the product milled from grain sorghums over steel rolls for brewing or distilling purposes which contains not more than 80 percent of the grain and not more than 1.9 percent fat and from which practically the whole germ and fine particles have been removed.

3. Section 8 (b) (1) is amended to read as follows:

(1) You may take as your base price a base ingredient price for such grain which you are permitted to use under the provisions of Maximum Price Regulation 585, except that if you purchased the grain being priced from the producer you must deduct any markup for a "country shipper" that may be included in such base ingredient price.

This amendment shall become effective May 18, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 2, 1946.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-8026; Filed, May 13, 1946; 11:50 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[FPR 2, Amdt. 7 to Rev. Supp. 3]

BARLEY

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 second paragraph of section 6 of Revised Supplement 3 to Food Products Regulation No. 2 is amended to read as follows:

In order to provide a base price for domestic barley at every point in the United States for every grade and quality, it is necessary to establish base prices by location for a "standard grade" of barley and provide premiums and discounts from that "standard grade" for other grades and qualities. The "standard grade" is No. 2 barley having a test weight of 46 pounds per bushel. Base prices for other grades and qualities are determined by adding or subtracting the premiums and discounts provided in table I of appendix A to or from the corresponding price for the "standard grade;" Except, that natural, country run barley grown in California and Nevada and in the counties of Lake and Klamath in Oregon is not required to be sold on grade and the base prices in paragraph (a) shall apply on all sales of such barley on the gross weight thereof without discount or premium for grade or dockage: *Provided*, That the premium allowed for malting barley or pearling barley may be charged and paid.

This amendment shall become effective this 18th day of May 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 2, 1946.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-8025; Filed, May 13, 1946; 11:50 a. m.]

PART 1419—EXPLOSIVES

[2d Rev. MPR 191, Amdt. 2]

COTTON LINTERS AND HULL FIBERS

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.

2d Revised Maximum Price Regulation 191 is amended in the following respects:

Appendix A (b) is amended to read as follows:

(b) *Hull fibers.* The maximum price for hull fibers shall be $0.0309 per pound f. o. b. seller's shipping point, based upon an alpha cellulose content of 70 percent. For every one percent or fraction thereof of alpha cellulose content less than 70 percent, a deduction shall be made from such base price at the rate of at least $0.0009 per pound for each one percent except that the maximum prices for hull fibers, having an alpha cellulose content of less than 58 percent, shall be $.02 per pound. For every one percent or fraction thereof of alpha cellulose content more than 70 percent, the price may be increased at the rate of not more than $0.0009 per pound for each one percent.

This amendment shall become effective May 18, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 2, 1946.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-8033; Filed, May 13, 1946; 11:52 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 376,[1] Amdt. 9]

CERTAIN FRESH FRUITS AND VEGETABLES

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

Section 3a is amended in the following respects:

1. Paragraph (b) (2) is amended to read as follows:

(i) For all other sales the maximum price, in each case, is the sum of (i) the seller's existing maximum price, as defined in this paragraph, plus (ii) the actual cost of the air transportation, or 26¢ per ton mile, whichever is lower, regardless of who has paid the air transportation charges, minus (iii) what would have been the cost of transporting the particular goods by usual means of surface transportation and (iv) plus the appropriate packaging allowance from paragraph (c), below.

2. Paragraph (d) is deleted.

This amendment shall become effective May 18, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 2, 1946.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-8027; Filed, May 13, 1946; 11:48 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 178]

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.

1. In section 6a, paragraph (b) is amended to read as follows:

(b) The maximum price for sales of produce to which this section applies shall be figured in the same manner as produce shipped by other means of transportation except that:

(1) The actual cost of air transportation of the produce being sold or the amount that trasportation would have cost figured at 26¢ per ton mile, whichever is lower, is added to the maximum prices in the applicable tables instead of freight.

(2) No additional charge may be made for protective services.

(3) The following packaging allowance may be added except for berries, cantaloup, eggplant, lettuce, melons, red sour cherries and sweet potatoes:

Package with net weight of less than 2 pounds	1½¢ per pound.
Package with net weight of 2 pounds or more but less than 3 pounds	1¢ per pound.
Package with net weight of 3 to 5 pounds	¾¢ per pound.
Package with net weight of more than 5 pounds	No allowance.

2. In section 6a, paragraph (c) (1), (2) and (3) is deleted and paragraph (d) is designated as paragraph (c).

This amendment shall become effective May 18, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

Approved: May 2, 1946.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-8028; Filed, May 13, 1946; 11:49 a. m.]

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[1] 8 F.R. 5487, 7391; 9 F.R. 2492, 4948, 8056; 10 F.R. 10024, 12332, 15007; 11 F.R. 2225

[1] 10 F.R. 8021, 7500, 7539, 7578, 7668, 7683, 7799, 8069, 8239, 8238, 8612, 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, 13505, 13776, 14027, 15035, 15174; 11 F.R. 557, 608, 1102, 1356, 1213, 1526, 1819.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 81]

DIAMOND CORE DRILLING

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.

Rev. SR 11 is amended in the following respect:

A new subparagraph is added to § 1499.46 (b) to read as follows:

(161) *Diamond core drilling*—fees and charges for.

This amendment shall become effective May 13, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8030; Filed, May 13, 1946; 11:51 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 82]

PHOTOGRAPHY SERVICES

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

Section 1499.46 of Rev. SR No. 11 is amended in the following respect:

A new subparagraph is added to paragraph (b) thereof to read as follows:

(162) *Photography services*—including but not limited to portrait photography, except:

1. Processing and printing of customer owned photographic materials such as films, plates, etc. (otherwise known as photo finishing), and services incidental thereto, such as enlarging, tinting, etc.

2. Photostating, blue printing, microfilming.

This amendment shall become effective May 13, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8031; Filed, May 13, 1946; 11:51 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E,[1] Amdt. 41]

MODIFICATION OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN TEXTILES, LEATHER AND APPAREL

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 Regulation 14E is amended by adding a new section 2.15 to read as follows:

SEC. 2.15 *Sales of specified laundry textiles and laundry textile products.* (a) This paragraph applies to sales to laundries and linen-supply houses by Rockweave Division, Callaway Mills, La Grange, Georgia, of specified laundry textiles and laundry textile products listed in column (1) and described in column (2) of the table contained in subparagraph (b) below.

(b) The maximum price for sales of these articles shall be the price set forth in column (3) of the following table for the article being priced. Such maximum prices shall be subject to the allowances, discounts and other price differentials observed by the seller in March 1942.

(1) Item	(2) Description	(3) Maximum price per yard	
Rockweave cover cloth.	72" width (14.54 oz.)	$0.62	
	81" width (16.36 oz.)	.69	
	90" width (18.18 oz.)	.80	
Rockweave cover duck.	90" width (24.10 oz.)	1.13	
Rockweave apron duck.[2]	100" width (74.36 oz.)	3.23	
	110" width (81.80 oz.)	3.55	
	120" width (89.24 oz.)	3.95	
Rockweave double faced felts.	54" width (21.44 oz.)	.92	
	72" width (27.68 oz.)	1.26	
		Per dozen	
		Soft twine	Hard twine
Rockweave nets	15 x 20 (12¼ lb.)	$3.57	
	18 x 30 (12½ lb.)	5.48	$5.71
	24 x 36 (12½ lb.)	7.92	8.57
	30 x 40 (12½ lb.)	10.35	10.98
		Per dozen	
	24 x 96 (14½ lb.)	$9.61	
	30 x 40 (14½ lb.)	12.46	

[2] Clipper laced $4.00 extra.

This amendment shall become effective May 18, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8029; Filed, May 13, 1946; 11:50 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 83]

DENTAL LABORATORY SERVICES AND CUSTOM FABRICATING

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 1499.46 of Rev. SR 11 is amended in the following respects:

1. A new subparagraph is added to paragraph (f) thereof to read as follows:

(6) Dental laboratory services in connection with prosthetic dental appliances.

2. A new subparagraph is added to paragraph (f) thereof to read as follows:

(7) Custom fabricating of new White Oak bourbon whiskey stave and heading bolts, staves, heading and barrels, and services incidental thereto, such as kiln drying, planing, jointing, sawing, etc.

This amendment shall become effective May 13, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8032; Filed, May 13, 1946; 11:51 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 110]

PART 4003—SUPPORT PRICES: SUBSIDIES

GRAIN, FEED AND RELATED PRICES

SECTION 1. It is hereby found that the increases in the prices of grains and feeds and the other actions authorized and directed by this Directive are necessary to encourage the sale of grain for shipment abroad to alleviate the famine emergency, for human consumption in this country, and for essential livestock feeding in deficit grain producing areas. These actions will remove the existing uncertainty concerning maximum grain and feed prices between now and June 30, 1947, and will bring about a more proper balance between livestock numbers and grain supplies available for feeding purposes.

SEC. 2. Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9651 of August 30, 1945 (10 F.R. 13487), Executive Order 9697 of February 14, 1946 (11 F.R. 1691), and Executive Order 9699 of February 21, 1946 (11 F.R. 1929), *It is hereby ordered:*

SEC. 3. The Price Administrator is authorized and directed to take such action, and the Secretary of Agriculture is authorized and directed to approve such action, as may be necessary to increase the maximum prices in the applicable price regulations for the following commodities by the amounts hereinafter specified:

Commodity, Applicable Regulation and Maximum Price Increase	
	Per bushel
Corn (FPR 2, Supp. 4)	$0.25
Wheat (2d RMPR 487)	.15
Oats (FPR 2, Rev. Supp. 2)	.05
Barley (FPR 2, Rev. Supp. 3)	.09
	Per hundredweight
Grain sorghums (FPR 2, Supp. 6)	$0.18
	Per bushel
Rye (MPR 604)	$0.10
	Per ton
Cotton seed meal (FPR 3, Supp. 1)	$14.00
Minor meals such as babassu etc. (FPR 3, Supp. 2)	10.00
Soybean meal (FPR 3, Supp. 3)	14.00
Dried beet pulp products (FPR 3, Supp. 4)	10.00
Linseed meal (FPR 3, Supp. 5)	14.00
Peanut meal (FPR 3, Supp. 7)	14.00
Gluten feed and gluten meal (FPR 3, Supp. 8)	14.00
Fish scrap (RPS 73)	7.50
Fish meal (RPS 73)	10.00

[1] 10 F.R. 1183, 2014, 4156, 7117, 7497, 7667, 9337, 9540, 9963, 10021, 11401, 12601, 12812, 13271, 13692, 13826, 14506, 14742, 15007, 15036, 15467; 11 F.R. 115, 348, 405, 407, 560, 677, 889, 949, 1405, 1594, 1850, 2042, 3090, 3158, 3366.

Commodity, Applicable Regulation and Maximum Price Increase—Continued

	Per ton
Dry and wet rendered tankage (RMPR 74)	$7.50
Meat scrap (RMPR 74)	10.00
Wheat mill feed (RMPR 173)	10.00
Corn germ meal and hominy feed (MPR 305)	10.00
Brewers' dried grains (MPR 526)	10.00
Rice bran (2d RMPR 150)	10.00

SEC. 4. Directive 106 issued by this office on April 19, 1946, and relating to the emergency corn purchase program is hereby revoked, effective as of the close of business May 11, 1946.

SEC. 5. Directive 55 as amended, originally issued by this office on May 19, 1945, and relating to the cattle feeder subsidy program is hereby revoked as of July 1, 1946.

SEC. 6. The Secretary of Agriculture is authorized and directed to institute a program, effective as of May 13, 1946, for making payments to wet and dry corn millers out of funds available to the Commodity Credit Corporation so that such millers will be compensated for the net increases in their costs resulting from the increases in prices herein authorized and directed, to the extent that the Price Administrator determines, under the standards followed by the Office of Price Administration, that such millers will not be required to absorb such net cost increases. The Price Administrator is accordingly authorized and directed to certify to the Secretary of Agriculture the appropriate rates of payment to be made under this section.

SEC. 7. The Price Administrator is authorized and directed to take no action, and the Secretary of Agriculture is authorized and directed to approve no action, which will increase the maximum prices of cattle, hogs, meat, meat products, poultry or eggs, on the basis of the increases in costs resulting from the price increases herein authorized and directed, except to the minimum extent required by law.

SEC. 8. The Price Administrator is authorized and directed to take such action, and the Secretary of Agriculture is authorized and directed to approve such action, as will reduce, effective September 1, 1946, the maximum prices presently established for heavy hogs, if such action is determined to be necessary to discourage the feeding of hogs to heavy weights and is permitted by law.

Issued and effective this 9th day of May 1946.

CHESTER BOWLES,
Director.

[F. R. Doc. 46-7992; Filed, May 13, 1946; 9:40 p. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 9—EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

DISCONTINUING CERTAIN MARITIME CONTROL AREAS

CROSS REFERENCE: For proclamation discontinuing certain maritime control areas tabulated in § 9.4 see Proclamation 2691, *supra*.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 132]

PART 12—AMATEUR RADIO: STATIONS AND OPERATORS

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of April 1946:

Whereas, the large number of new and renewal amateur station and operator license applications recently filed with the Commission has made their prompt processing difficult; and

Whereas, many amateur station licensees have changed their station locations since the issuance of their station licenses and now operate from new fixed locations, making it difficult for the Commission to communicate with them; and

Whereas, the provisions of § 12.92 of the Commission's Rules exempt all amateurs who operate portable stations on frequencies above 25 Mc. from the requirements of notice concerning their intended operations; and

Whereas, the provisions of § 12.93 (a) of the Commission's rules are not presently adequate to regulate the operation of non-portable amateur radio stations at permanent locations other than those specified in the station licenses; *It is ordered*, That:

1. The provision in § 12.92 of the Commission's rules exempting amateur radio station licensees who operate portable stations on frequencies above 25 Mc. from the requirements of prior notice to the district inspector where operation is intended is suspended until further order of the Commission. On and after the date of this order, the operation of portable stations on frequencies above 25 Mc. shall be subject to the same requirements of prior notice as are specified for the operation of portable stations on frequencies below 25 Mc. in § 12.92.

2. The provisions of § 12.93 (a) of the Commission's rules regarding the operation of non-portable stations which have been moved from one permanent location to another not specified in the station license, are suspended until further order of the Commission.

3. The licensee of an amateur radio station may, on and after the date of this order, commence operation at a permanent location other than that specified in the station license if advance written notice is given to the inspector in charge of the district for which the station license was issued, and to the inspector in charge of the district in which the operation (on frequencies below or above 25 Mc.) is intended of the following particulars: the station call, the name of the licensee, and the proposed station location.

4. The licensee of an amateur radio station who is now operating at a permanent location other than that specified in the station license may continue such operation if, within thirty days of the date of this order, written notice is given to the inspector in charge of the district for which the station license was issued, and to the inspector in charge of the district in which the station is being operated (on frequencies below or above 25 Mc.) of the following particulars: the station call, the name of the licensee, and the station location.

5. The operator of an amateur station located at a permanent location other than that specified in the station license shall follow the calling procedure referred to in § 12.93 (c).

This order shall become effective immediately.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-8003; Filed, May 13, 1946; 9:52 a. m.]

[Order 91-D]

PART 13—COMMERCIAL RADIO OPERATORS

REVOCATION OF DESIGNATED ORDERS

At a session of the Federal Communications Commission held at its offices at Washington, D. C., on the 26th day of April 1946;

Whereas, pursuant to the successive recommendations of the Defense Communications Board and the Board of War Communications, the Federal Communications Commission has previously adopted its Orders Nos. 91, dated February 17, 1942; 91-A, dated April 21, 1942; 91-B, dated May 28, 1942; and 91-C, dated January 19, 1943; and

Whereas, the purpose of those orders was to meet the critical and growing nation-wide shortage of operators resulting from the wartime demand of the armed services for radiotelephone and radiotelegraph operators; and

Whereas, to accomplish the foregoing purpose, those orders by progressive stages temporarily relaxed, under the specific conditions stated therein, the requirements for operators of radio broadcast stations as established by section 13.61 of the Commission's rules and regulations; and

Whereas, by its own terms Order No. 91-C superseded Orders Nos. 91, 91-A and 91-B; and

Whereas, it now appears that, following the cessation of the wartime demand of the armed services for radiotelephone and radiotelegraph operators and the release of very large numbers of such operators from those services, the shortage of operators which required the adoption of Orders 91, 91-A, 91-B and 91-C has now been, or will shortly be, entirely alleviated;

Now, therefore, *It is hereby ordered*, That on and after August 1, 1946, Order No. 91-C, dated January 19, 1943, shall be cancelled, and thereafter no person shall operate a broadcast station of any class except in accordance with the provisions of Part 13 of the Com-

mission's rules and regulations governing commercial operators.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-8002; Filed, May 13, 1946; 9:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Gen. Order ODT 60, Amdt. 2]

PART 500—CONSERVATION OF RAIL EQUIPMENT

RESTRICTIONS UPON PASSENGER TRAIN SERVICE

Pursuant to Title III of the Second War Powers Act, 1942, as amended, and Executive Order 8989, as amended,

It is hereby ordered, That § 500.90 of General Order ODT 60, as amended (11 F.R. 4920, 4979) be, and it hereby is, amended to read as follows:

§ 500.90 *Restrictions on certain passenger train operations.* No common carrier by railroad engaged in the transportation of passengers within the continental United States shall, on and after 12:01 o'clock A. M., May 10, 1946, and until further order of the Office of Defense Transportation, operate a total daily coal-burning passenger service locomotive mileage in excess of 75 per cent of the total coal-burning passenger service locomotive mileage operated by it on April 1, 1946.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827, Public Law 270, 79th Congress; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 11th day of May, 1946.

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

[F. R. Doc. 46-8005; Filed, May 13, 1946; 10:36 a. m.]

Notices

WAR DEPARTMENT.

[Public Proclamation 12]

ALASKAN DEFENSE COMMAND AND ALASKAN DEPARTMENT

ESTABLISHMENT OF COOK INLET AERIAL GUNNERY AND BOMBING RANGE

APRIL 18, 1946.

Whereas, by Executive Order No. 8872, dated August 27, 1941 (6 F.R. 4470) the President of the United States of America, pursuant to the act of July 9, 1918, (c. 143, 40 Stat. 848; 10 U.S.C. 1341), withdrew from all forms of appropriation under the public land laws, including mining laws, for use of the War Department as an aerial gunnery and bombing range the below described area in the Territory of Alaska, subject to valid rights existing on August 27, 1941, and excepting therefrom fishing villages and the area withdrawn by Executive Order No. 2141, dated February 27, 1915, now known as the "Moquawkie Indian Reservation"; and

Whereas, the area described in said Executive Order No. 8872, dated August 27, 1941, is included in the following description:

From an initial point beginning at corner No. 1, not monumented, at the line of mean high tide on the most easterly part of Harriet Point on the west shore of Cook Inlet, approximate latitude 60°23'30" N., longitude 152°14'30" W.; by metes and bounds N. 70° W., 18 miles, to the highest point on Mount Redoubt; thence N. 16° E., 58 miles, to the highest point on Mount Spurr; thence N. 68° E., 25 miles, to the foot of Triumvirate Glacier; thence S. 55° E., 27 miles, to the west shore of Cook Inlet, at a point 1½ miles east of the light at the mouth of Beluga River; thence southwesterly, along the line of mean high tide to the point of beginning; the area described, including both public and nonpublic lands, aggregating 1,210,000 acres; and

Whereas, the area withdrawn by Executive Order No. 2141, dated February 27, 1915, now known as the "Moquawie Indian Reservation," is included in the following description:

From an initial point beginning at Granite Point, a headland projecting into Cook Inlet about five miles southwest from Tyonek and approximately in latitude 61°01' N., and longitude 151°21' W., which point is also marked by large rocks exposed at low tide; thence running westward with the shore, one half mile to a point; thence north to the middle of the main current of the Chuit River, eight miles more or less; thence with the main channel of said stream to where it discharges into Cook Inlet; thence along the shore thereof southwesterly to the point of beginning; the area described estimated to include 25,000 acres; and

Whereas, the General Land Office of the United States Department of Interior did on September 24, 1941, notify the War Department of the following patented claims, and valid rights under the public land laws of record within the area described above, and in said Executive Order No. 8872, as of August 27, 1941:

United States Survey 194, two tracts aggregating 4.23 acres;
United States Survey 363, two tracts aggregating 6.28 acres;
United States Survey 364, one tract aggregating 9.68 acres;
United States Survey 1808, one tract aggregating 55.91 acres;
United States Survey 1999, one tract aggregating 15.26 acres;
United States Survey 2089, one tract aggregating 159.93 acres;
United States Survey 2345, one tract aggregating 5.00 acres

and

Whereas, the General Land Office of the United States Department of Interior did inform the War Department on September 24, 1941, that other valid rights than those on record with the General and District Land Offices of the United States Department of Interior may exist; and

Whereas, it is intended that the area described above and in Executive Order No. 8872, dated August 27, 1941, excepting the areas described in Executive Order No. 2141, dated February 27, 1915, and valid rights existing prior to August 27, 1941, to be used by the War Department for the purpose of an Aerial Gunnery and Bombing Range in the immediate future;

Now, therefore, I, Delos C. Emmons, Lieutenant General, United States Army, by virtue of the authority vested in me by and pursuant to the above designated Executive orders of the President of the United States, and my powers and prerogatives as Commanding General of the Alaskan Department, do hereby proclaim and declare that:

(a) The area described above and by Executive Order No. 8872, dated August 27, 1941, except the areas described in Executive Order No. 2141, dated February 27, 1915, and the areas comprising the valid rights of record above described including fishing villages and their normal approaches and exits, existing before August 27, 1941, is designated for use by the War Department, as the Cook Inlet Aerial Gunnery and Bombing Range;

(b) Inasmuch as there may be valid rights which vested prior to August 27, 1941, other than those of record, and above described, notice is hereby given to all persons who may have such rights that if they fail to assert said rights and notify the Headquarters Alaskan Department prior to a date sixty (60) days from the date of this Proclamation, they do so at their own risk and peril and may be subjected to possible bombings and gunfire;

(c) Aerial gunnery practice and air to ground bombing will be conducted within the confines of said Cook Inlet Aerial Gunnery and Bombing Range, generally to within two miles of the west shore line of Cook Inlet, and more specifically, northwesterly of a line described as follows:

Commencing on the southwest boundary of said area two miles from the west shore line of Cook Inlet; thence northeasterly along a line two miles inland to a point two miles from the mouth of the Katnu River; thence continuing northeasterly on a straight line to a point two miles from the mouth of the McArthur River; thence continuing northeasterly on a straight line to the northwest corner of the Moquawkie Indian Reservation on the Chuit River (Chuitna); and thence continuing northeasterly on a straight line to a point two miles from the mouth of the Beluga River;

(d) All persons who do not have special permits from the Headquarters Alaskan Department are prohibited from the danger area described in (c) above, and those who violate such prohibition do so at their own risk and peril and will be subject to prosecution under the Act of March 28, 1940 (c. 73, 54 Stat. 80; 18 U.S.C. 97), and the Act of March 21, 1942 (c. 191, 56 Stat. 173; 18 U.S.C. 97c); and

(e) The location of the Cook Inlet Aerial Gunnery and Bombing Range, and the danger area herein described, are as indicated on chart.[1]

[SEAL] DELOS C. EMMONS,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 46-8006; Filed, May 13, 1946; 10:43 a. m.]

[1] Chart filed with original document.

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

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

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

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890):

The Nite Kraft Corporation, 3d and Race Sts., Sunbury, Pennsylvania; men's & boys' sleeping wear; ten (10) percent (T); effective May 6, 1946, expiring May 5, 1947.

Tex-son Company, 3021 W. Martin Street, San Antonio, Texas; children's outer garments; ten (10) learners (T); effective May 8, 1946, expiring May 7, 1947.

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079):

B. C. Hosiery Mill, 443 West Church St., Newport, Tennessee; seamless hosiery; twenty (20) learners (E); effective May 5, 1946, expiring October 4, 1946.

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

Signed at New York, New York, this 9th day of May 1946.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 46-8015; Filed, May 13, 1946; 11:17 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 7193]

CAPITAL BROADCASTING CO.

NOTICE OF ERRONEOUS PUBLICATION

In re application of Capital Broadcasting Company, Washington, D. C., for construction permit; Docket No. 7193, File No. B1-PH-199.

The order in the above-entitled application, appearing in the Friday, May 10, 1946, issue of the FEDERAL REGISTER, at page 5129, is in error. It is hereby requested that it be stricken from the FEDERAL REGISTER.

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

[F. R. Doc. 46-7950; Filed, May 10, 1946; 4:16 p. m.]

[Docket No. 7190]

MID-COASTAL BROADCASTING CO.

NOTICE OF ERRONEOUS PUBLICATION

In re application of Mid-Coastal Broadcasting Company, Washington, D. C., for construction permit; Docket No. 7190, File No. B1-PH-450.

The order in the above-entitled application, appearing in the Friday, May 10, 1946, issue of the FEDERAL REGISTER, at page 5129, is in error. It is hereby requested that it be stricken from the FEDERAL REGISTER.

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

[F. R. Doc. 46-7949; Filed, May 10, 1946; 4:16 p. m.]

[Docket No. 6824]

WOOP, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of WOOP, Inc., Dayton, Ohio, for construction permit. File No. B2-P-3987; Docket No. 6824.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of March 1946;

The Commission having under consideration the application of WOOP, Inc. (File No. B2-P-3987; Docket No. 6824) for a construction permit for a new standard broadcast station to be operated on the frequency 1150 kc with 5 kw power, unlimited time, employing a directional antenna both day and night at Dayton, Ohio;

It is ordered, That this application be designated for hearing in a consolidated proceeding with the applications of Fostoria Broadcasting Company (File No. B2-P-4430; Docket 7356), Northwestern Ohio Broadcasting Corporation (File No. B2-P-4447; Docket No. 7357), and KSAL, Inc. (KSAL) (File No. B4-P-4364; Docket No. 7490) on the following issues:

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

2. To determine the areas and populations which would gain primary service through the operation of the proposed station and what other broadcast services are 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 service, 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 erection of the antenna system proposed would be consistent with the Civil Aeronautics Administration requirements.

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 any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Bills of Particulars heretofore issued in these proceedings be, and the same are hereby, amended to include the application of WOOP, Inc. (File No. B2-3987; Docket No. 6824).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-7999; Filed, May 13, 1946; 9:52 a. m.]

[Docket Nos. 7528-7531]

SOUTHERN BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southern Broadcasting Company, Charleston, S. C., Docket No. 7528, File No. B3-P-4640; Richard E. Adams, James H. Shoemaker and Albert A. Anderson, d/b as Coastal Broadcasting Company, Charleston, S. C., Docket No. 7529, File No. B3-P-4570; Charleston Broadcasting Company, Charleston, S. C.; Docket No. 7530, File No. B3-P-4248; Fort Sumter Broadcasting Company, Charleston, S. C.; Docket No. 7531, File No. B3-P-4705; for construction permits.

At a session of the Federal communications Commission held at its offices in Washington, D. C., on the 17th day of April 1946;

The Commission having under consideration the applications of Southern Broadcasting Company (File No. B3-P-4640; Docket No. 7528), Richard E. Adams, James H. Shoemaker and Albert

A. Anderson, d/b as Coastal Broadcasting Company (File No. B3–P–4570; Docket No. 7529), Charleston Broadcasting Company (File No. B3–P–4248; Docket No. 7530), and Fort Sumter Broadcasting Company (File No. B3–P–4705; Docket No. 7531), for construction permits for new standard broadcast stations to operate on 1450 kc with 250 watts power, unlimited time, at Charleston, South Carolina;

It is ordered, That the applications of Southern Broadcasting Company; Richard E. Adams, James H. Shoemaker and Albert A. Anderson, d/b as Coastal Broadcasting Company; Charleston Broadcasting Company, and Fort Sumter Broadcasting Company be, and they are hereby, designated for hearing in a consolidated proceeding on the following issues:

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

2. To determine the areas and populations which would gain primary service from the operation of the proposed stations, and what other broadcast services are available to those areas and populations.

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

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing or proposed broadcast service 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 stations 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.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–8000; Filed, May 13, 1946; 9:52 a. m.]

[Docket No. 7553]

HIGH POINT ENTERPRISE, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATING HEARING ON STATED ISSUES

In re application of High Point Enterprise, Inc., High Point, N. C., for construction permit; Docket No. 7553, File No. B3–P–4199.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of April 1946;

The Commission having under consideration a petition filed March 14, 1946, by A. J. Fletcher, Greensboro, North Carolina, requesting the Commission to reconsider and rescind its action of March 6, 1946, granting a construction permit to High Point Enterprise, Inc., High Point, North Carolina (File No. B3–P–4199); to designate the application of High Point Enterprise, Inc. for hearing; to designate for hearing petitioner's application for construction permit (File No. B3–P–4513; Docket No. 7504) and the application of the News and Observer Publishing Company, Raleigh, North Carolina, for construction permit (File No. B1–P–4176; Docket No. 7505); and to order the three applications to be heard in a consolidated hearing; and the opposition thereto filed on March 21, 1946 by High Point Enterprise, Inc., High Point, North Carolina;

It is ordered, That the petition of A. J. Fletcher, Greensboro, North Carolina, for reconsideration and rescission of the grant of March 6, 1946 of the High Point Enterprise, Inc. application for construction permit (File No. B3–P–4199) be, and it is hereby, granted; the grant of the High Point Enterprise, Inc. application be, and it is hereby, set aside; and the application of High Point Enterprise, Inc., High Point, North Carolina, for construction permit (File No. B3–P–4199) be, and it is hereby, designated for hearing in a consolidated proceeding with the applications of A. J. Fletcher, Greensboro, North Carolina, for construction permit (File No. B3–P–4513; Docket No. 7504) and News and Observer Publishing Company, Raleigh, North Carolina, for construction permit (File No. B1–P–4176; Docket No. 7505) upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporations, their officers, directors and stockholders, to construct and operate the proposed stations.

2. To determine the areas and populations which would gain primary service through the operation of the proposed stations and what other broadcast services are 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 stations would involve objectionable interference with any existing or proposed broadcast service 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 stations would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

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

It is further ordered, That the bill of particulars heretofore issued on April 3, 1946, in connection with the applications of A. J. Fletcher, Greensboro, North Carolina (File No. B3–P–4513; Docket No. 7504) and News and Observer Publishing Company, Raleigh, North Carolina (File No. B1–P–4176; Docket No. 7505) be, and they are hereby, amended to include the application of High Point Enterprise, Inc., High Point, North Carolina (File No. B3–P–4199; Docket No. 7553).

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–8001; Filed, May 13, 1946; 9:52 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC 33 (b)]

ALIMENTARY PASTES

USE OF GLUTEN

In the matter of amending the definitions and standards of identity for macaroni products, milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, and vegetable noodle products so as to permit the use of gluten in such products as an optional ingredient, and fixing and establishing a definition and standard of identity for gluten macaroni products.

Proposed order. It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetics Act (§§ 401, 701, 52 Stat. 1046, 1055; 21 U.S.C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561, 5 U.S.C. 133) and Reorganization Plans No. 1 (53 Stat. 1423, 4 F.R. 2727) and No. IV (54 Stat. 1234, 5 F.R. 2421); and upon the basis of evidence of record at the hearing duly held pursuant to the notice issued on September 15, 1945 (10 F.R. 11818, the following order be made:

Findings of fact.[1] 1. Wheat gluten is composed of two proteins, gliadin and glutenin. The commercially prepared gluten product used in the United States for increasing the gluten content of alimentary pastes is made by washing the starch from flour and drying the remaining sticky mass at a low temperature. The resulting product contains approximately 80% protein and is commonly known as "gum gluten". (R. 10–12, 16–18, 75, 220, 467, 469, 478.)

2. Alimentary pastes to which gum gluten is added, with resulting increase in the protein content for which representations are made, fall into two general groups, one in which the gluten content of the finished product is increased to 18 or 20 percent, the other in which the gluten content is increased to approximately 40%. (R. 479, 480; Ex. 24.)

3. Alimentary pastes containing sufficient added gum gluten to raise their gluten content to approximately 40% are known as "gluten macaroni", "gluten spaghetti", etc.; and are sold almost en-

[1] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings of fact are not based solely on that portion of the record to which reference is made but upon consideration of all the evidence of record.

tirely in stores of the type usually referred to as "health food stores". These pastes are consumed principally by persons suffering from diabetes or persons on so-called reducing diets. When thoroughly cooked such alimentary pastes are not unpalatable but their taste, appearance, and other physical properties differ considerably from those of ordinary macaroni products, and more time is required for their cooking. Recently, soy flour has been used in some of these foods in lieu of a part of the gum gluten ordinarily added. (R. 473–474, 479, 488–492, 494–495; Ex. 24)

4. Alimentary pastes containing added gum gluten in amounts sufficient to bring the total gluten content of the finished product to around 18 or 20 percent are also generally known as "gluten macaroni", "gluten spaghetti", etc. Recently, such designations as "18% gluten macaroni" and "20% gluten macroni" have been used. These pastes, when manufactured primarily for persons of Italian antecedents, are sometimes sold under the Italian name of "pastina glutinata". This type of alimentary paste does not differ to a marked degree in taste or appearance from ordinary macaroni products manufactured from semolina, although it requires slightly more cooking time. The sale of such foods has been largely promoted by representations that they are low in starch, are nonfattening, that they can replace other foods as sources of protein in the diet, or that they serve some other special purpose in the diet. (R. 72–76, 92, 93, 100–102, 115, 132, 174–176, 268, 280, 455, 473, 480–485, 491–494; Ex. 6, 12, 17–24.)

5. The addition of gum gluten to alimentary pastes in amounts sufficient to raise the total gluten content to 18 or 20 percent, or to approximately 40%, results in a substantial increase in the cost of these pastes. Such increased cost is passed on to the consumer. The sale of such pastes is quite small in comparison with ordinary macaroni products containing no added gluten. (R. 23, 73, 257, 259, 416, 474, 480, 494–496, 502, 688, 689; Ex. 3.)

6. Notwithstanding the lower starch content of alimentary pastes containing 18 to 20 percent or even 40% of gluten, their dietary effect is but little different from that of ordinary macaroni products, since the body converts 50 to 60 percent of the gluten to carbohydrates. Persons suffering from diabetes derive little if any benefit from the use of these foods; representations concerning the reduced carbohydrate content may lead such persons to the mistaken belief that such foods may be freely eaten without exceeding their tolerances for carbohydrates. Persons on so-called reducing diets who consume these lower starch products in the belief that they are less fattening than ordinary macaroni products are also deceived since gluten has the same energy and fat producing value as starch. (R. 33–44, 475, 476)

7. The protein content of flour is mainly gluten. Gluten alone will not adequately meet the protein needs of the body. To meet such needs gluten must be supplemented by proteins of animal origin or derived from oil-bearing seeds. The average diet of persons in the United States is not deficient in protein, and due to the wide consumption of products made from flour, a large part of such protein is gluten. Thus, no need exists for a specially prepared protein food where the increase of protein is accomplished by the addition of gum gluten, and from a dietary standpoint, little benefit will result from its consumption. The use of alimentary pastes containing added gum gluten for supplementing the protein content of the diet is irrational and uneconomical. (R. 52, 75, 196, 288, 289, 290, 351, 374, 475, 496, 548, 551, 582, 583, 617, 645–659; Ex. 25, 26, 27)

8. The preparation of alimentary pastes of various shapes is made possible by the peculiar sticky, gummy physical properties of gluten in flour, durum flour, farina, and semolina. In order to manufacture certain shapes without excessive breakage in drying, packing, and shipping it is necessary that the gluten content of the finished product be approximately 13%. In the last few years the protein content of many wheats grown in the United States has been decreasing so that much raw material used in alimentary pastes has contained less than 13% gluten, thereby causing an increase in manufacturing difficulties. Some manufacturers of alimentary pastes have found that by adding small amounts of gluten to the dough some of these difficulties are overcome and loss by breakage in manufacturing and shipping is so reduced as to offset the cost of the added gum gluten. (R. 13, 381–386, 389, 390, 410, 413–415, 419–421, 668, 670–673, 690; Ex. 4, 14.)

Conclusions. On the basis of the foregoing findings of fact it is concluded that:

(a) It will not promote honesty and fair dealing in the interest of consumers to adopt a definition and standard of identity for gluten macaroni products.

(b) It will not promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for macaroni products, milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, and vegetable noodle products to provide for the use of gluten as an optional ingredient so as to raise the gluten content of these products to 18% or more.

(c) Amending the definitions and standards of identity for macaroni products, milk macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, and vegetable noodle products for the optional use of gluten in amounts sufficient to supplement deficiencies of gluten in the raw materials so as to permit their more efficient manufacture into alimentary pastes will promote honesty and fair dealing in the interest of the consumer.

Therefore, *It is ordered,* That no definition and standard of identity for gluten macaroni products be promulgated.

It is further ordered, That the definition and standard of identity for whole wheat macaroni products be not amended to provide for gluten as an optional ingredient of this food, and that the definitions and standards of identity for macaroni products, milk macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products and vegetable noodle products, be amended as follows:

Section 16.1 (a), last line of first paragraph, strike "(4)" and insert "(5)" therefor. Add the following new subparagraph after subparagraph (4):

(5) Gum gluten, in such quantity that the protein content of the finished food is not more than 13% by weight.

Section 16.2 (a) (2), add the following sentence at the end thereof: "When the optional ingredient gum gluten (§ 16.1 (a) (5)) is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour, or any combination of these used, does not exceed 13% of the weight of the finished food."

Section 16.3 (a) (2) is amended to read:

(2) None of the optional ingredients permitted by § 16.1 (a) (1), (2), and (5) is used.

Section 16.4 (a) (2), add the folowing new sentence at the end thereof: "When the optional ingredient gum gluten (§ 16.1 (a) (5)) is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13% of the weight of the finished food."

Section 16.5 (a) (2), add the following new sentence at the end thereof: "When the optional ingredient gum gluten (§ 16.1 (a) (5) is added, the quantity is such that the protein derived therefrom, together with the protein derived from the semolina, durum flour, farina, flour or any combination of these used, does not exceed 13% of the weight of the finished food."

Section 16.6 (a), last line of first paragraph, strike "(2)" and substitute "to (3), inclusive." Add the following new subparagraph after subparagraph (2):

(3) Gum gluten, in such quantity that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13% of the weight of the finished food.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, filed with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3257 Social Security Building, 4th Street and Independence Avenue, SW, Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such excep-

tions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Washington, D. C., May 10, 1946.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 46-8022; Filed, May 13, 1946; 11:55 a. m.]

[Docket No. FDC-33 (a)]

ALIMENTARY PASTES

USE OF VITAMINS, ETC.

In the matter of fixing and establishing a definition and standard of identity for each of the following foods; enriched macaroni, enriched spaghetti, enriched vermicelli, enriched noodles; and of the amendment of the definitions and standards of identity for macaroni, spaghetti, vermicelli, macaroni products, noodles, egg noodles, noodle products, egg macaroni, and related foods, named in Alimentary Pastes Order (9 F.R. 14881), to permit use of vitamins, minerals, wheat germ, and dehydrated yeast, as optional ingredients.

Proposed order. It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (§§ 401, 701, 52 Stat. 1046, 1055; 21 U.S.C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561; 5 U.S.C. 133); and Reorganization Plans No. I (53 Stat. 1423, 4 F.R. 2727) and No. IV (54 Stat. 1234, 5 F.R. 2421); and upon the basis of evidence of record of the hearing duly held pursuant to the notice issued on December 27, 1944 (9 F.R. 15008), the following order be made:

Findings of fact.[1] 1. The average per capita consumption of macaroni and noodle products in the United States is small, although these foods are widely distributed. However, persons of Italian antecedents consume such foods in much greater quantities than the national average. Macaroni and noodle products constitute a staple food for these persons. (R. 194, 198, 249–250, 356–358, 433–436, 538, 849–850, 886, 890; Ex. 1, 11, 16, 18, 21, 29, 40, 41.)

2. Surveys showing the amounts and kinds of food purchased by families of different income levels indicate that the diets of many persons in the United States are deficient in one or more of these vitamins and minerals required as added ingredients in enriched flour and bread. Inadequate diets occur most frequently among families in the low income brackets. The consumption of enriched flour and enriched bread has not entirely overcome these deficiencies. (R. 349–353, 417, 475–479, 485, 494, 514–515, 528–529, 536, 755–758, 779, 794; Ex. 24, 31, 33, 41, 43, 45.)

3. Persons of Italian antecedents frequently live in urban communities and many are in the lower income brackets. These persons constitute a significant population group in the United States. (R. 251–252, 501, 542, 719, 794–795; Ex. 11.)

4. Food Surveys in certain urban communities containing large numbers of persons of Italian antecedents disclose that the diets of consumers in the lower income brackets are deficient in most of the vitamins and minerals added to enriched flour, that these consumers use much larger amounts of macaroni and noodle products than the national average, and their diet would be materially improved by the enrichment of macaroni and noodle products. (R. 437–439, 449–460, 467, 791, 847, 898, 959–960; Ex. 11, 45.)

5. Persons of Italian antecedents consume large quantities of bread. The type of bread preferred by these persons is frequently unenriched. (R. 758, 787, 788, 791: Ex. 34, 40.)

6. There is a tendency for persons who eat macaroni and noodle products to consume correspondingly less of other cereal foods, which are inexpensive sources of energy, including bread. (R. 501–502, 539, 549–550, 719, 862–863; Ex. 42, 46, 47.)

7. Some macaroni and noodle products containing miscellaneous additions of vitamins and iron, or ingredients of high vitamin and mineral content, have been manufactured and sold. Such additions have led to representations designed to promote the sale of these products which have resulted in the confusion of many consumers as to the benefits which they could expect to receive from these products. (R. 31, 51, 235–241, 259, 317–328, 360, 373, 391, 397, 400, 410, 770–771, 846; Ex. 1, 7, 26, 27, 28.)

8. In preparing macaroni and noodle products for consumption they are generally boiled in excessive quantities of water and the remaining water discarded. This causes a loss to the consumer of a large proportion of the water-soluble constituents, particularly the water-soluble vitamins and minerals. (R. 70, 109–113, 166–167, 309–316, 421, 603, 633, 670, 917; Ex. 1, 5, 6, 7, 8, 12, 23, 38, 39, 41, 42.)

9. In preparing enriched macaroni products for consumption the losses of water-soluble vitamins and minerals vary, depending on time of cooking, amount of water used, whether blanched, etc., but reasonable estimates of such losses are as follows:

Thiamine	50%.
Riboflavin	30%.
Niacin	40%.
Iron (metallic)	very small or none.
Vitamin D	very small or none.
Calcium	very small or none.

(R. 65–67, 74, 76, 81–83, 88, 109–113, 125–130, 137–138, 213–218, 246–247, 254, 263–266, 272, 289, 309–315, 620, 651–658, 924–927, 935–936, 940–941; Ex. 5, 6, 7, 8, 9, 12, 23, 30, 38, 39.)

10. The record contains no specific evidence of losses of vitamins and minerals in the cooking of enriched noodle products. However, since noodle products are similar in composition to macaroni products, and are cooked in the same manner, there is adequate basis for concluding that the cooking losses are approximately the same. (R. 205–206; Ex. 1.)

11. In order to prevent consumer confusion and probable deception, macaroni products or noodle products known as "enriched" should have the same required and optional enriching ingredients as enriched flour. The minimum amounts of such ingredients in enriched macaroni products and in enriched noodle products should be adequate to compensate for cooking losses and reasonable maximum limits should be prescribed to maintain the identity of these foods. Maximum limits 25% higher than minimum requirements are reasonable for the purpose of maintaining identity. (R. 163, 244, 353, 361, 367–368, 397, 421, 502–505, 513, 954)

12. The uniform distribution in macaroni and noodle products of the ingredients used to enrich flour presents no manufacturing difficulties, when harmless carriers are used to achieve such distribution. Little loss of the enriching ingredients occurs in the manufacturing of enriched macaroni and noodle products. (R. 85–86, 89–90, 261–262, 365–366, 421, 626–628, 636, 940; Ex. 10)

13. The approximate cost of vitamins and minerals which must be added in the preparation of enriched macaroni and enriched noodle products to compensate for reasonable cooking losses is 5.4 cents per 100 lbs. based on the wholesale prices of these substances at the time of hearing. Ample supplies of the necessary vitamins and minerals are available. (R. 359, 623–625, 774–775, 857, finding 9 ante)

14. Partially defatted wheat germ is a suitable ingredient for enriching macaroni products and noodle products within the limits prescribed therefor in the definition and standard of identity for enriched flour. (R. 27, 57, 345, 364, 675, 857, 937–939; Ex. 4, 41, 44)

15. The record contains no evidence of protein deficiency in the diet of persons in the United States, and no evidence showing any need for a special macaroni product or special noodle product containing additional protein derived from wheat germ or yeast. Dried yeast, due to its high content of the vitamin thiamine and niacin, is suitable for use as an ingredient for supplying all or part of the required amounts of such vitamins in enriched macaroni products and enriched noodle products. (R. 50, 52, 345, 396, 552, 640–641, 661–666, 675, 677–678, 680, 937)

Conclusions. Based on the foregoing findings of fact it is concluded that:

(a) To amend the definitions and standards of identity for macaroni products, milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, and vegetable noodle products, so as to permit the use of vitamins, minerals, wheat germ and dehydrated yeast as optional ingredients in each of these foods, will not promote honesty and fair dealing in the interest of consumers.

(b) To establish definitions and standards of identity for enriched macaroni

[1] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings of fact are not based solely on that portion of the record to which reference is made but upon consideration of all the evidence of record.

products and enriched noodle products will promote honesty and fair dealing in the interest of consumers.

Therefore, *It is ordered*, That the definitions and standards of identity for macaroni products, milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, and vegetable noodle products, be not amended to provide for vitamins, minerals, wheat germ, and dehydrated yeast as optional ingredients in such foods.

It is further ordered, That the following regulations fixing and establishing definitions and standards of identity for enriched macaroni products and enriched noodle products be and are hereby promulgated:

§ 16.9 *Enriched macaroni products; identity; label statement of optional ingredients.* (a) Enriched macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f), except that:

(1) Each such food contains in each pound not less than 4 mgs and not more than 5 mgs of thiamine, not less than 1.7 mgs and not more than 2.2 mgs of riboflavin, not less than 27 mgs and not more than 34 mgs of niacin or niacin amide, and not less than 13 mgs and not more than 16.5 mgs of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mgs and not more than 625 mgs of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched macaroni product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched macaroni product.

(b) Enriched macaroni is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Enriched spaghetti is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Enriched vermicelli is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "enriched macaroni product"; or alternately, the name is "enriched macaroni", "enriched spaghetti", or "enriched vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), or (d) respectively of this section.

§ 16.10 *Enriched noodle products; identity; label statement of optional ingredients.* (a) Enriched noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that:

(1) Each such food contains in each pound not less than 4 mgs and not more than 5 mgs of thiamine, not less than 1.7 mgs and not more than 2.2 mgs of riboflavin, not less than 27 mgs and not more than 34 mgs of niacin or niacin amide, and not less than 13 mgs and not more than 16.5 mgs of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mgs and not more than 625 mgs of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3), of this paragraph, through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched noodle product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched noodle product.

(b) Enriched noodles, enriched egg noodles, are the enriched noodle products the units of which conform to the specifications of shape and size prescribed for noodles in § 16.6 (b).

(c) Enriched egg macaroni is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni in § 16.6 (c).

(d) Enriched egg spaghetti is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti in § 16.6 (d).

(e) Enriched egg vermicelli is the enriched noodle product the units of which conform to the specifications of shape and size prescribed in § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Noodle Product" or "Enriched Egg Noodle Product"; or alternately, the name is "Enriched Noodles", or "Enriched Egg Noodles", "Enriched Egg Macaroni", "Enriched Egg Spaghetti", or "Enriched Egg Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), (d), or (e) respectively of this section.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3257, Social Security Building, 4th Street and Independence Avenue, SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Washington, D. C., May 10, 1946.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 46-8021; Filed, May 13, 1946; 11:55 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5233]

NATIONAL LEAD CO. ET AL

NOTICE OF HEARING

In the matter of National Lead Company, a corporation, Eagle-Picher Lead Company, a corporation, Eagle-Picher Sales Company, a corporation, Anaconda Copper Mining Company, a corporation, International Smelting & Refining Company, a corporation, The Sherwin-Williams Company, a corporation, and The Glidden Company, a corporation. Docket No. 5253.

Amended complaint. This amended complaint is filed to obtain relief from acts of respondents because of their violations, jointly and severally, as hereinafter alleged in Count I herein, of section 5 of an act of Congress entitled "An act to create a Federal Trade Commission,

to define its powers and duties, and for other purposes," commonly referred to as the Federal Trade Commission Act, as approved September 26, 1914, and amended March 21, 1938 (38 Stat. 717; 15 U. S. C. A. sec. 41; 52 Stat. 111), and because of their violations, as alleged in Count II herein, of Section 2 (a) of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," commonly referred to as the "Clayton Act," as approved October 15, 1914, and amended June 19, 1936 (38 Stat. 730; 15 U. S. C. A. sec. 12, 49 Stat. 1526; 15 U. S. C. A. sec. 13, as amended).

COUNT I. THE CHARGE UNDER THE FEDERAL TRADE COMMISSION ACT

PARAGRAPH 1. Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that the parties named in the caption hereof, and more particularly described and referred to hereinafter as respondents, have violated the provisions of section 5 of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its amended complaint, stating its charges in that respect as follows:

Nature of Charges

PAR. 2. Respondent National Lead Company is charged in this Count I of the amended complaint with having monopolized and attempted to monopolize the interstate sale of lead pigments and with having acted unlawfully to secure a monopolistic control over the prices of lead pigments in the United States, and with having combined, conspired and cooperated with the other respondents to hinder, lessen and eliminate price competition in the sale of lead pigments in the United States. It and each of the other respondents are charged with using unfair, oppressive and discriminatory acts, methods and practices in connection with the sale of lead pigments in the United States.

Description of Respondents

PAR. 3. Each of the respondents is particularly named and described as follows: (a) National Lead Company, a New Jersey corporation with its principal offices at 111 Broadway, New York, N. Y. (sometimes hereinafter referred to merely as National). (b) Eagle-Picher Lead Company, an Ohio corporation with its principal offices at 901 Temple Bar Building, Cincinnati, Ohio, parent corporation of respondent Eagle-Picher Sales Company. (c) Eagle-Picher Sales Company, a Delaware corporation with its principal offices at 901 Temple Bar Building, Cincinnati, Ohio, the wholly-owned subsidiary of respondent Eagle-Picher Lead Company (sometimes hereinafter respondents Eagle-Picher Lead Company and Eagle-Picher Sales Company both are referred to merely as Eagle-Picher). (d) Anaconda Copper Mining Company, a Montana corporation with its principal office located at 25 Broadway, New York, N. Y., parent corporation of respondent International Smelting & Refining Company (sometimes hereinafter referred to merely as Anaconda). (e) International Smelting & Refining Company, a Montana corporation with its principal office at 25 Broadway, New York, N. Y., a wholly-owned subsidiary of respondent Anaconda Copper Mining Company (sometimes hereinafter referred to merely as International). (f) The Sherwin-Williams Company, an Ohio corporation, with principal offices at 101 Prospect Avenue Northwest, Cleveland, Ohio (sometimes hereinafter referred to merely as Sherwin-Williams). (g) The Glidden Company, an Ohio corporation with principal offices located at Union Commerce Building, Cleveland, Ohio (sometimes hereinafter referred to merely as Glidden).

Definitions and Explanation of Terms

PAR. 4. Some of the terms hereinafter used are defined and explained as follows:

A. *Lead pigments.* This term includes the lead pigments commonly known in the industry as white lead (both basic carbonate and basic sulfate of lead); blue lead; red lead (or red oxide of lead); litharge (or monoxide of lead); orange mineral and grinders' lead paste. Such pigments are marketed either as dry products, in the form of dry powder, or in oil, in the form of a paste after mixture with linseed or other oils.

B. *Pig lead.* Pig lead is a product derived from the smelting and refining of lead ore or lead "concentrates." The pig lead is secured after the smelting and refining has removed sulphur and other impurities from the lead ore and which are found in it as it is taken from the mines.

C. *Commerce.* The term commerce as hereinafter used means "commerce" as defined in the Federal Trade Commission Act.

Description and History of Industry and the Commerce of Respondents

PAR. 5. The respondents herein, either directly or indirectly through subsidiary corporations or operating divisions, are engaged in the manufacture, sale and distribution of lead pigments in commerce, and some of them, including respondents National, Eagle-Picher, Sherwin-Williams and Glidden, are also engaged in the use of lead pigments in their manufacture of paint. The lead pigments thus produced are an important item in commerce between and among the several States. They are a principal item used in the manufacture of paint, and the paint produced from such pigments is held in high esteem by builders and users as of the highest possible quality for application to exteriors of buildings, ships and other structures. Such pigments have other important industrial and commercial uses too numerous to mention herein.

For a part of the period covered by this amended complaint the respondent Eagle-Picher Lead Company directly sold and distributed lead pigments in commerce, and it has also indirectly sold and distributed such products in commerce since the formation and incorporation in the State of Delaware of its wholly-owned subsidiary, respondent Eagle-Picher Sales Company, which now serves respondent Eagle-Picher Lead Company as a marketing medium for products of the parent company.

During a part of the period covered by this complaint, respondent Anaconda Copper Mining Company engaged in the production and distribution in commerce of lead pigments through a subsidiary corporation, Anaconda Lead Products Company, and since about 1936 Anaconda Copper Mining Company has distributed in commerce the lead pigments produced by its wholly owned subsidiary, respondent International Smelting and Refining Company through Anaconda Sales Company, Pigments Division, a subsidiary of Anaconda Copper Mining Company.

The production of the National Lead Company and the other producing respondents accounts for substantially all of the lead pigments produced and sold in the United States, while that of National accounts for more than half of the total production of the respondents. Therefore, in the aggregate, the producing respondents are the manufacturers and primary sellers to whom purchasers and users of lead pigments must turn for supplies of lead pigments, and respondent National is the dominant producer in the field. The production and distribution of pig lead, from which lead pigments are produced, is also concentrated in the hands of a few corporations, including respondents National and Eagle-Picher.

Offenses Charged

PAR. 6. Respondent National Lead Company has violated and is now violating the provisions of Section 5 of the Federal Trade Commission Act by monopolizing, attempting to monopolize and acting to control the sale of lead pigments and the prices thereof in commerce. Respondents National Lead Company, Eagle-Picher Lead Company, Eagle-Picher Sales Company, Anaconda Copper Mining Company, International Smelting & Refining Company, The Sherwin-Williams Company and The Glidden Company have violated and are now violating the provisions of Section 5 of the Federal Trade Commission Act by combining, conspiring, hindering, suppressing and eliminating competition in prices and terms of sale of lead pigments in commerce. Each of said respondents has violated and is now violating the provisions of Section 5 of the Federal Trade Commission Act by engaging in and continuing unfair, oppressive and discriminatory acts, methods and practices in connection with sales and offers to sell lead pigments in commerce.

Charges Particularized

PAR. 7. Respondent National Lead Company at the time of its inception, in 1891, embarked upon the execution of a plan and program to secure unto it a monopoly of and a monopoly power and control over the manufacture, pricing, sale and distribution of lead pigments in commerce. Pursuant to, in furtherance of, and in order to effectuate the purposes of that plan and program, respondent National has engaged in, continued and is now doing and performing and

carrying on the following acts, methods and practices:

A. Bought, merged and otherwise acquired control over or confederated with and secured the cooperation of other producers, buyers and sellers of pig lead destined for use in the manufacture of lead pigments. In furtherance of that part of its plan and program to monopolize the lead pigments industry and to secure control over the pricing of lead pigments in commerce:

(1) National, on or about December 7, 1891, succeeded to the control which had prior thereto been exercised by the National Lead Trust over the operations and activities of approximately sixteen previously independent firms engaged in the manufacture, sale and distribution of lead pigments, linseed oil and kindred products, and thereafter continued its expansion by acquiring control over additional units in the lead industry.

(2) National, in 1906, acquired control of the United Lead Company which had previously been formed through the acquisition of what had been numerous independent producers and refiners of lead.

(3) National, in 1907, acquired all of the stock of the Magnus Metal Company (Magnus Company, Inc.).

(4) National, shortly thereafter, acquired control of the business of Heath & Milligan Manufacturing Company of Chicago, the largest paint manufacturer in the West, but in 1919 transferred the control of that paint manufacturer to The Glidden Company, respondent herein.

(5) National, thereafter, acquired all of the stock of the Carter White Lead Company of Chicago and Omaha, the Matheson Lead Company, the River Smelting & Refining Company, Bass-Huerter Paint Company (then the second largest manufacturer of linseed paints and varnishes on the Pacific Coast), San Francisco, Calif., the National Lead Company of Argentina, and Hirst & Begley Company (an Illinois corporation engaged in the crushing of linseed oil which was subsequently reorganized into an operating branch of the National Lead Company).

(6) National has also secured control over a substantial part of the capital stock of respondent Eagle-Picher Lead Company. Up to February 1943, a still more substantial part of the Eagle-Picher Lead Company stock was held by one Edward J. Cornish, who had served as president of respondent National.

(7) National asserts and represents that the price of pig lead f. o. b. New York, N. Y., is the principal factor in its determination and fixing of its price for lead pigments, since pig lead is the principal item used in the manufacture of lead pigments.

(8) National through its acts, methods, practices and the relationships it has maintained and now maintains with American Smelting & Refining Company and others, through its employees, agents, representatives, officers, directors and owners, exerts a monopolistic influence upon and is an important factor in the determination and quotation of the "market" prices on pig lead in the United States and upon the pig lead prices that it incorporates as an element of and factor in computing its prices of lead pigments. American Smelting & Refining Company holds a dominant position in the sale and production of pig lead in the United States, as well as in other parts of the world and quotes prices on pig lead in terms of cents per pound f. o. b. New York City. The prices thus quoted are "accepted" and treated as the "market" prices of pig lead not only by American Smelting & Refining Company but also by respondent National Lead Company and are used by both corporations as a basis for trading in that important product throughout the United States.

B. Respondent National has also combined and conspired with the few remaining small and ostensibly independent manufacturers and primary sellers of lead pigments in the United States. In so doing, it has cooperated with and received assistance and cooperation from respondents Eagle-Picher Lead Company, Eagle-Picher Sales Company, Anaconda Copper Mining Company, International Smelting & Refining Company, The Sherwin-Williams Company, The Glidden Company, and the Lead Industries Association in which organization all respondents are members, in doing and performing the following acts and engaging in the following methods and practices:

(1) Agreed to adopt and have adopted and maintained a system of delivered price quotations which prevents reflection of any differences in the cost of delivery between the respective places of manufacture of respondent producers, the primary sellers and to the respective locations of intending purchasers of lead pigments;

(2) Agreed to adopt and have adopted and maintained a plan whereby the United States is divided into so-called zones whereby price offers made by the producing and primary selling respondents to all purchasers of a class throughout any one of such zones, regardless of location and the differences in freight rates from shipping point to destination, are matched, except that by prearrangement and understanding the offers made by respondents Glidden, Sherwin-Williams and International are permitted in some instances to be made and maintained at fixed differentials below the matched offers of respondents National and Eagle-Picher;

(3) Agreed to seek and secure and have sought and secured the advice, assistance and cooperation of the Lead Industries Association, its officers, employees and agents in fixing, adopting, publishing and using noncompetitive terms and conditions of sale in connection with sales and offers to sell lead pigments in commerce;

(4) Exchanged directly and through the office of the Lead Industries Association and with the cooperation of officials of that Association price factors and information concerning price factors expected by respondents to be used and which at times have been used by the primary sellers of lead pigments, including the respondents, in calculating, determining and announcing their offers to sell lead pigments in commerce;

(5) Agreed to adopt and have adopted, maintained and used terms and conditions of sale embodied in so-called "consignment" or "agency" agreements under the leadership of respondent National Lead Company for the purpose of preventing dealers selling white lead from making offers to sell such products at levels lower than the offers made by the respective respondent producers whose names were affixed to such "consignment" or "agency" agreements;

(6) Agreed to fix, and have fixed and included in offers to sell, the prices, terms and conditions at which lead pigments are sold and offered for sale in commerce;

(7) Respondent National entered into contracts and understandings with E. I. du Pont de Nemours Company, Inc., a large paint manufacturer, for the purpose and with the effect of promoting maintenance of the levels of price fixed by National and other producing and primary sellers of white lead.

PAR. 8. Each respondent, in offering for sale and selling lead pigments, divides the country into geographical zones for the purpose of price quotations. To all buyers of the same class located in the same zone, each respondent quotes the same delivered cost, irrespective of the location of the buyer within the zone. A "par" or "base" price is quoted to buyers in the "par" or "base" zone, and buyers in other zones are quoted at a fixed differential above the "par" or "base" zone price, irrespective of the transportation costs involved in selling and shipping to such customers on a delivered basis.

A. In offering for sale and selling lead pigments in steel kegs of 100 pounds or less, each respondent quotes and sells upon the basis of the geographical divisions and delivered cost differentials set out in the map inserted herein immediately following this paragraph and made a part hereof.[1]

B. In offering for sale and selling dry white lead and lead sulphate in barrels or in bags, each respondent quotes and sells at the same delivered cost to all customers in the par or base zone, and 25% per 100 pounds is added to the par or base price for delivery to customers located in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Washington and Wyoming, the par or base zone comprising all other states than those named.

C. In offering for sale and selling dry red lead, litharge and other pigments in barrels or bags in less-than-carload lots, each respondent quotes and sells at the same delivered cost to customers within the par or base zone; 25¢ per 100 pounds is added for delivery to customers in Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Texas and west of the Cascade Mountains in Oregon and Washington; 50% per 100 pounds is added for delivery to customers in Colorado, Montana, New Mexico and Wyoming; 75% per 100 pounds is added for delivery to customers in Arizona, Idaho, Nevada, Utah and east of the Cascade Mountains in Oregon and

[1] Filed as a part of the original document.

Washington. The par or base zone comprises all other states than those named.

D. In offering for sale and selling dry red lead, litharge and other lead pigments in barrels or bags in carload lots of 20 tons or more, each respondent offers to sell dry red lead at $2.50 and litharge at $1.50 per 100 pounds over the American Smelting and Refining Company's closing price of common pig lead at New York on the date the order is received, delivered to customers located in the par or base zone and 25% per 100 pounds is added for delivery to customers located in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oklahoma, Texas, Utah, Wyoming and east of the Cascade Mountains in Oregon and Washington. The par or base zone comprises all other States and areas than those named.

PAR. 9. Terms and conditions of sale quoted by each respondent in selling and offering for sale lead pigments in commerce have included the following:

A. Each of the respondents in selling and offering to sell lead pigments in commerce to agents and dealers for resale requires its customers to resell such products at prices and terms of sale fixed and determined and published by it, so that each of the respondents is responsible for the price levels to painters and consumers.

B. Each of the respondents in selling and offering to sell lead pigments quotes standard container differentials on keg products, by which 50 pound kegs are sold at a 25¢ differential above 100 pound kegs, 25 pound kegs at 25¢ above 50 pound kegs and 12½ pound kegs at 25¢ above 25 pound kegs.

C. Each respondent, in connection with the sale and distribution of lead pigments to paint manufacturers and large industrial consumers enters into quarterly contracts covering terms of sale and delivery of lead pigments, either at current published quotations or at a fixed differential over the quotation of the American Smelting and Refining Co. for common pig lead at New York. Such quarterly contracts establish the grades and qualities of lead pigments covered, the discounts applicable and the time within which deliveries must be made.

D. Each respondent issues cards or lists showing delivered quotations on lead pigments to various classes of customers for each type of pigment in various packages and quantities and applicable to the various zones and geographical divisions, and including the quotations which must be made by purchasers in reselling to consumers and others. Such "price cards" and other pricing information, when computed and calculated in accordance with the instructions and directions contained therein, cause to be presented to any given prospective purchaser of lead pigments, in any given quantity, in any given type of package, at any given destination, exactly matched offers to sell over the names of each of the respondents, except that in the case of white lead in oil the quotations to dealers or agents for resale of respondents Anaconda, Sherwin-Williams and, at times, Glidden, are matched at a small differential below the matched offers of National and Eagle-Picher.

PAR. 10. Each of the respondents uses the systematic method of quoting delivered costs on lead pigments described in Paragraphs Eight and Nine of this Count I for the purpose and with the effect of enabling the respondents to match exactly their offers to sell lead pigments to any prospective purchaser at any destination, thereby eliminating competition between and among themselves. Inherently and necessarily involved is a systematic discrimination against purchasers located near the factory of any of the respondents and in favor of customers located, freightwise, at a considerable distance.

Effects of Respondents' Actions

PAR. 11. The inherent and necessary effects of the adoption, use and maintenance by each of the respondents of the zone delivered system of pricing and other practices set forth in Paragraphs Eight and Nine of this Count to include the following, to wit:

A. Unfair and oppressive discrimination by respondents against the lead pigments purchasing and consuming public in large areas of the United States by depriving such purchasers of the natural advantage otherwise accruing to them from proximity to the factories of respondents and by compelling such purchasers to pay increases over what the net price of lead pigments to such purchasers would have been if fixed by competition among respondents, such increment in net prices to respondents approximating the advantages in freight rates to which such purchasers are entitled over purchasers remote from such factories. Such nearby purchasers are thereby compelled to pay not only the actual freight rates on the products purchased by them respectively, but in effect also to pay portions of the cost of transportation of such products to other and more distant purchasers from the respective factories;

B. A substantial lessening of competition among respondents in all parts of the United States, through action of each respondent voluntarily and reciprocally surrendering and cancelling the inherent advantage it has over all competitors within the territory nearer freightwise to its factory than to the factory of a competitor, in consideration of a similar surrender and cancellation by other respondents;

C. The fixation and control through respondents' concurrent and parallel action of an arbitrary and substantial portion of the delivered cost of the product to any and every purchaser upon a basis having no relation to differences in cost of production, in selling costs, and in actual transportation cost, on particular sales. Such arbitrary result is accomplished notwithstanding substantial differences in the delivered cost to the respective respondents of raw materials shipped to them and of lead pigments shipped by them to their respective customers;

Conclusion

PAR. 12. The combinations, agreements and understandings of the respondents and their acts, practices, pricing methods, systems, devices and policies as hereinbefore alleged, all and singularly, are unfair and to the prejudice of the public; deprive the public of the benefit of competition; create discrimination against some buyers and users of lead pigments and lead pigment paint; have a dangerous tendency and capacity to restrain unreasonably commerce in said products; have actually hindered, frustrated, suppressed and eliminated competition in such products in commerce; and constitute unfair methods of competition and unfair acts and practices in commerce within the intent and meaning of section 5 of the Federal Trade Commission Act.

COUNT II. THE CHARGE UNDER THE CLAYTON ACT

PAR. 1. Pursuant to the provisions of section 2 (a) of an act of Congress approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," commonly known as the Clayton Act, as amended by an act of Congress approved June 19, 1936, commonly known as the Robinson-Patman Act, the Commission, having reason to believe that the parties named in the caption hereof, and more particularly described and referred to hereinafter as respondents, have violated the provisions of said act of Congress as so amended, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, the Commission hereby issues its amended complaint, stating its charges in such respect as follows:

Nature of Charges

PAR. 2. The charges hereinafter contained in this Count II are that each of the respondents has been and is now unlawfully discriminating as between its customers in the prices it charges, demands, accepts and receives in connection with the sale of lead pigments in commerce.

Description of Respondents; Definitions and Explanations of Terms; Description and History of Industry and the Commerce of Respondents

PAR. 3–5. As Paragraphs 3 to 5, inclusive, of Count II, the Commission incorporates Paragraphs 3 to 5, inclusive, of Count I of this amended complaint to precisely the same extent and effect as if each and all of them were set forth in full and repeated verbatim in this Count II, except the definition of the term "commerce." The term "commerce" as hereinafter used means "commerce" as defined and set forth in the Clayton Act.

Offenses Charged

PAR. 6. Since June 19, 1936, and while engaged as aforesaid in commerce among the several States of the United States and the District of Columbia, each of the respondents National, Eagle-Picher, Anaconda, International, Sherwin-Williams and Glidden, has been and is now, in the course of such commerce, discriminating in price between purchasers of said commodities of like grade and quality, sold for use, consumption or resale within the

several States of the United States and the District of Columbia, in that each of the respondents has been and is now systematically selling such commodities to many purchasers at a price higher than the price at which commodities of like grade and quality are sold by it to other purchasers and users, including purchasers competitively engaged with others who pay either the lower or the higher discriminatory prices.

PAR. 7. Each of the respondents uses a "Zone delivered pricing method and practice" in calculating, determining, making up, announcing, publishing, and distributing its offers to its respective customers to sell them lead pigments in commerce. As an incident to and a part of such method and practice, the entire territory of continental United States has been and is now divided by each of such respondents for pricing purposes into geographical "Zones," as alleged in Paragraph 8 of Count I of this amended complaint and the map appearing at page 13-A.[1] Paragraph 8 of Count I is hereby incorporated in this Count II to the same extent and effect as if such Paragraph were set forth in full and repeated verbatim herein.

PAR. 8. In using its aforesaid "Zone delivered pricing method and practice," each of the respondents, National, Eagle-Picher, Anaconda, International, Sherwin-Williams and Glidden, so quotes prices in its offers to sell that when it sells lead pigments in commerce in accordance and in connection therewith, the delivered cost on a specified quantity of lead pigments as paid by any one of its customers located at or near the factory door of such respondent, amounts to as much as the delivered cost on the same quantity of lead pigments as paid to such respondent by any one of other customers located hundreds of miles away in the same "Zone," although substantial differences are involved in the costs of delivery to such nearby customer and the more distantly located ones.

PAR. 9. Systematic discriminations in net prices against nearby customers and in favor of their more distantly located customers are inherent in the use of the aforesaid "Zone delivered pricing method and practice" when sales are effected and the buyers pay in accordance with quotations of matched delivered costs as made by each of the respondents, National, Eagle-Picher, Anaconda, International, Sherwin-Williams and Glidden, to their respective customers.

PAR. 10. When sales are made to customers located at or near the borders of adjoining or contiguous "Zones" pursuant to the aforesaid "Zone delivered pricing method and practice," each of the respondents, National, Eagle-Picher, Anaconda, International, Sherwin-Williams and Glidden, charges, demands, accepts and receives higher prices from some purchasers than from other and competing purchasers in different zones and there is discrimination in the delivered costs of lead pigments to different purchasers by each of such respondents in addition to substantial differences in the mill net prices received by each of them.

PAR. 11. Each of the respondents, National, Eagle-Picher, Anaconda, International, Sherwin-Williams and Glidden has been and is now classifying its customers to receive from such respondents quantity, trade and regional discounts from quoted prices so that, by virtue of such classifications and action pursuant thereto by each such respondent, it charges, demands, accepts and receives higher prices in conection with sales of lead pigments in commerce from some of its customers than from other customers, even though said customers who pay such higher prices are competitively engaged with the customers who pay such lower prices.

PAR. 12. Each of the respondents practices the aforesaid systematic discriminations in price for the purpose and with the effect of enabling respondents exactly to match their offers to sell lead pigments in commerce to any given prospective purchaser at any given destination, except that as to white lead in oil the purpose and effect has been to match exactly the offers to dealers and agents for resale of respondents Anaconda, Sherwin-Williams and Glidden at a prearranged differential below similar matched offers of respondents National and Eagle-Picher.

Effects of Price Discriminations Practiced by Respondents

PAR. 13. The discriminations in price practiced by respondents, as particularized and alleged in Paragraphs 6, 7, 8, 9, 10 and 11 of this Count II, include the results and effects set forth as follows:

A. The allegations of the results and effects that are made and set out in subparagraphs A, B and C of Paragraph 11 of Count I hereof are hereby alleged as results and effects of respondents' price discriminations alleged in Paragraphs 6, 7, 8, 9, 10, and 11 of this Count II, and are hereby incorporated in this subparagraph of this Paragraph 13 of Count II to precisely the same extent as though each said subparagraph A, B and C of Paragraph 11 of Count I were set forth in full and repeated verbatim as a part hereof;

B. A further effect of the aforesaid discriminations in price by said respondents may be substantially to lessen competition in the sale and distribution of lead pigments between said respondents and their competitors, tend to create a monopoly in the line of commerce in which the respondents are engaged; and to injure, destroy and prevent competition between said respondents and their competitors in the sale and distribution of lead pigments;

C. Further effects of the aforesaid discriminations in price by said respondents may be substantially to lessen competition between the buyers of lead pigments receiving the lower discriminatory prices from respondents and other buyers competitively engaged with such favored buyers and who pay higher discriminatory prices; tend to create a monopoly in the lines of commerce in which buyers from respondents are engaged; and to injure, destroy and prevent competition in the lines of commerce in which purchasers from respondents engage as between the beneficiaries of said discriminatory prices and competing buyers who are required to pay the higher discriminatory prices.

Conclusion

PAR. 14. Therefore the aforesaid discriminations in price by each of the respondents constitute violations of the provisions of subsection (2) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (49 Stat. 1526; 15 U. S. C. A., sec. 13, as amended).

Wherefore, the premises considered, the Federal Trade Commission on this 12th day of April, A. D., 1946, issues its amended complaint against said respondents.

Notice. Notice is hereby given you, National Lead Company, a corporation, Eagle-Picher Lead Company, a corporation, Eagle-Picher Sales Company, a corporation, Anaconda Copper Mining Company, a corporation, International Smelting & Refining Company, a corporation, The Sherwin-Williams Company, a corporation, and The Glidden Company, a corporation, respondents herein, that the 17th day of May, A. D., 1946, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission, in the city of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this amended complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the amended complaint.

You are notified and required, on or before the twentieth day after service upon you of this amended complaint, to file with the Commission an answer to the amended complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.
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> * * * * *
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> Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.
>
> If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to

[1] Filed as part of the original document.

have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its amended complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 12th day of April A. D. 1946.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-8018; Filed, May 13, 1946; 11:16 a. m.]

[Docket No. 5432]

WEST COAST PACKING CORP. ET AL.

NOTICE OF HEARING

In the matter of West Coast Packing Corporation, a corporation, and Albert Vignolo, Sr., Eugene Giacomino, and Albert Vignolo, Jr., individually and as officers of corporate respondent, West Coast Packing Corporation. Docket No. 5432.

Complaint. The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent West Coast Packing Corporation is a corporation under the laws of the State of California, with its principal office and place of business at Long Beach, California. It was incorporated February 3, 1919, as the Italian Food Products Company, Inc., but by certificate of amendment to its articles of incorporation filed January 23, 1942, with the Secretary of State of California, changed its name from Italian Food Products Company, Inc., to West Coast Packing Corporation. Respondents Albert Vignolo, Sr., Eugene Giacomino and Albert Vignolo, Jr., are president, vice-president, general manager, and treasurer, respectively of the corporate respondent, and as such are responsible for and have participated in the acts and practices of said corporate respondent hereinafter charged as being unlawful.

PAR. 2. Respondents are now and have been since June 19, 1936, engaged in the business of buying, packing and selling and distributing fish and fish products, sea food and sea food products, and in the course and conduct of such business, respondents have sold, distributed, transported and caused to be transported, and now sell, distribute, transport and cause to be transported, such products in interstate commerce between the State of California and other States of the United States, and there is now and there has been since June 19, 1936, a constant current of trade and commerce conducted by said respondents in such fish and sea food products between and among the various states of the United States.

PAR. 3. Respondents sell and distribute some of their fish and sea food products through legitimate brokers or intermediaries who act as respondents' agents in finding buyers for respondents' products and in negotiating sales thereof at respondents' list prices and for such services, respondents pay such legitimate brokers or intermediaries commissions or brokerage fees. Such transactions are not challenged by this complaint.

Since June, 1936, respondents have also sold their products in commerce directly to buyers and buying brokers, and on such sales, have paid or granted and are now paying and granting directly or indirectly to such direct buyers commissions, brokerage or other compensation, allowances or discounts in lieu thereof. Respondents have accomplished this either by allowance thereof on the face of the invoice, by direct remittance to such buyers or by invoicing such buyers at a net price which reflected such commissions, brokerage, allowances or discounts in lieu thereof. In each such case, such buyers and buying brokers have purchased respondents' products from the latter in such buyers' own names and for their own accounts, taking title thereto and assuming and exercising all control, rights and risks of ownership thereafter and in the resale by them of such products.

Since June, 1936 respondents have also sold and distributed their fish or sea food products in commerce on fictitious "consignments" to direct buyers and buying brokers, in which transactions respondents would ship "on consignment" to such buyers, and before arrival of such "consignment" draw draft on such "consignee" for payment in full. These fictitious "consignments" are, in fact, sales, and the fictitious "Consignees", are in fact, buyers of respondents' products. Such buyers pay for and take full title to respondents' products, assume all risks incident to ownership and resell such products for their own accounts, at prices, terms and conditions of sale determined by such buyers. The latter then notify respondents of the quantities resold and the names of the firms to whom such buyers have resold such products; whereupon respondents remit brokerage thereon to such "consignee" buyers. Respondents mask these direct selling operations under the fictionalized designation of "consignments" for the purpose of concealing their true nature in order to impart a color of legality to the brokerage payments made by them on such sales to such "consignee" buyers.

PAR. 4. The acts and practices of respondents as set out and described hereinabove, except those described in the first sub-paragraph of Paragraph 3, are in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 15th day of April, A. D., 1946, issues its complaint against said respondents.

Notice. Notice is hereby given you West Coast Packing Corporation, a corporation, and Albert Vignolo, Sr., Eugene Giacomino, and Albert Vignolo, Jr., individually and as officials of corporate respondent, West Coast Packing Corporation, respondents herein, that the 24th day of May, A. D., 1946, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceedings the respondents shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondents shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respedents are without knowledge, in which case respondents shall so state.
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> * * * * *
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> Failure of the respondents to file answer within the time above provided, and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondents, to proceed in regular course on the charges set forth in the complaint.
>
> If respondents desire to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondents admit all the material allegations of fact charged in the complaint to be true. Respondents by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint, and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.
>
> Contemporaneously with the filing of such answer the respondents may give notice in writing that they desire to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondents may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary and its official seal to be hereto affixed, at Washington, D. C., this 15th day of April, A. D. 1946.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-8019; Filed, May 13, 1946; 11:17 a. m.]

[Docket No. 5433]

INDEPENDENT GROCERS ALLIANCE DISTRIBUTING CO., ET AL.

NOTICE OF HEARING

In the matter of Independent Grocers Alliance Distributing Company, a corporation, and its directors—J. Frank Grimes, L. G. Groebe, William W. Thompson, James D. Godfrey, Ned N. Fleming, and Robert H. Perlitz; Grocers Company, a corporation, and its directors—James D. Godfrey, Ned N. Fleming, Robert H. Perlitz, T. G. Harrison, Robert McLain, E. F. Brewster, Joseph Parker, Normal Younglove, and Harry K. Grainger; Jersey Cereal Company, a corporation; Stokely Brothers & Company, Inc., a corporation; Dean Milk Company, a corporation; Cupples Company, a corporation; Franklin MacVeagh & Company, a corporation; E. R. Godfrey & Sons Company, a corporation; Winston & Newell Company, a corporation; and Wetterau Grocer Company, Inc., a corporation. Docket No. 5433.

Complaint. The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c), section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C., Title 15, Sec. 13), hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, Independent Grocers Alliance Distributing Company (hereinafter for convenience referred to as "respondent I. G. A.") is a corporation organized and existing under and by virtue of the laws of the State of Illinois with its principal office and place of business located at 309 West Jackson Boulevard, Chicago, Illinois, and with branch offices located in San Francisco, California; Seattle, Washington; and New York, New York.

The respondent directors of respondent I. G. A. are:

J. Frank Grimes.	James D. Godfrey, *Chairman.*
L. G. Groebe.	
William W. Thompson	Ned N. Fleming.
	Robert H. Perlitz.

Respondent Grocers Company is a corporation organized and existing under and by virtue of the laws of the State of Delaware with its principal office located at 3900 Board of Trade Building, Chicago, Illinois.

The respondent directors of respondent Grocers Company are:

James D. Godfrey, c/o E. R. Godfrey & Sons Co., Milwaukee, Wis.;

Ned N. Fleming, c/o Fleming-Wilson Mercantile Co., Topeka, Kans.;

Robert H. Perlitz, c/o The Schuhmacher Company, Houston, Tex.;

T. G. Harrison, c/o Winston & Newell Co., Minneapolis, Minn.;

Robert McLain, c/o McLain Grocery Company, Massillon, Ohio;

E. F. Brewster, c/o Brewster, Gordon & Company, Rochester, N. Y.;

Joseph Parker, c/o Millikin, Tomlinson Company, Portland, Maine;

Normal Younglove, c/o Younglove Grocery Company, Tacoma, Washington; and

Harry K. Grainger, c/o Grainger Brothers Company, Lincoln, Nebr.

PAR. 2. Respondent Jersey Cereal Company is a corporation organized and existing under and by virtue of the laws of the State of Pennsylvania with its principal office and place of business located at 10 South LaSalle St., Chicago, Illinois.

Respondent Stokely Brothers & Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Indiana with its principal office and place of business located at 940 North Meridian Street, Indianapolis, Indiana.

Respondent Dean Milk Company is a corporation organized and existing under and by virtue of the laws of the State of Illinois with its principal office and place of business located at 20 North Wacker Drive, Chicago, Illinois.

Respondent Cupples Company is a corporation organized and existing under and by virtue of the laws of the State of Missouri with its principal office and place of business located at 401 South Seventh Street, St. Louis, Missouri.

The respondents in this paragraph named are hereinafter designated and referred to as "seller respondents". Said seller respondents, and each of them, are, and since June 19, 1936, have been, engaged in the business of selling commodities particularly foodstuffs, groceries and allied products to numerous buyers, including the buyer respondents hereinafter set out. Said seller respondents are fairly typical and representative members of a large group or class of manufacturers, processors and producers engaged in the common practice of selling a substantial portion of their commodities to buyers who purchase through respondent I. G. A. as intermediary for buyers. Said group or class of sellers is composed of a large number, to-wit: approximately 300, of such manufacturers, processors and producers too numerous to be individually named herein as respondents without manifest inconvenience and delay.

PAR. 3. Respondent Franklin MacVeagh & Company is a corporation organized and existing under and by virtue of the laws of the State of Illinois with its principal office and place of business located at 1347 South Clinton Street, Chicago, Illinois.

Respondent E. R. Godfrey & Sons Company is a corporation organized and existing under and by virtue of the laws of the State of Wisconsin with its principal office and place of business located at 402 N. Broadway, Milwaukee, Wisconsin.

Respondent Winston & Newell Company is a corporation organized and existing under and by virtue of the laws of the State of Delaware with its principal office and place of business located at 300 Sixth Avenue, N., Minneapolis, Minnesota.

Respondent Wetterau Grocer Company, Inc., is a corporation, the place of whose incorporation is not known to the Commission with its principal office and place of business located at 112 Monroe Street, St. Louis, Missouri.

The respondents in this paragraph named are hereinafter designated and referred to as "buyer respondents." Each of the said buyer respondents is engaged in the wholesale grocery business and is affiliated and under contract with respondent I. G. A. and is a stockholder of the respondent Grocers Company. Said buyer respondents are named as parties respondent, both individually and as representative of a group or class of a large number of wholesale grocery concerns, each of whom is likewise affiliated and under contract with respondent I. G. A. and is a stockholder of respondent Grocers Company.

PAR. 4. Respondent I. G. A., since its organization in 1927, has sponsored and is now sponsoring the so-called "I. G. A. movement"; in pursuance to which respondent I. G. A. has entered into, is now entering into, and acting in accordance with franchise agreements with wholesale grocers, located throughout the United States, whereby said wholesalers are granted "exclusive rights to all the merchandising, publicity, sales and promotion service" of respondent I. G. A., in certain specified territories, in connection with I. G. A. merchandise which consists of foodstuffs and other articles to which has been applied trade names, trade marks or insignias owned by respondent I. G. A.; said affiliated wholesalers agree to cooperate and do cooperate with respondent I. G. A. in the furtherance of the said I. G. A. movement, in enrolling and maintaining qualified retail grocers known as "I. G. A. Stores" within specified territories; purchasing all I. G. A. merchandise through I. G. A. or through mutually agreed sources, and selling or distributing such merchandise for resale only to duly qualified I. G. A. stores within the specified territory, paying to I. G. A. $4.75 per month for each I. G. A. store in such specified territory, plus a monthly fee of $40.00, plus an additional sum equal to one-fourteenth of one percent of the average monthly sales of the wholesaler during the preceding calendar year. Respondent I. G. A., in accordance with such agreements, agrees to instruct and does instruct the personnel of the wholesalers in the effective administration of the I. G. A. plan; cooperating with such personnel in supervising I. G. A. stores; making available, without cost, a consultation, advisory and follow-up service; furnishing merchandising service and advertising materials to and for the wholesalers and for the I. G. A. Stores; continuing to maintain a complete brokerage department through which the wholesalers agree to purchase and do purchase the fullest extent of their requirements; furnishing to wholesalers full and complete market information relative to commodities handled by the wholesalers. The affiliated wholesalers have the privilege of renewing such agreements from year to year provided that they have actually and fully cooperated with I. G. A.

As of January 1, 1939, there were affiliated and under contract with respondent I. G. A. approximately 97 wholesale grocers who in turn sponsored approximately 4836 I. G. A. retail stores. Three of the six directors of respondent I. G. A. are representatives of affiliated wholesalers.

PAR. 5. All the capital stock of respondent I. G. A. was formerly owned by the Market Specialty Company, an Illinois Corporation; the said corporation was organized merely for the pur-

pose of holding said stock; all the capital stock of the Market Specialty Company is held by four individuals who were the original promoters of the I. G. A. movement, three of whom are directors of respondent I. G. A., and are also the officers and directors of Market Specialty Company. In 1933, as a result of the efforts of affiliated wholesalers to protect their interest in and expected benefits from respondent I. G. A., respondent Grocers Company was organized as a holding company and purchased 50% of the capitalization of respondent I. G. A. or 100,000 shares from the Market Specialty Company for $500,000. The greater portion of this purchase money came from the earnings of respondent I. G. A. All the capital stock of respondent Grocery Company is held by wholesalers affiliated and under contract with respondent I. G. A.

PAR. 6. Respondent I. G. A. is now and since June 19, 1936, has been engaged in the business of providing, purchasing and other services for its affiliated wholesalers who are referred to as buyer respondents in Paragraph 3 hereof.

In the course and conduct of its business, respondent I. G. A. receives orders from the buyer respondents to purchase commodities for them and transmits such orders as agent for said buyer respondents to the seller respondents and other sellers, as a result of the transmission of said orders, by said buyers to respondent I. G. A., the execution of same by said respondent I. G. A., for and in behalf of said buyers, and the acceptance of said orders by said seller respondents and other sellers, commodities, particularly foodstuffs, are by each of the said seller respondents and other sellers shipped from the State in which such commodities are located at the time of sale into and through the various other states of the United States directly to each of said buyer respondents.

In the course of the buying and selling transactions hereinabove referred to resulting in the delivery of commodities from seller respondents to the buyer respondents, said seller respondents, since June 19, 1936, have transmitted, paid and delivered and do transmit, pay and deliver to the respondent I. G. A. so-called brokerage fees or commissions, the same being percentages of the total sales prices agreed upon by the said seller respondents and the respondent I. G. A. Respondent I. G. A., since June 19, 1936, has received and accepted and is receiving and accepting such so-called brokerage fees or commissions upon the purchases of the buyer respondents. In 1937, respondent I. G. A. received such brokerage fees and commissions amounting to approximately $557,026.88; in 1944, such brokerage amounted to $346,667.39.

PAR. 7. In all of the buying and selling transactions hereinabove referred to, the so-called brokerage fees or commissions are paid and transmitted by the seller respondents and other sellers to and received and accepted by the respondent I. G. A., upon the purchases of the buyer respondents, while the said respondent I. G. A. is acting in fact in its own behalf and for and in behalf of buyer respondents, and for said so-called brokerage fees or commissions no services whatsoever have been rendered or are being rendered in connection with such purchases for or to said seller respondents and other sellers by respondent I. G. A.

Prior to the enactment of the Robinson-Patman Act in June, 1936, 80% of the so-called brokerage fees and commissions paid by the seller respondents and other sellers to respondent I. G. A., as intermediary upon the purchases of the buyer respondents were transmitted to and received and accepted by the buyer respondents. After the enactment of said Act, respondent I. G. A. discontinued the practice of remitting such brokerage and commissions, directly as such, to the buyer respondents; respondent I. G. A. in lieu thereof passed on, and now passes on, such brokerage and commissions to respondent buyers in the form of services, including advertising allowances by way of "territorial advertising contracts" which, in 1944, amounted to over $250,000 and in the form of dividends on 50% of the stock of respondent I. G. A. paid to its stockholder, respondent Grocers Company, for the benefit of the affiliated wholesalers who own the entire capital stock of said respondent Grocers Company.

PAR. 8. The payment, by seller respondents and others, of brokerage fees or commissions to the respondent I. G. A. upon the purchases of buyer respondents and the receipt and acceptance thereof by the respondent I. G. A. and its directors; Grocers Company and its directors; and the buyer respondents, in the manner and form hereinabove set forth, are in violation of the provisions of section 2, subsection (c) of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936.

Wherefore, the premises considered, the Federal Trade Commission, on this 18th day of April, A. D. 1946, issues its complaint against said respondents.

Notice. Notice is hereby given you, Independent Grocers Alliance Distributing Company, a corporation, and its Directors: J. Frank Grimes, L. G. Groebe, William W. Thompson, James D. Godfrey, Ned N. Fleming, and Robert H. Perlitz; Grocers Company, a corporation, and its Directors: James D. Godfrey, Ned N. Fleming, Robert H. Perlitz, T. G. Harrison, Robert McLain, E. F. Brewster, Joseph Parker, Normal Younglove, and Harry K. Grainger; Jersey Cereal Company, a corporation; Stokely Brothers & Company, Inc., a corporation; Dean Milk Company, a corporation; Cupples Company, a corporation; Franklin MacVeagh & Company, a corporation; E. R. Godfrey & Sons Company, a corporation; Winston & Newell Company, a corporation; and Wetterau Grocer Company, Inc., a corporation, respondents herein, that the 24th day of May, A. D. 1946, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.
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> Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.
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> If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.
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> Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 18th day of April A. D., 1946.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-8016; Filed, May 13, 1946; 11:16 a. m.]

[Docket No. 5436]

DRAPER CORP.

NOTICE OF HEARING

Complaint—Count I. The Federal Trade Commission having reason to believe that Draper Corporation, hereinafter called respondent, since June 19, 1936, has violated and is now violating the provisions of section 2 (a) of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by section

1 of the Act of Congress entitled "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U. S. C., title 15, Sec. 13), and for other purposes", approved June 19, 1936 (the Robinson-Patman Act), hereby issues this its complaint against respondent and states its charges with respect thereto as follows, to-wit:

PARAGRAPH 1. Respondent, Draper Corporation, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maine, with its general office and principal place of business at Hopedale, Massachusetts. It is now, and since its organization on or about July 5, 1916, has been engaged in the manufacture of single shuttle cotton, silk, rayon and other synthetic fiber automatic looms, and repair and replacement parts therefor, temples, automatic bobbins, shuttles and rings for such looms, and in the sale thereof to mills engaged in the manufacture of textiles, chiefly silk, cotton, rayon and other synthetic fibers, and of textiles made of mixtures of silk, cotton, rayon and of other synthetic fibers. The respondent on November 20, 1916, or thereabouts, acquired the property and the loom manufacturing business of a firm known as the Draper Company, which business had been established in 1816 or thereabouts, and had been carried on continuously from its establishment until its acquisition by the respondent which, since such acquisition, has continued the business originally established by the said Draper Company. The looms manufactured by said Draper Company, and since its acquisition by the respondent, have been and are still known and sold as Draper looms. In April, 1927, or thereabouts, respondent acquired and still owns all of the properties, assets and business of the Hopedale Manufacturing Company (a loom manufacturer) located at Milford, Massachusetts. The looms manufactured by such Hopedale Manufacturing Company, and since its acquisition by the respondent, have been and are still sold and known as Hopedale looms. On December 3, 1921, or thereabouts, respondent acquired and still owns all of the properties, assets and business of the Stafford Company (a loom manufacturer) of Reedville, Massachusetts. The looms manufactured by such Stafford Company, and since its acquisition by the respondent, have been and are still sold and known as Stafford looms.

PAR. 2. The respondent is now and since its organization in 1916 has been the only manufacturer of single shuttle cotton, silk, rayon and other synthetic fiber automatic looms in the United States, which said single shuttle looms are preferred by a substantial portion of textile manufacturers for the manufacture of textiles composed of silk, cotton, rayon and other synthetic fibers, and of textiles composed of mixtures of silk, cotton, rayon and of other synthetic fibers. The purchasers of its looms are approximately 1,100 in number, many of such purchasers having more than one mill. Since its organization the respondent has been and still is engaged in the sale of such looms, replacement and repair parts for such looms, temples, automatic bobbins, shuttles and rings therefor, to textile mills located throughout the several states of the United States, the Territories thereof and in the District of Columbia, causing said products, when sold by it, to be transported from the places of manufacture to the purchasers thereof located in the various states of the United States, the Territories thereof and in the District of Columbia. There is now, and at all times since the organization of said respondent has been a constant current of trade and commerce in said products between and among the various states of the United States, the Territories thereof and in the District of Columbia.

PAR. 3. In the course and conduct of its said business as herein described, respondent has been for more than three years last past and still is in substantial competition in the sale of looms, repair and replacement parts therefor, automatic bobbins, temples, shuttles and rings therefor, in commerce between and among the various states of the United States, the Territories thereof and in the District of Columbia with other corporations and with firms and persons, a number of whom are engaged only in the manufacture and sale of temples, bobbins, shuttles, and rings therefor, and repair and replacement parts for looms, in the commerce aforesaid.

PAR. 4. In the course and conduct of its said business described in Paragraphs 1, 2 and 3 hereof, respondent is now and for more than three years last past has been discriminating in price between different purchasers of such temples, bobbins, shuttles and rings therefor, and repair and replacement parts for looms, of like grade and quality, by selling its said product to some of its customers at lower prices than it sells and has sold products of like grade and quality to others of its customers. Included among such discriminations have been those arising from and as a part of sales by respondent to mill owners and contracts for sale by respondent with mill owners by which such mill owners are allowed a 5% discount from respondent's regular charging price for loom repair and replacement parts and complete mechanisms for looms of its manufacture, and also for looms made by the aforesaid Hopedale Manufacturing Company or by the said Stafford Company. The effect of said discriminations may be, has been, and is to substantially lessen competition with respondent in such temples, bobbins, shuttles and rings, and repair and replacement parts for looms, in the commerce aforesaid, to tend to create in respondent a monopoly in the aforesaid commerce in such temples, bobbins, shuttles and rings, repair and replacement parts for looms, and to injure, destroy and prevent competition with its competitors engaged in the sale of temples, bobbins, shuttles and rings, and repair and replacement parts for looms, in the commerce aforesaid.

PAR. 5. The foregoing acts and practices of respondent constitute a violation of the provisions of section 2 (a) of the above-mentioned act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by section 1 of the act of Congress entitled "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U. S. C., title 15, Sec. 13), and for other purposes", approved June 19, 1936 (the Robinson-Patman Act).

Wherefore, the premises considered, the Federal Trade Commission on this 22d day of April, A. D. 1946, now issues this its complaint against Draper Corporation stating its charges as hereinabove set out.

Count II. The Federal Trade Commission having reason to believe the Draper Corporation, hereinafter called respondent, has violated and is now violating the provisions of section 3 of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), hereby issues this its complaint against respondent and states its charges with respect thereto as follows, to-wit:

PAR. 1. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in Paragraph 1 of Count I of this complaint to the same extent and as though the allegations of said Paragraph 1 of said Count I were set out in full herein, and said Paragraph 1 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 2. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in Paragraph 2 of Count I of this complaint to the same extent and as though the allegations of said Paragraph 2 of said Count I were set out in full herein, and said Paragraph 2 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 3. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in Paragraph 3 of Count I of this complaint to the same extent and as though the allegations of said Paragraph 3 of said Count I were set out in full herein, and said Paragraph 3 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 4. In the course and conduct of its business described in Paragraphs 1, 2 and 3 of Count I of this complaint, the respondent in the course of such commerce has made sales and contracts for sale and is still making sales and contracts for the sale of temples, shuttles, bobbins, rings, and repair and replacement parts for looms, and has fixed and is still fixing prices charged therefor, or discount from or rebate upon such prices on the conditions, agreements and understandings that the purchasers thereof shall not use or deal in the temples, shuttles, bobbins, rings, and repair and re-

placement parts for looms, or other goods, wares, merchandise, machinery, supplies or other commodities of a competitor or competitors of the respondent. Included in such sales and contracts for sale have been and are those in which discounts from and rebates upon its prices have been allowed and given to some of its purchasers in consideration of the agreement by such purchasers to purchase their entire requirements of loom repair and replacement parts for the aforesaid Draper looms, Hopedale looms and Stafford looms from the respondent to the exclusion of other sellers and of other prospective and potential sellers. The effect of such sales and contracts for sale on such conditions, agreements and understandings may be, has been and still is to substantially lessen competition with respondent and tends to create and has created in respondent a monopoly in the commerce aforesaid of temples, shuttles, bobbins, rings, and repair and replacement parts for looms.

PAR. 5. The aforesaid acts of respondent constitute a violation of the provisions of section 3 of the hereinabove mentioned act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act).

Wherefore, the premises considered, the Federal Trade Commission on this 22d day of April, A. D. 1946, now issues this its complaint against Draper Corporation stating its charges as hereinabove set out.

Count III. Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Draper Corporation, hereinafter referred to as respondent, has violated the provisions of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PAR. 1. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in Paragraph 1 of Count I of this complaint to the same extent and as though the allegations of said Paragraph 1 of said Count I were set out in full herein, and said paragraph 1 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 2. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in Paragraph 2 of Count I of this complaint to the same extent and as though the allegations of said Paragraph 2 of said Count I were set out in full herein, and said Paragraph 2 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 3. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in Paragraph 3 of Count I of this complaint to the same extent and as though the allegations of said Paragraph 3 of said Count I were set out in full herein, and said Paragraph 3 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 4. For its charges under this paragraph of this count the Commission relies upon the matters and things set out in Paragraph 4 of Count I of this complaint to the same extent and as though the allegations of said Paragraph 4 of said Count I were set out in full herein, and said Paragraph 4 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 5. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in Paragraph 4 of Count II of this complaint to the same extent and as though the allegations of said Paragraph 4 of Count II were set out in full herein, and said Paragraph 4 of Count II is incorporated herein by reference and made a part of the allegations of this count.

PAR. 6. The acts and practices of the respondent as herein alleged are all to the prejudice of competitors of respondent and of the public; have a dangerous tendency to and have actually hindered and prevented competition in the sale of temples, bobbins, shuttles, rings, and repair and replacement parts for looms, in commerce within the intent and meaning of the Federal Trade Commission Act; have unreasonably restrained such commerce in temples, bobbins, shuttles, rings, and repair and replacement parts for looms and constitute unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act.

Wherefore, the premises considered, the Federal Trade Commission on this 22nd day of April, A. D. 1946, now issues this its complaint against Draper Corporation stating its charges as hereinabove set out.

Notice. Notice is hereby given you, Draper Corporation, respondent herein, that the 31st day of May, A. D. 1946, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, The Federal Trade Commission has caused this, its complaint, to be signed by its Secretary and its official seal to be hereto affixed, at Washington, D. C., this 22d day of April A. D. 1946.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-8017; Filed, May 13, 1946; 11:16 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6204]

THEODOR CLAUSEN

In re: Estate of Theodor Clausen, deceased. File D-28-9940; E. T. sec. 14091.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elsie Fleck, Dora Jurgensen, Max Clausen, Helen Selzkorn, Willy Clausen, and Anna Toms, and each of them, in and to the Estate of Theodor Clausen, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elsie Fleck, Germany.
Dora Jurgensen, Germany.
Max Clausen, Germany.
Helen Selzkorn, Germany.
Willy Clausen, Germany.
Anna Toms, Germany.

That such property is in the process of administration by Hans J. Clausen, as Administrator of the Estate of Theodor Clausen, acting under the judicial super-

vision of the Superior Court of the State of Washington, in and for the County of Spokane;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7890; Filed, May 10, 1946; 11:09 a. m.]

[Vesting Order 6207]

HERMAN J. MULLER

In re: Estate of Herman J. Muller, deceased. File No. 017–16959.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Heinrich Sunkel, Mina Sunkel and Helen Kiefer, and each of them, in and to the Estate of Herman J. Muller, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Sunkel, Germany.
Mina Sunkel, Germany.
Helen Kiefer, Germany.

That such property is in the process of administration by the Treasurer of the City of New York, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7891; Filed, May 10, 1946; 11:09 a. m.]

[Vesting Order 6208]

GEORGE C. SCHMELZER

In re: Estate of George C. Schmelzer, deceased. D–28–10283; E. T. sec. 14651.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Rosa Winkler, Rosa Neder, Johanna Schuh, Rosa Schutz, Rosine Hoffman, and Friederich Salzer, and each of them, in and to the Estate of George C. Schmelzer, deceased,

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

Nationals and Last Known Address

Rosa Winkler, Germany.
Rosa Neder, Germany.
Johanna Schuh, Germany.
Rosa Schutz, Germany.
Rosine Hoffman, Germany.
Friederich Salzer, Germany.

That such property is in the process of administration by The Security Trust Company of Pottstown, as administrator, acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7892; Filed, May 10, 1946; 11:09 a. m.]

[Vesting Order 6209]

JOHN SCHROEDER

In re: Estate of John Schroeder, deceased. File D–28–9887; E. T. sec. 13975.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Inselman, or surviving children; John Harms, or surviving children; John Inselman, or surviving children; Lina Renken, or surviving children; Gesine Thoden, or surviving children; Hinrich Inselman, or surviving children; and Anna Inselman Brase, or surviving children, and each of them, in and to the Estate of John Schroeder, deceased,

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

Nationals and Last Known Address

Anna Inselman, or surviving children, Germany.
John Harms, or surviving children, Germany.
John Inselman, or surviving children, Germany.
Lina Renken, or surviving children, Germany.
Gesine Thoden, or surviving children, Germany.
Hinrich Inselman, or surviving children, Germany.
Anna Inselman Brase, or surviving children, Germany.

That such property is in the process of administration by Peter Heinrich Inselman, as Executor of the Estate of John Schroeder, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7893; Filed, May 10, 1946; 11:09 a. m.]

[Vesting Order 6210]

JULIA SZASZ

In re: Estate of Julia Szasz, also known as Juliana Szasz, or Juliana Szusz, deceased. File No. D–34–761; E. T. sec. No. 11072.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Antal Horvath, the heirs-at-law, next-of-kin, legatees, distributees, and personal representatives of Antal Horvath, whose names are unknown, and each of them, in and to the Estate of Julia Szasz, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Antal Horvath, Hungary.
The heirs-at-law, next-of-kin, legatees, distributees, and personal representatives of Antal Horvath, whose names are unknown, Hungary.

That such property is in the process of administration by Meyer Dworkin, as administrator of the Estate of Julia Szasz, deceased, acting under the judicial supervision of the Court of Probate, District of Bridgeport, State of Connecticut;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7894; Filed, May 10, 1946; 11:09 a. m.]

[Vesting Order 6211]

MARIE ECKNARF WOHLFARTH

In re: Estate of Marie Ecknarf Wohlfarth, deceased. File D–28–10097; E. T. sec. 14364.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Konrad Leutze, a/k/a Konrad Lenze, in and to the Estate of Marie Ecknarf Wohlfarth, deceased, is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Konrad Leutze, a/k/a Konrad Lenze, Germany.

That such property is in the process of administration by Max T. Wohlfarth, as administrator c. t. a., acting under the judicial supervision of the County Court of Bexar County, Texas;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7895; Filed, May 10, 1946; 11:00 a. m.]

[Vesting Order 6231]

P. BERNHARD

In re: Bank account owned by P. Bernhard.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That P. Bernhard, the last known address of which is Charlottenstrasse 76, Potsdam, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to P. Bernhard, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account entitled P. Bernhardt, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7896; Filed, May 10, 1946; 11:10 a. m.]

[Vesting Order 6232]

FRIEDA BLASS

In re: Bank account owned by Frieda Blass.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Frieda Blass, whose last known address is Margotshocchheim, Germany, is a national of a designated enemy country (Germany):

2. That the property described as follows: That certain debt or other obligation owing to Frieda Blass, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Frieda Blass, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7897; Filed, May 10, 1946; 11:10 a. m.]

[Vesting Order 6233]

L. BOBSIEN

In re: Bank account owned by L. Bobsien.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That L. Bobsien, whose last known address is Yokohama, Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to L. Bobsien, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out

of a clean credit deposit account, Account Number 6020–BB, entitled L. Bobsien, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7898; Filed, May 10, 1946; 11:10 a. m.]

[Vesting Order 6234]

BURKHARDT & CO., BANKHAUS

In re: Bank account owned by Burkhardt & Co., Bankhaus.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Burkhardt & Co., Bankhaus, the last known address of which is 7–9 Lindenallee, Essen, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Burkhardt & Co., Bankhaus, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Burkhardt & Company, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–7899; Filed, May 10, 1946; 11:10 a. m.]

[Vesting Order 6235]

DEUTSCHE REICHSBANK

In re: Bank account owned by Deutsche Reichsbank.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Deutsche Reichsbank, the last known address of which is Frankfurt/Main, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Deutsche Reichsbank, by Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, arising out of a checking account, entitled, Reichsbank, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-7900; Filed, May 10, 1946; 11:10 a. m.]

[Vesting Order 6236]

EXPORTKREDITBANK, A. G.

In re: Bank accounts owned by Exportkreditbank, A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Exportkreditbank, A. G., the last known address of which is Kanonierstrasse 17-20, Berlin W8, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt of other obligation owing to Exportkreditbank, A. G., by Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, arising out of a checking account, entitled Export Kreditbank, A. G., and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Exportkreditbank, A. G., by Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, arising out of a customers account, entitled Export Kreditbank, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-7901; Filed, May 10, 1946; 11:10 a. m.]

[Vesting Order 6237]

EXPORTKREDITBANK A. G.

In re: Bank accounts owned by Exportkreditbank A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Exportkreditbank A. G., the last known address of which is Hamburg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Exportkreditbank A. G., by Central Hanover Bank & Trust Company, 70 Broadway, New York, New York, arising out of a checking account, entitled Exportkreditbank A. G. Filiale, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Exportkreditbank A. G., by Central Hanover Bank & Trust Company, 70 Broadway, New York, New York, arising out of a drafts advised outstanding account, entitled Exportkreditbank A. G. Filiale, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-7902; Filed, May 10, 1946; 11:11 a. m.]

[Vesting Order 6239]

RUTH FREUND

In re: Bank account owned by Ruth Freund.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ruth Freund, whose last known address is Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ruth Freund, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Miss Ruth Freund, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-7903; Filed, May 10, 1946; 11:11 a. m.]

[Vesting Order 6240]

FERDINAND ALFRED GREB AND OTTO EUGEN HANS HOFFMANN

In re: Bank account owned by Ferdinand Alfred Greb and Otto Eugen Hans Hoffmann.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ferdinand Alfred Greb and Otto Eugen Hans Hoffmann, whose last known addresses are 15 Eiseneck Strasse, Duerzburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to H. W. McLeod, Guardian of Ferdinand Alfred Greb and Otto Eugen Hans Hoffmann, by Central National Bank of Cleveland, Cleveland, Ohio, arising out of a blocked savings account, Account Number E-60423, entitled H. W. McLeod, Guardian of Ferdinand Alfred Greb & Otto Eugen Hans Hoffmann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ferdinand Alfred Greb and Otto Eugen Hans Hoffmann, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-7904; Filed, May 10, 1946; 11:11 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-10, 54-82]

NORTH AMERICAN CO., ET AL

SUPPLEMENTAL NOTICE AND ORDER RECONVENING HEARING; NOTICE OF FILING OF NEW PLANS; NOTICE OF WITHDRAWAL OF EARLIER PLAN AND ORDER FOR HEARING ON SAID NEW PLANS AND OTHER PLANS

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 May 1946.

In the matter of The North American Company and its subsidiary companies, respondents, File No. 59-10; The North American Company, applicant, File No. 54-82.

I. The Commission by order dated April 14, 1942, pursuant to section 11(b) (1) of the Public Utility Holding Company Act of 1935 (hereinafter sometimes referred to as the "act"), having directed among other things that The North American Company (hereinafter sometimes referred to as "North American" or as the "Company"), a registered holding company, sever its relationship with all of its subsidiaries, other than Union Electric Company of Missouri and certain subsidiaries of the latter company, by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of said act or the rules and regulations thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by said subsidiary companies, the names of which subsidiary companies are more fully set forth in paragraph 1 of said order dated April 14, 1942; and

The North American Company having filed a petition to review the said order dated April 14, 1942, in the United States Circuit Court of Appeals for the Second Circuit; said Court having affirmed the decision of the Commission; and the United States Supreme Court having on April 1, 1946, affirmed the decree of said Circuit Court of Appeals affirming said order of the Commission;

It appearing appropriate to the Commission that the said proceedings herein should be reconvened for the purpose of entering such further orders as may be necessary or appropriate to carry out said order dated April 14, 1942, at which proceedings there may be considered any plans for that purpose proposed by North American or by any person having a bona fide interest as defined by rules and regulations of the Commission.

II. Notice is hereby given that The North American Company has filed with the Commission an application under section 11 (e) of the act for approval of certain Plans of that Company dated April 18, 1946, which Plans are characterized in said application as Plan A, Plan B and Plan C. All interested persons are referred to said Plans, which are on file in the office of this Commission, for a statement of the transactions therein proposed. Concurrently with the filing of said Plans dated April 18, 1946, The North American Company has filed

a Notification of Abandonment of and Withdrawal of its application for approval of its earlier Plan of Reorganization dated August 4, 1943.

The provisions of Plans A, B and C are hereinafter summarized in this notice and order. Plan C is not being included within the subject matter of the hearing hereinafter ordered, but will be considered at other hearings to be made the subject of a separate order. For that reason the summary of Plan C hereinafter set forth is not comprehensive and is included merely for the purpose of clarity in connection with the statements of Plans A and B.

Plan A. 1. The plan provides for the issuance, to each of the holders of the 8,572,626 shares of outstanding common stock of North American, of transferable purchase warrants, each of which will permit the purchase, by such stockholders, within a period of six months from date of issue, of one "divestment unit." The purchase price required to be paid by each holder of such warrant for the acquisition of such divestment unit is to be supplied by amendment to the plan and is stated to be such amount (less than $6.00) as will produce from the sale of such divestment units approximately the sum necessary to pay the secured bank loans of the Company outstanding at the time of such payment.

2. Each divestment unit will consist of:

One-fifth of one share of common stock of The Cleveland Electric Illuminating Company;

One-fourth of one share of common stock of Wisconsin Electric Power Company;

One-fifth of one participating unit of common stock of Washington Railway and Electric Company (each such participating unit representing the beneficial ownership of one-fortieth of one share of common stock of that Company);

One-tenth of one share of capital stock of The St. Louis County Gas Company, after effectuation of a charter amendment pursuant to which the presently outstanding 41,000 shares of common stock of that Company would be increased to 857,263 shares.

3. At any time before Plan A becomes effective, the Company reserves the right to sell, with the approval of the Commission, any of the shares of stock covered by the purchase warrants, the proceeds to be applied in reduction of the bank loans. It is stated that in this case the share-holdings covered by the purchase warrants would be reduced, with a corresponding reduction in the purchase price per divestment unit.

4. The right to exercise the proposed warrants will expire six months after date of original issue thereof. It is proposed that so long as any purchase warrants remain outstanding, dividends or distributions received by North American on the shareholdings covered by such warrants will not be set aside or accrued for the benefit of the holders of such warrants, but will be received by North American for its own benefit as part of its general corporate funds. Fractional scrip will be issued in transferable form in lieu of fractions of shares purchased on exercise of the warrants, such scrip having no rights as stock except the right in combination with other scrip to receive full shares of stock in exchange.

5. On the expiration of the right to exercise the warrants, the Company will sell so much of the shareholdings covered by unexercised purchase warrants as shall be necessary to realize the purchase price per divestment unit represented by the unexercised warrants, plus the expenses of such sales. The Company will select in its discretion the particular securities so to be sold. Any unsold balance of shareholdings covered by unexercised warrants will thereafter be distributed pro rata to the holders thereof upon surrender of their warrants.

6. At or before the sale of stock covered by unexercised purchase warrants the Company will sell or distribute 13,494 shares of 6% preferred stock and at least 56,000 additional shares of common stock of Wisconsin Electric.

7. On the basis of Plan A, the following numbers of shares of common stock of the four subsidiaries affected would respectively be distributed to the stockholders, sold, or retained by The North American Company:

Name of subsidiary	Distributed to stockholders	To be sold	To be retained	Percent of voting power retained	Carrying value on North American's books of securities retained [1]
	Shares	*Shares*	*Shares*	*Percent*	
Cleveland Electric Illuminating Co	1,714,525		133,383	5.17	$2,772,979
Wisconsin Electric Power Co	2,143,156	56,000	294,554	9.92	3,646,578
Washington Railway & Electric Co	[2] 1,714,525		[2] 358,558	5.98	1,854,563
St. Louis County Gas Co	857,263				

[1] Based on average present carrying values.
[2] Participating units.

Plan B. 1. It is proposed that a new Delaware Company be organized which will, at an appropriate time in connection with the consummation of Plan C, acquire:

(a) The securities of West Kentucky Coal Company, North American Utility Securities Corporation, 60 Broadway Building Corporation, and Hevi-Duty Electric Company;

(b) Other investments and current assets not otherwise disposed of under Plan A, including residual interests in Cleveland Electric, Wisconsin Electric and Washington Railway, as more fully set forth above, and including shares of Pacific Gas and Electric Company; and

(c) Other investments and assets as are not to be retained by the Company or its successor under Plan C, after divestment pursuant to such Plan.

2. The new Delaware Company will assume all obligations of North American not provided for under other plans or not to be carried by North American under Plan C. The list of assets to be transferred to and the list of obligations to be assumed by the new Delaware Company are to be supplied by amendment.

3. The entire capital stock of the new Delaware Company will be distributed pro rata to the holders of North American's common stock. To effect such distribution, North American proposes to amend its own charter to reduce the par value of its common stock from $10 per share to $5 per share and effect a corresponding reduction in its capital, whereupon a distribution of the stock of the Delaware Company would be made out of capital surplus of North American.

4. The Company reserves the right, at any time before the transfer of assets to the new company, to dispose of any such assets which would otherwise be transferred to such company. The investments transferred to the Delaware Company shall not include holdings in any public utility company of sufficient amount to constitute such public utility company a subsidiary of the new Delaware Company as defined in the act, and in case the new Delaware Company acquires 5% or more of the outstanding voting securities of any public utility company it will sell or otherwise dispose of sufficient of such voting securities to reduce its holdings to less than 5% thereof as soon as practicable after acquisition.

5. Within six months after the distribution of the capital stock of the new Delaware Company, the first annual meeting of stockholders of the Delaware Company will be held, at which time a vote will be taken to determine whether the Delaware Company shall continue in business or be liquidated and dissolved.

Plan C. 1. Plan C provides that North American will be changed in name to "Missouri-Illinois Company." Ultimately the new Company will own the securities of Union Electric Company of Missouri and Illinois Power Company. Plan C provides for the dissolution of North American Light & Power Company (Light & Power) by the retirement of $6 Preferred Stock of Light & Power at liquidation price, the acquisition by Missouri-Illinois of the publicly-held common stock of Light & Power through the exchange of stock on the basis of four-tenths of a share of Missouri-Illinois common stock for each share of Light & Power common stock and the acquisition by Missouri-Illinois of net assets of Light & Power after certain divestments.

2. Illinois Power Company will be recapitalized. For this purpose the presently outstanding preferred stock of Illinois Power aggregating $24,175,000 in amount will be retired or converted into common stock and Light & Power will exercise one half of the outstanding option warrants of Illinois Power, as a result of which exercise there will be issued 150,000 shares of additional common stock and Illinois Power will receive $4,500,000 of cash. The unpaid cumulative preferred dividends now in arrears, and the dividend arrears certificates of Illinois Power Company (together aggregating as of December 31, 1945, $13,381,601) will be paid in cash. In connection with this plan, the debt of Illi-

nois Power will be reduced from $54,053,500 to $44,733,000 as of December 31, 1945, and new preferred stock will be issued in the aggregate par value of $16,000,000. Plan C provides also that the publicly-held common stock of Illinois Power Company will be exchanged for shares of common stock of Missouri-Illinois Company on the basis of two shares of Missouri-Illinois common stock for each share of Illinois Power Company common stock. All claims asserted by Illinois Power Company against Light & Power and North American and all counterclaims asserted by Light & Power against Illinois Power Company will be withdrawn and cancelled.

3. After consummation of the foregoing steps, Light & Power will be liquidated and its liabilities assumed by the surviving Missouri-Illinois Company. All securities received by such surviving company from Light & Power, other than securities of Illinois Power, will be disposed of by sale, distribution or otherwise within one year after the effective date of Plan C. Certain of such securities may be transferred to the new Delaware Company created under Plan B. Such disposition shall be made for the benefit of the present stockholders of North American, and those stockholders who become such through the issuance of additional shares under the plan (the present public common-stock holders of Light & Power and Illinois Power Company) shall not participate in such distribution.

III. It appearing appropriate that permission be given to The North American Company to withdraw its aforesaid earlier plan dated August 4, 1943, pursuant to the notice of withdrawal filed by said Company;

It is ordered, That pursuant to notice of withdrawal filed by The North American Company the aforesaid plan dated August 4, 1943, be and is hereby permitted to be withdrawn.

IV. The Commission having previously consolidated, for certain purposes, the proceedings heretofore instituted under section 11 (b) (1) of the act with respect to The North American Company and its subsidiary companies (File No. 59–10) and the proceedings with respect to the plan under Section 11 (e) filed by The North American Company on August 4, 1943 (File No. 54–82), together with proceedings for the liquidation and dissolution of North American Light & Power Company (File Nos. 59–39 and 54–50), subject to provisions that such proceedings might thereafter be severed for further hearing or disposition as might appear most appropriate to the orderly and expeditious conduct of such proceedings; and

It appearing appropriate that further proceedings be had herein, and that opportunity for hearing should be afforded with respect to the said Plans A and B filed by North American; and that at such hearing there should also be considered what further action should be taken by North American for the purpose of complying with the aforesaid order of the Commission dated April 14, 1942, as affirmed by the Supreme Court, with respect to the interests of North American in its subsidiaries therein ordered to be disposed of other than North American Light & Power Company and Illinois Power Company, and it appearing appropriate that at said hearing as hereinafter ordered there should also be considered any other plan or plans filed by any other person having a bona fide interest, designed to effect compliance by North American with the said order dated April 14, 1942, as more specifically hereinafter provided; and

It appearing appropriate, in the interests of the orderly disposition of the various proceedings pending before the Commission and the effective administration of the act, that such hearing be conducted separately from other hearings which have been or may be held in said consolidated proceedings relating particularly to the liquidation of North American Light & Power Company and related matters, but that the holding of such hearing be without prejudice to the orders of consolidation heretofore entered, the Commission reserving jurisdiction to dispose of any such matters by separate or consolidated orders as may appear appropriate;

It is further ordered, That a hearing shall be held with respect to compliance by North American with said order dated April 14, 1942, for the purposes more fully hereinafter set forth, on the 11th day of June, 1946, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At the aforesaid hearing there will be considered:

(a) Whether Plan A, as filed or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the Act, is fair and equitable to the persons affected thereby, and will effectuate compliance with the Commission's order dated April 14, 1942; and in particular, without limiting the generality of the foregoing:

(1) Whether Plan A is fair and equitable, and is feasible, in so far as it requires security holders to make cash payments under the proposed purchase warrants as a condition precedent to obtaining their full pro rata participation in the stocks of Cleveland Electric, Wisconsin Electric, Washington Railway, and St. Louis County Gas Company.

(2) In connection therewith, whether it is necessary and appropriate to require cash payments by stockholders of North American for the purpose of paying the bank loan owing by North American in lieu of obtaining such cash by the sale or other disposition by North American of marketable securities in its portfolio, including among others the stock of Pacific Gas and Electric Company owned by North American (stated in Plan A to have had a market value, as of December 31, 1945, of $21,105,882), and including such holdings of subsidiaries as are not readily distributable to security holders.

(3) Whether Plan A meets the standards of the Act and complies with the Commission's order dated April 14, 1942, in so far as it does not provide for the divestment by North American of its entire interests in Cleveland Electric, Wisconsin Electric and Washington Railway; whether the constitution of the "divestment units" proposed in Plan A should be modified so as to result in substantially complete distribution of shares of said subsidiary companies, with appropriate provisions for issuance of scrip and cash purchases by North American of such scrip from holders of small amounts thereof; and whether any order approving Plan A should be conditioned upon the divestment by North American of the remaining minority interests in said named subsidiaries, in some manner other than by transfer to the proposed new Delaware company, or to any other company under common or related management, ownership or control with that of the present North American.

(4) Whether the proposed "divestment units" should include stock of West Kentucky Coal Company, and of any other readily distributable securities.

(5) Whether, in the event any purchase warrants are issued as provided in Plan A, they should be permitted to run for a period as long as six months.

(6) Whether appropriate modifications should be required in Plan A for the purpose of eliminating from the managements of Cleveland Electric, Wisconsin Electric, Washington Railway, and St. Louis County Gas, any individuals who are also directors, officers or other representatives of North American or of any of its other subsidiaries.

(b) Whether Plan B, as filed or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and will effectuate compliance with the Commission's order dated April 14, 1942; and, in particular, without limiting the generality of the foregoing:

(1) Whether Plan B is in accord with the provisions of said order dated April 14, 1942, is in the interests of investors, and is otherwise in conformity with the provisions of the act, in so far as it provides for the creation of a new Delaware Company to hold certain non-utility securities and minority interests in utility companies;

(2) Whether, to the extent that Plan B may otherwise be in accord with the requirements of the statute, it is appropriate that Plan B should contain the provision therein set forth under which it is to be carried out only after consummation of Plan C.

(3) What provisions should be made in Plan B for the purpose of selecting the management of the proposed new Delaware company.

(4) Whether the provisions of Plan B as to the taking of a vote of stockholders as to the continuation in business of the proposed new Delaware company are appropriate and in the interests of investors, and whether other or different voting provisions should be required.

(c) Whether any plan proposed by the Commission or by any person having a bona fide interest, in accordance with the provisions of section 11 (d) of the act, should be approved for the purpose of effectuating the order of the Commission dated April 14, 1942, and if proposed by the Commission, what the terms and provisions of such plan should be.

(d) Whether, in the event that the Commission shall approve Plan A or Plan B, or both such plans, as filed or as modified, the Commission shall approve either or both such plans for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission of its own motion, and irrespective of any request therefor on the part of North American, to apply to a court for the enforcement of such plan or plans pursuant to section 11 (d).

It is further ordered, That any person having a bona fide interest, as defined in paragraph (h) of Rule U-103 of the Rules and Regulations of the Commission under the act, who desires to propose pursuant to section 11 (d) of said act a plan for compliance by The North American Company with the said order dated April 14, 1942, shall file such plan on or before the 4th day of June 1946. In the interests of orderly disposition of these proceedings, there will, generally speaking, be considered in connection with any such plan, at the hearing hereinbefore ordered, only such matters as are related to the disposition by North American of such of its assets and holdings previously ordered to be disposed of other than those in North American Light & Power Company and Illinois Power Company. The limitation of such consideration of such plans shall be without prejudice to the right of the proponent of any such plan to file, concurrently or hereafter, other plans, or to request consideration at another stage of these proceedings of any other part of such plan, dealing with other aspects of compliance with the aforesaid order dated April 14, 1942.

It is further ordered, That any interested person who desires to file objections to said Plan A or Plan B may do so on or before June 4, 1946. Such objections shall also be considered at said hearing. Any other person desiring to be heard or otherwise wishing to participate at said hearing should notify the Commission in the manner provided in Rule XVII of the Commission's Rules of Practice on or before June 7, 1946.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission, designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a trial examiner under the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order by registered mail to The North American Company and to all other participants in these consolidated proceedings (bearing file Nos. 59–10, 54–82, 59–39 and 54–50), and that notice of said hearing be given to all other interested persons by general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That The North American Company shall give notice of said hearing to all of its stockholders (in so far as the identity of such stockholders is known or available to North American), and to each of the holders of its outstanding Bank Loan Notes, by mailing to each of said persons a copy of this notice and order for hearing at his last known address at least fifteen days prior to the date of said hearing.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may hereafter arise in these proceedings, or hereafter to consolidate in these proceedings other applications, declarations, or filings, or to take such other action as may appear to be necessary for the orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46–7996; Filed, May 13, 1946; 9:42 a. m.]

[File Nos. 59–39, 54–50, 59–10, 54–82]

NORTH AMERICAN LIGHT & POWER CO. ET AL.

ORDER FIXING TIME FOR FILING REQUESTED FINDINGS AND BRIEFS CONCERNING CLAIMS AND CLAIM-OVER

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 May 1946.

In the matter of North American Light & Power Company, Holding Company System, and The North American Company, File No. 59–39; North American Light & Power Company, File No. 54–50; The North American Company, et al., File No. 59–10; The North American Company, File No. 54–82.

The Commission having heretofore conducted hearings in these consolidated proceedings concerning various claims asserted by Illinois Power Company, a registered holding company, against its direct and indirect parents, respectively, North American Light & Power Company ("Light & Power"), and The North American Company ("North American"), both registered holding companies, and concerning certain claims, and a claim-over with respect to the claims of Illinois Power Company, asserted by certain preferred stockholders of Light & Power (known as the Walters Group) on behalf of Light & Power, against North American; and

The record in these proceedings having, on April 22, 1946, been closed insofar as it relates to such claims and claim-over, without, however, having been concluded with respect to other phases of said proceedings;

It appearing that requested findings of fact and briefs relating to some of the claims of Illinois Power Company have previously been filed pursuant to the Commission's order of October 28, 1943; and

It appearing to the Commission that it will clarify the issues herein and conduce to the orderly disposition of these proceedings if counsel for the parties submit at this stage of the proceedings their requested findings and briefs with respect to such claims and claim-over, except to the extent that such matters have been covered by the requested findings and briefs previously filed as aforesaid; and

It appearing that in view of the magnitude of the record a period of time should be fixed for the filing of such requested findings and briefs substantially exceeding that ordinarily prescribed by the rules of practice;

It is ordered, That requested findings and briefs with respect to the aforesaid claims of Illinois Power Company against North American Light & Power Company and The North American Company, except to the extent that such matters have been covered by the requested findings and briefs previously filed as aforesaid, and with respect to the aforesaid claims and claim-over filed by the Walters Group on behalf of North American Light & Power Company against The North American Company, shall be filed with the Secretary of the Commission not later than June 24, 1946, and that reply briefs shall be filed not later than July 9, 1946.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46–7997; Filed, May 13, 1946; 9:43 a. m.]

[File Nos. 54–111, 59–12]

AMERICAN & FOREIGN POWER CO., INC., ET AL.

ORDER AUTHORIZING OFFICER TO TAKE DEPOSITIONS

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

In the matter of American & Foreign Power Company Inc., Electric Bond and Share Company, File No. 54–111. In the matter of Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company, American & Foreign Power Company, Inc., Ebasco Services Incorporated, respondents, File No. 59–12. (Public Utility Holding Company Act of 1935)

American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company and a subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, having filed an application, joined in by Bond and Share, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan of reorganization of Foreign Power; and such matter having been consolidated with proceedings heretofore instituted under section 11 (b) (2) of the act with respect to Bond and Share and certain of its subsidiaries, including particularly Foreign Power; and

Hearings having been held on such consolidated matters and further hearings being necessary in regard thereto; and

Application having been made on behalf of certain participants in the proceedings on said matters who hold

certain securities of Foreign Power, for an order directing the taking of depositions of Floyd B. Odlum and of Sydney R. Inch, who reside respectively near Indio, California, and at San Diego, California, and counsel respectively for said security holders, for Foreign Power and for Bond and Share having agreed that, subject to entry of an appropriate order by the Commission, such depositions be taken on and after June 3, 1946 at the respective residences of the said Floyd B. Odlum and Sydney R. Inch and that the taking of the deposition of Sydney R. Inch follow the taking of the deposition of Floyd B. Odlum; and

The Commission having duly considered the matter and being fully advised in the premises and it appearing appropriate that such depositions be taken:

It is ordered, That John G. Clarkson is hereby authorized to take the deposition of Floyd B. Odlum at his residence at the Jacqueline Cochran Ranch near Indio, California, at 11:00 a. m., p. s. t., on Monday, June 3, 1946 and thereafter at such times as said officer may determine, and, after the deposition of Floyd B. Odlum shall be taken, to take the deposition of Sydney R. Inch at his residence at 2440 Mary Louise Way, San Diego, California, on June 3, 1946 or as soon thereafter as may be, and thereafter at such times, as said officer may determine; and that said officer is hereby authorized to administer oaths and affirmations.

It is further ordered, That a copy of this order be served by the Secretary on counsel respectively for said security holders, for Foreign Power, for Bond and Share and for the Public Utilities Division of the Commission, personally or by registered mail, within a reasonable time in advance of the time fixed for taking testimony, and that notice of this order be given to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That, upon the completion of the taking of the testimony of each such witness, the officer designated above shall reduce the testimony of each witness to writing, cause each deposition to be signed by the respective witness, and certify and return each deposition under seal to the Secretary of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-7994; Filed, May 13, 1946; 9:42 a. m.]

[File No. 70-1254]

ASSOCIATED ELECTRIC CO. AND ARIZONA GENERAL UTILITIES CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

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

Associated Electric Company (Aelec), a registered holding company and a subsidiary of General Public Utilities Corporation, also a registered holding company, and Arizona General Utilities Company (Arizona General) a subsidiary of Aelec, having filed a joint application-declaration pursuant to sections 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 promulgated thereunder in respect to the following proposed transactions:

Aelec proposes to sell to Graham County Electric Cooperative, Inc., and the Towns of Safford and Thatcher, Arizona, its entire investment in Arizona General for an aggregate base price of $410,000, subject to certain adjustments as provided in the contract of sale. As of December 31, 1945, Aelec's investment in Arizona General consisted of $149,500 principal amount of 6% First Mortgage Bonds due December 1, 1945; $86,000 principal amount of open account indebtedness; and 10,000 shares of common stock, without par value. Under the terms of the contract of sale the purchasers are to participate in the purchase of the securities and open account indebtedness of Arizona General in the following proportions:

Purchaser	Shares of stock	Bonds and open account indebtedness	Aggregate base purchase price
		Percent	
Graham County	2,617	26.1687	$107,291.67
Safford	6,444	64.4400	264,204.00
Thatcher	939	9.3913	38,504.33
Total	10,000	100.00	410,000.00

In connection with the foregoing sale, it is proposed that Arizona General sell to Aelec, for a consideration of $1.00, the 80 shares of capital stock of Atlantic Utility Service Corporation, owned by Arizona General, or assign to Aelec the right of Arizona General to receive dividends, whether liquidating or otherwise, upon such stock.

Aelec states that it desires to consummate the above described transactions as a further step toward compliance with the provisions of section 11 (b) (1) of the act and in pursuance of the order of this Commission dated August 13, 1942, as amended, in the matter of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (File No. 59-32), directing said Trustees to dispose of their interest in certain companies, including Arizona General. In this connection Aelec has requested that the Commission find that the carrying out of the proposed transactions is necessary to effectuate the provisions of section 11 (b) of the act and that its order herein conform to the definition of the term "order of the Securities and Exchange Commission" contained in section 373 (a) of the Internal Revenue Code, as amended, and contain the recitals, specifications and itemizations required by section 1808 (f) of the Internal Revenue Code, as amended.

Said application-declaration having been filed on March 25, 1946, and an amendment thereto having been filed on April 24, 1946, and notice of such filing having been duly given in the manner prescribed by Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the sale by Aelec of a portion of the securities and indebtedness of Arizona General to the Towns of Safford and Thatcher is exempt from the provisions of section 12 (d) of the act by virtue of paragraph (b) (3) of Rule U-44, and the Commission observing no basis for adverse findings under section 12 (d) of the act and Rule U-44 with respect to the sale of the balance of such securities to Graham County Electric Cooperative, Inc.; and

The Commission observing no basis for adverse findings under the applicable standards of section 10 or 12 (f) of the act with respect to the acquisition by Aelec of 80 shares of capital stock of Atlantic Utility Service Corporation from Arizona General; and

The Commission finding that the proposed sale by Aelec of the securities and indebtedness of Arizona General are steps in compliance with the order of the Commission dated August 13, 1942;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration be, and hereby is, granted and permitted to become effective, forthwith.

It is further ordered, That the sale by Aelec of its investment in Arizona General consisting, as at December 31, 1945, of $149,500 principal amount of 6% First Mortgage Bonds due December 1, 1945; $86,000 principal amount of open account indebtedness; and 10,000 shares of common stock, is necessary or appropriate to effectuate the provisions of Section 11 (b) of the Public Utility Holding Company Act of 1935, and to effectuate and to comply with the order issued by the Commission on August 13, 1942 pursuant to said section in the proceedings entitled "In the Matter of Denis J. Driscoll and Willard L. Thorp as Trustees of Associated Gas and Electric Corporation, Respondents, File No. 59-32."

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-7993; Filed, May 13, 1946; 9:42 a. m.]

[File Nos. 70-1277, 59-23]

MIDDLE WEST CORP. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND ORDER FOR CONSOLIDATION AND ORDER FOR RECONVENING HEARING

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 May, A. D., 1946.

In the matter of the Middle West Corporation, North West Utilities Company, File No. 70-1277; The Middle West Corporation, North West Utilities Company, Wisconsin Power and Light Company, File No. 59-23.

Notice is hereby given that The Middle West Corporation, ("Middle West"), a registered holding company, and its sub-

sidiary, North West Utilities Company ("North West"), also a registered holding company, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935.

All interested persons are referred to said document which is on file in the offices of this Commission for a complete statement of the transactions therein proposed, which may be summarized as follows:

North West proposes to liquidate and dissolve, distributing to its shareholders its assets, which consist principally of 1,159,850 shares of common stock of its subsidiary, Wisconsin Power and Light Company ("Wisconsin Common"). To the holders other than Middle West of its 7% Prior Lien Stock and 7% Preferred Stock ("North West Preferred"), it proposes to distribute such number of shares of Wisconsin Common as shall have a value equal to the liquidating value of such preferred shares, $100 per share, plus accrued dividends thereon. Cash will be distributed in lieu of fractional shares. The value per share of Wisconsin Common for this purpose shall equal the initial public offering price of such shares as determined at competitive bidding by underwriters who will be invited by Middle West, on behalf of the public holders of North West Preferred, to submit bids for an offer to purchase from such shareholders the shares of Wisconsin Common which they may be entitled to receive in exchange for North West Preferred. Middle West has specified that the initial offering price of Wisconsin Common shall be not less than $21.75 per share, and that the fees and expenses of the underwriting shall be paid by Middle West.

Thereafter, North West will distribute as a final liquidating dividend all its remaining assets to Middle West as the holder of the remaining preferred stock and all of its common stock.

Middle West thereupon proposes to distribute to its shareholders, pro rata as nearly as may be, the shares of Wisconsin Common to be received as described above, plus 9,075 shares of such stock presently owned by Middle West. Cash will be distributed in lieu of fractional shares. The value per share of Wisconsin Common shall equal the initial public offering price determined by the competitive bidding procedure described above. Middle West further proposes to invite on its own account competitive bids from underwriters for the purchase from it of such shares of Wisconsin Common as shall not be so distributed to its shareholders.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application and declaration should not be granted or permitted to become effective except pursuant to further order of this Commission; and

The Commission having heretofore on September 10, 1943, issued its findings, opinion and order pursuant to section 11 (b) (2) of the act (Holding Company Act Release No. 4552, File No. 59–23), requiring, among other things, that North West be liquidated and its existence terminated; and

It appearing to the Commission that the foregoing matters under File Nos. 70–1277 and 59–23 as they pertain to Middle West, North West, and Wisconsin Power and Light Company, are related and involve common questions of law and fact; that evidence offered in respect of each of said matters may have a bearing on the other; that the substantial savings in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence heretofore or hereafter adduced with respect to each of said matters may stand as evidence in both of said matters for all purposes;

It is ordered, That the hearing "In the Matter of The Middle West Corporation, North West Utilities Company and Wisconsin Power and Light Company, File No. 59–23" with respect to the issues and matters herein recited to be reconvened and consolidated with the hearing on the above described application and declaration. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of said matters, to order a separate hearing concerning such matter, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record on any other matter.

It is further ordered, That a hearing on such matters under the applicable provisions of said act and rules and regulations of the Commission thereunder be held on June 12, 1946, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause will be shown why such application-declaration should be granted and permitted to become effective respectively. Notice is hereby given to The Middle West Corporation, to North West Utilities Company, to Wisconsin Power and Light Company, to the Wisconsin Public Service Commission, to the Federal Power Commission, and to all interested persons, said notice to be given to The Middle West Corporation, to North West Utilities Company, to Wisconsin Power and Light Company, to the Wisconsin Public Service Commission and the Federal Power Commission by registered mail, and to all other persons by publication in the FEDERAL REGISTER. All persons desiring to be heard or otherwise wishing to participate in the proceeding should notify the Commission in the manner provided by the rules of practice, Rule XVII, on or before June 10, 1946.

It is further ordered, That Allen MacCullen or any other officer of the Commission designated by it for that purpose shall preside at the hearing at such time. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That North West Utilities Company notify the holders of its Prior Lien Stock and its Preferred Stock, to the extent that their addresses are known or available to it, by mailing a copy of this notice and order to said security holders not later than fifteen days prior to June 12, 1946.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration otherwise to be considered in this proceeding, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposals as presently on file or as they may hereafter be modified are necessary or appropriate to comply with the provisions of section 11 (b) of the act and the rules, regulations, and orders of the Commission adopted thereunder and are fair and equitable to all persons affected thereby.

2. Whether the proposed acquisition by The Middle West Corporation has the tendency required by section 10 (c) (2) of the act.

3. In connection with the proposed sales to underwriters of the common stock of Wisconsin Power and Light Company, whether the consideration to be received and the fees and expenses to be paid are reasonable, whether competitive conditions are maintained, and whether such sales are subject to the competitive bidding requirements of Rule U-50.

4. The propriety of the proposed accounting treatment of the several transactions on the books of the respective applicants or declarants (or both).

5. Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, and, if not, whether and what modifications, terms or conditions should be required or imposed to satisfy the statutory standards.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–7998; Filed, May 13, 1946; 9:43 a. m.]

[File No. 70–1259]

UNION ELECTRIC CO. OF MISSOURI

SUPPLEMENTAL ORDER FOR DECLARATION TO BECOME EFFECTIVE

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

Union Electric Company of Missouri, a registered holding and operating subsidiary company of The North American Company, also a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a), 6 (b), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder regarding the issue and sale of 130,000 shares of Preferred Stock, $_____ Series with a stated value of $100 per share, subject to an offer for a

period of ten days to the holders of the presently outstanding $5 Preferred Stock of an opportunity to exchange their shares on a share-for-share basis for the new Preferred Stock, $_____ Series, plus a cash adjustment; and regarding the proposed request for bids, pursuant to the competitive bidding requirements of Rule U-50, for services in effecting the exchange of the outstanding $5 Preferred Stock for the Preferred Stock, $_____ Series, and for the purchase of such of the 130,000 shares of the Preferred Stock, $_____ Series, as are not required for exchange, said bidding to determine the price to be paid the Company and the dividend rate of the preferred Stock, $_____ Series;

The Commission having by order dated April 30, 1946, permitted said amended declaration to become effective subject to the condition that the proposed issue and exchange or sale of Preferred Stock, $4 Series, should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed; and

Union Electric Company of Missouri having filed a further amendment to the declaration herein setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, separate bids were received as follows:

Bidder	Dividend rate	Price to company (per sh.)[1] before bidder's commission	Compensation paid to bidder	Annual cost to company
Blyth & Co., Inc.	$3.50	$107	$187,200	3.31565
White, Weld & Co., and Shields & Co.	3.50	106.75	182,000	3.32226
Dillon, Read & Co., Inc.	3.50	106.125	188,500	3.34368
Lehman Bros.	3.55	106	183,000	3.39413
The First Boston Corp.	3.60	107.46	188,500	3.39591

[1] Plus accrued dividends from May 15, 1946.

Said amendment having further set forth that Union Electric Company of Missouri has accepted the bid of Blyth & Co., Inc. and that it is the present intention of the successful bidder, upon the termination of the exchange offer, to offer the Preferred Stock, $3.50 Series, not taken by exchange, for sale to the public at a price of 107% of the stated value and that the successful bidder's commission for services in effecting the exchange and underwriting the balance of the shares of Preferred Stock, $3.50 Series, not required for exchange is $187,200, representing a commission of $1.44 per share;

The Commission having examined the record in the light of said amendment, and finding no basis for imposing terms and conditions with respect to the price to be paid for the said Preferred Stock, $3.50 Series, the dividend rate thereon, or the bidder's commission;

It is ordered, That said declaration, as amended, be and the same hereby is permitted to become effective forthwith subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-7995; Filed, May 13, 1946; 9:42 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 125 Under Order A-2]

JOHN R. MACGREGOR LEAD CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 125 under Paragraph (a) (20) of Order A-2 under § 1499.159 (b) of Maximum Price Regulation No. 188. Manufacturers' maximum prices for consumers' goods other than apparel. John R. MacGregor Lead Company. Docket No. 6122-188.161 (a) (2)-20.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to paragraph (a) (20) of Order A-2 under § 1499.159 (b) of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum net prices for sales of "Scotch Laddie" ready-mixed white lead paint by the John R. MacGregor Lead Company, Chicago, Ill., to its various classes of purchasers may be increased by an amount not in excess of $0.25 per gallon.

(b) Any person purchasing "Scotch Laddie" ready-mixed white lead paint for the purpose of resale in the same form may increase his presently established maximum prices under the General Maximum Price Regulation by an amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted the manufacturer in (a) above.

(c) The John R. MacGregor Lead Company shall furnish to each buyer purchasing "Scotch Laddie" ready-mixed white lead paint for resale on or before the date it makes the first delivery at the adjusted price a written statement as follows:

The OPA has granted an adjustment of 25¢ per gallon in the maximum prices of "Scotch Laddie" ready-mixed white lead paint manufactured by the John R. MacGregor Lead Company. You are permitted to add the actual amount of your increased cost resulting from the increase permitted the John R. MacGregor Lead Company to your existing maximum price for "Scotch Laddie" ready-mixed white lead paint.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective May 10, 1946.

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7871; Filed, May 9, 1946; 4:37 p. m.]

[MPR 188, Corr. of Revocation of Order 4817]

METROPOLITAN INDUSTRIES

APPROVAL OF MAXIMUM PRICES

The order revoking Order No. 4817 issued on March 18, 1946, and effective March 19, 1946, under § 1499.159c of Maximum Price Regulation No. 188 was incorrectly designated. The designation is hereby corrected to read:

[MPR 188, Revocation of Order 4816]

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7868; Filed, May 9, 1946; 4:37 p. m.]

[MPR 188, Rev. Order 4944]

ROBESON CUTLERY CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

That Order No. 4944 under § 1499.158 of Maximum Price Regulation No. 188 is amended and revised as follows:

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by Robeson Cutlery Company, Inc., Main Street, Perry, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Jobbers	Retailers	Consumers
Carving set 1 11" hollow ground, chrome plated, chrome vanadium, steel knife in walnut, case with inlaid walnut handle	110	*Each* $3.75	*Each* $5.00	*Each* $8.50
Same as above but with 1 11" knife and 1 6¾" knife	120	6.25	8.34	14.00
Same as above but with 1 11" knife and 1 6¾" knife and 1 2-tine fork	130	8.95	11.94	20.00
Carving set 1 11" hollow ground, chrome plated, chrome vanadium, steel knife in pakkawood case with pakkawood handle	210	4.50	6.00	10.00
Same as above but with 1 11" knife and 1 6¾" knife	220	6.75	9.00	15.00
Same as above but with 1 11" knife and 1 6¾" knife, 1 2-tine fork	230	10.125	13.50	22.50

These maximum prices are for the articles described in the manufacturer's application dated March 5, 1946.

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

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

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

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

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 9th day of May 1946.

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7869; Filed, May 9, 1946; 4:37 p. m.]

[MPR 200; Order 18]

GOODYEAR TIRE AND RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1315.1405b of Maximum Price Regulation 260, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales by the manufacturer and by wholesalers in the shoe repair trade of the brown and no-mark black men's half heels made in part of rubber and bearing the brand name Goodyear Heelite, which are manufactured by the Goodyear Tire and Rubber Company, Inc., Akron, Ohio. This order also establishes maximum prices for shoe repairmen's sales of these heels attached and unattached.

(b) *Maximum prices.* The manufacturer's and wholesaler's maximum prices for sales in the shoe repair trade of the heels described in paragraph (a) of this Order, and for shoe repairmen's sales of these heels attached and unattached, shall be as follows:

	Per pair
Sales by shoe repairmen to consumers, attached	$0.75
Sales by shoe repairmen to consumers, unattached	.30
	Per dozen pair
Sales to shoe repairmen	$3.00
Sales to wholesalers	2.25

The above maximum prices for sales to shoe repairmen shall be reduced by any cash discounts given by the seller to shoe repairmen of the same class during March 1943.

The above maximum prices for sales to wholesalers shall be decreased by 5% if the purchaser pays cash within thirty days after delivery.

All other discounts, allowances, and trade practices of sellers which were in effect during March 1942 shall apply to sales covered by this order.

(c) *Notification of maximum prices.* With or prior to the first delivery to a wholesaler or a shoe repairman of any of the heels covered by this order, the seller shall notify the purchaser in writing of the maximum prices for sales by the shoe repairman of the rubber heels attached and the maximum prices for sales by the shoe repairman of the unattached heels as established by paragraph (b) of this order. If the purchaser is a wholesaler, the notification shall include the maximum price applicable to the wholesalers resales to wholesalers and to shoe repairman, and a statement that such purchaser is required by this order to notify any shoe repairman to whom he sells of the maximum prices for the sales of the heels by the shoe repairman, attached, and unattached, as established by paragraph (b) of this order.

(d) All provisions of Maximum Price Regulation 200 that are not inconsistent with this order shall apply to sales covered by this order.

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

This order shall become effective May 10, 1946.

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7872; Filed, May 9, 1946; 4:37 p. m.]

[MPR 389, Order 57]

HAERING'S MARKET ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On March 8, 1946, Stephen Haering, doing business as Haering's Market, 1836 Fond du Lac Avenue, Milwaukee, Wisconsin, filed an application for the establishment of maximum prices on sales of the sausage products known as "Smoked soft summer sausage", "Smoked hard summer sausage" and "Paprika head cheese" and made in accordance with the individual secret formulae submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-55.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389, *It is ordered:*

(a) That the maximum prices other than at retail for the sausage products known as "Smoked soft summer sausage", Smoked hard summer sausage" and "Paprika head cheese" and made by Stephen Haering d/b/a Haering's Market in accordance with the individual formulae submitted to the Office of Price Administration with the application for this order, except that a yield not in excess of 95% shall be maintained for the product known as "Smoked soft summer sausage", shall be determined by the seller as follows:

(1) The base prices for these products are established at the following amounts per hundredweight:

Smoked soft summer sausage	$26.00
Smoked hard summer sausage	35.75
Paprika head cheese	21.75

NOTE: If sold not boxed, 50 cents per cwt. must be deducted from the above prices.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage which is not Kosher sausage, all beef sausage or sausage containing meat and meat by-products from swine only. In determining the proper zone differentials to be added, the zone description provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of "Smoked Soft Summer Sausage", "Smoked Hard Summer Sausage" or "Paprika Head Cheese" to a wholesaler, peddler-truck-seller, or intermediate distributor, Stephen Haering d/b/a Haering's Market shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for "Smoked Soft Summer Sausage", "Smoked Hard Summer Sausage" and "Paprika Head Cheese" have been established by the Office of Price Administration at the following base prices per hundredweight:

Smoked soft summer sausage	$26.00
Smoked hard summer sausage	35.75
Paprika head cheese	21.75

To these may be added the zone differentials provided in section 12 (b) of MPR 389 (See section 14 for zone boundaries) plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler-truck-seller, or an intermediate distributor you must figure your ceiling prices for these products pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of "Smoked Soft Summer Sausage", "Smoked Hard Summer Sausage" or "Paprika Head Cheese" to a retailer the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling prices for "Smoked Soft Summer Sausage" "Smoked Hard Summer

Sausage" and "Paprika Head Cheese" have been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for these items in accordance with the provisions of Maximum Price Regulation No. 336.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraphs (b) and (c) of section 12 shall be applicable to all sales made under this order.

(e) That the maximum retail prices at which Stephen Haering d/b/a Haering's Market may sell his "Smoked Soft Summer Sausage", "Smoked Hard Summer Sausage" and "Paprika Head Cheese" to ultimate consumers shall be determined by the said Stephen Haering d/b/a Haering's Market in accordance with the provisions of section 23 of Maximum Price Regulation No. 336, using the sum obtained by adding the base prices hereinbefore set forth to the proper zone differential, specified in section 12 (b) of Maximum Price Regulation No. 389 as the "total net delivered cost" required by the cited section of Maximum Price Regulation No. 336.

(f) All prayers of the application not herein granted are denied.

(g) This Order No. 57 may be revoked or amended by the Price Administrator at any time.

This Order No. 57 shall become effective May 10, 1946.

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7873; Filed, May 9, 1946; 4:38 p. m.]

[MPR 591, Order 492]

UNIVERSAL REFRIGERATION CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any persons of the following commercial refrigerator, manufactured by the Universal Refrigeration Company of Los Angeles, California, and as described in the application dated February 26, 1946, which is on file with the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Model	On sales to—		
	Distributors	Dealers	Consumers
U-40 commercial refrigerator	$388.00	$465.00	$775.00

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Universal Refrigeration Company of Los Angeles, California, shall stencil on the inside lid or cover of the commercial refrigerator covered by this order, substantially the following:

OPA Maximum Retail Price—$_____

Plus freight and crating as provided in Order No. 492 under Maximum Price Regulation No. 591.

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

This order shall become effective May 10, 1946.

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7875; Filed, May 9, 1946; 4:38 p. m.]

[MPR 591, Order 493]

STRATA AIRE CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following farm freezers manufactured by The Strata Aire Corporation and as described in the application dated March 19, 1946 which is on file with the Prefabrication & Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—		
	Distributors	Dealers	Consumers
50 cu. ft. ½ hp. condensing unit	$547.00	$657.00	$1,095.00
30 cu. ft. ½ hp. condensing unit	397.50	477.00	795.00
24 cu. ft. ½ hp. condensing unit	339.50	407.40	679.00

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Strata-Aire Corporation shall stencil on the inside of lid, or cover of the farm freezers covered by this order, substantially the following:

OPA Maximum Retail Price $_____

Plus freight and crating as provided in Order No. 493 under Maximum Price Regulation No. 591.

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

This order shall become effective May 10, 1946.

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7876; Filed, May 9, 1946; 4:39 p. m.]

[Rev. SO 119, Corr. to Order 141]

NATIONAL ENAMELING STAMPING CO.

ADJUSTMENT OF CEILING PRICES

Paragraph b (ii) of Order No. 141, issued pursuant to sections 15 and 16 of Revised Supplementary Order No. 119 is corrected by substituting the word, "same," for the word, "sale."

This correction shall become effective as of the first day of April, 1946.

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7877; Filed, May 9, 1946; 4:39 p. m.]

[Order 81 Under Order 375 Under 3 (b), Amdt. 1]

HOMESPUN FRUIT CO.

ESTABLISHMENT OF MAXIMUM PRICES

Amendment No. 1 to order No. 81 under order 375 of § 1499.3 (b) of the General Maximum Price Regulation. Homespun Fruit Company. Docket No. 6035.2-375-1(d)-1.

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

That Order No. 81 under Order 375 of § 1499.3 (b) of the General Maximum Price Regulation be amended in the following respect:

1. The maximum delivered price as set forth in paragraph (a) for sales by Homespun Fruit Company to wholesalers, wagon wholesalers, chain stores and cooperatives is amended to read: $1.91.

2. Paragraph (d) (1) is amended by deleting the figures: $1.83 and inserting in place thereof the figure: $1.91.

The amendment shall become effective May 11, 1946.

Issued this 10th day of May 1946.

NOTE: This order has the prior written approval of the Secretary of Agriculture (10 F.R. 8419, 9419, 10961, 12305)

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7912; Filed, May 10, 1946; 11:31 a. m.]

[SO 148, Order 5]

EAGLE ELECTRICAL MANUFACTURING CO., INC.

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 the provisions of Supplementary Order No. 148; it is ordered:

(a) *Manufacturer's ceiling prices.* This order establishes maximum prices for sales and deliveries of Model No. 395 desk lamp and Model No. 575 bed lamp manufactured by Eagle Electric Manufacturing Company, Inc., of 23-10 Bridge Plaza South, Long Island City 1, N. Y., for sales by it to jobbers as follows:

Article	Model No.	Maximum prices for sales to jobbers
		Each
Utility desk lamp	395	$1.00
Bakelite nite-beam bed lamp	575	.91

(1) The application is denied as to Bakelite Bed Lamp, Model No. 300.

(b) *Maximum prices of purchasers for resale.* (1) A reseller at wholesale who determined his maximum resale price under section 4.5 (b) of Supplementary Regulation 14 J shall calculate his ceiling price according to the method provided by paragraph (b) (2) of section 4.5 on the basis of the manufacturer's adjusted ceiling price as permitted by this order regardless of whether the article was sold by the reseller during March 1942.

(2) A reseller at wholesale who determines his maximum resale price under section 4.5 (c) of Supplementary Regulation 14 J shall calculate his ceiling price according to the method provided by paragraph (c) of section 4.5 on the basis of the seller's invoice cost.

(3) A reseller at wholesale who cannot determine his ceiling price in accordance with the foregoing provisions shall apply to the Office of Price Administration for the establishment of his ceiling prices in accordance with the provisions of section 4.5 (d) of Supplementary Regulation 14 J. Ceiling prices authorized under that provision will reflect the supplier's prices adjusted in accordance with this order.

(c) A reseller who determined his maximum resale price under the General Maximum Price Regulation shall calculate his ceiling prices by adding to his invoice cost the same percentage mark-up which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

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.

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

(d) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580 shall compute his ceiling price in the manner provided by that regulation.

(e) *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.

(f) *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 in writing each purchaser for resale, of the adjusted ceiling prices for resales of the articles covered by this order. This notice may be given in any convenient form.

(g) The provisions of Order No. 63 under Supplementary Order No. 119 issued on the 29th day of January 1946, and any amendments thereto are hereby revoked insofar as the said Order No. 63 applies to Utility Desk Lamp, Model No. 395; and Bakelite Nite-Beam Bed Lamp, Model No. 575, manufactured by Eagle Electric Manufacturing Company, Inc.

(h) The provisions of Supplementary Order No. 153 shall not apply to any of the articles covered by this order.

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

This order shall become effective on the 10th day of May 1946.

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7878; Filed, May 9, 1946; 4:39 p. m.]

[MPR 120, Order 1655]

BROWN BROS. COAL CO. ET AL

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

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

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

BROWN BROTHERS COAL CO., 916 SUNSET AVE., GROVE CITY, PA., BROWN BROTHERS MINE, BROOKVILLE SEAM, MINE INDEX NO. 4186,[1] BUTLER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, HARRISVILLE OR GROVE CITY, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP A

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	G	G	G	G	G	F	G	G	G	------	------
Rail shipment	330	330	320	320	320	310	290	290	275	------	------
Railroad fuel	335	335	335	335	335	320	290	290	290	290	------
Truck shipment [1]	455	455	455	435	425	425	425	340	310	310	290

DAVID E. CONEBY & SONS, BOX 66, MEADOWLANDS, PA., CONEBY & SONS MINE, PITTSBURGH SEAM, MINE INDEX NO. 4514, WASHINGTON COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT, HOUSTON, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP B, MAXIMUM TRUCK PRICE GROUP NO. 6

Price classification	C	C	C	C	F	F	F	F	F	------	------
Rail shipment	334	334	319	319	284	274	259	259	244	------	------
Railroad fuel	334	334	319	319	299	284	259	259	244	244	------
Truck shipment	434	434	434	394	384	384	384	334	299	299	264

ALBERT J. FIORINA, 116 SOUTH MARKET ST., LIGONIER, PA., ALBERT J. FIORINA MINE, PITTSBURGH SEAM, MINE INDEX NO. 1265,[1] WESTMORELAND COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, LIGONIER, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP B

Price classification	G	G	G	G	H	H	G	G	G	------	------
Rail shipment	330	330	320	320	315	305	290	290	275	------	------
Railroad fuel	335	335	335	335	335	320	290	290	280	280	------
Truck shipment [1]	435	435	435	415	385	385	385	325	305	305	275

FORD COAL CO., C/O LEE S. FORD, 343 EAST MAIN ST., UNIONTOWN, PA., PURITAN MINE, PITTSBURGH SEAM, MINE INDEX NO. 4506, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, REMINGTON, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP E, MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	D	D	C	C	C	C	C	C	C	------	------
Rail shipment	319	319	319	319	319	309	284	284	264	------	------
Railroad fuel	319	319	319	319	319	309	284	284	264	249	------
Truck shipment	424	424	424	394	384	384	384	319	299	299	274

HANKEY FARMS CO., R. F. D. NO. 1, OAKDALE, PA., HANKEY MINE, PITTSBURGH SEAM, MINE INDEX NO. 4509, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT, NOBLESTOWN, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	A	A	C	C	F	D	E	E	E	------	------
Rail shipment	339	339	319	319	284	299	259	259	244	------	------
Railroad fuel	339	339	319	319	299	299	259	259	254	254	------
Truck shipment	434	434	434	399	369	369	369	334	294	294	279

HARPER VALLEY COAL CO., R. D. NO. 1, BOX 254, IRWIN, PA., HARPER VALLEY NO. 2 MINE, REDSTONE SEAM, MINE INDEX NO. 4519, WESTMORELAND COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT, VISTA, PA., DEEP AND STRIP MINE, RAILROAD FUEL PRICE GROUP D, MAXIMUM TRUCK PRICE GROUP NO. 8

Price classification	G	G	G	G	G	G	G	G	G	------	------
Rail shipment	294	294	284	284	284	274	254	254	239	------	------
Railroad fuel	294	294	284	284	284	274	254	254	244	244	------
Truck shipment	424	424	424	404	374	374	374	314	294	294	264

The foregoing maximum prices apply to strip-mined coal; to determine the effective maximum prices on deep-mined coal add 36 cents per net ton to the maximum prices listed for rail shipment and for railroad fuel add 11 cents per net ton to those listed for truck shipment.

INDUSTRIAL COAL CO. OF YOUNGSTOWN, P. O. BOX 477, MT. PLEASANT, PA., INDUSTRIAL NO. 3 MINE, LOWER KITTANNING SEAM, MINE INDEX NO. 4518, WESTMORELAND COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, MAMMOTH, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 8

Price classification	E	E	D	D	C	C	D	D	D	------	------
Rail shipment	319	319	309	309	319	309	279	279	254	------	------
Railroad fuel	319	319	309	309	319	309	279	279	254	254	------
Truck shipment	424	424	424	404	374	374	374	314	294	294	264

JENNINGS & WAYDICE, C/O FRED JENNINGS, R. D. NO. 2, LAKE LYNN, PA., POLTER MINE, PITTSBURGH SEAM, MINE INDEX NO. 4516, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, PT. MARION, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP E, MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	F	F	E	E	E	E	E	E	E	------	------
Rail and river shipment	330	330	325	325	325	315	295	295	280	------	------
Railroad fuel	330	330	325	325	325	315	295	295	285	285	------
Truck shipment	435	435	435	405	395	395	395	330	310	310	285

[1] Previously established.

This order shall become effective May 10, 1946.

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

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7863; Filed, May 9, 1946; 4:35 p. m.]

[SO 119, Amdt. 1 to Order 72]

A. O. SMITH CORP.

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 1 to Order 72 under Supplementary Order No. 119. Docket No. 6123-SO 119-101. Authorization of maximum prices for sales of electric fired storage water heaters manufactured by the A. O. Smith Corporation of Milwaukee, Wisconsin.

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

Order No. 72 under Supplementary Order No. 119 is amended by deleting the phrase "the 'E' line of electric fired storage water heaters" wherever it appears and substituting for it the phrase: "its line of electric fired storage water heaters".

This amendment shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7936; Filed, May 10, 1946; 11:32 a. m.]

[Rev. SO 119, Amdt. 1 to Order 162]

CLEVELAND HEATER CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment 1 to Order No. 162 under Revised Supplementary Order 119. Adjustment of maximum prices for automatically operated storage water heaters, as specified in Maximum Price Regulation 591 manufactured by the Cleveland Heater Company of Cleveland, Ohio. Docket No. 6123-RSO 119-105.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, Order No. 162, under Revised Supplementary Order 119 is amended in the following respects:

1. Paragraph (a) (1) is amended by inserting after "Automatic gas and electric storage water heaters and tank heaters," the words, "and component parts, accessories and repair parts thereof."

2. Paragraph (c) is amended by inserting after "Automatic gas and electric storage water heaters and tank heaters," the words, "and component parts, accessories and repair parts thereof."

This amendment shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7937; Filed, May 10, 1946; 11:32 a. m.]

[Rev. SO 119, Order 197]

BROOKLYN HOSPITAL EQUIPMENT CO., INC.

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 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* The Brooklyn Hospital Equipment Company, Murdock and Oak Streets, Johnstown, Pennsylvania may compute its adjusted ceiling prices for all the hospital equipment which it manufactures, as follows:

(1) For an article which has a properly established ceiling price in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by 19.3 per cent.

(2) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(3) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A reseller who had a properly established maximum price in effect before this order was issued for an article covered by this order may add to that maximum price an adjustment charge in the same dollar-and-cents amount as the adjustment charge authorized by this order for, and which he has paid to, his supplier.

(2) If the reseller did not have a properly established maximum price for the article in effect before this order was issued he shall first determine a maximum price (exclusive of adjustment charges), and to that price he may add an adjustment charge in the same dollar-and-cents amount as the adjustment authorized by this order for, and which he has paid to, his supplier. To find his maximum price (exclusive of adjustment charges) for this purpose the reseller shall add to his invoice cost, less an adjustment charge stated on that invoice, the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

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.

(3) If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to the 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) The provisions of Supplementary Order No. 153 shall not apply to sales of articles covered by this order.

(e) *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.

The adjustment charge determined in accordance with this order must be stated separately upon invoices for all sales of articles covered by this order.

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

(g) This order shall become effective on the 11th day of May 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7938; Filed, May 10, 1946; 11:32 a. m.]

[Rev. SO 119, Order 199]

SHERWOOD BRASS WORKS

ADJUSTMENT OF MAXIMUM PRICES

Order No. 199 under revised Supplementary Order No. 119. Docket No. 6075–SO 119–25. Adjustment of maximum prices for sales of Ball Cock No. 66 and Beer Tap No. 8128 Hi-Boy manufactured by the Sherwood Brass Works, Detroit, Mich.

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

(a) *Maximum Prices for Sherwood Brass Works of Detroit, Mich.* (1) The above manufacturer may determine his maximum prices for his lines of ball cock No. 66 and beer tap No. 8128 Hi-Boy by increasing by the following percents his prices on these items in effect on October 1, 1941 to each class of purchaser:

	Percent
Ball Cock No. 66	7.4
Beer Tap No. 8128 Hi-Boy	6.3

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

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March 1942.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this Order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 199 under Revised Supplementary Order No. 119 authorizes the following increase in October 1, 1941, net prices for sales of these items manufactured by this company:

	Percent
Ball cock No. 66	7.4
Beer tap No. 8128 Hi-Boy	6.3

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted by Order No. 199.

(d) All prayers for relief not granted herein are denied.

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

This order shall become effective May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7939; Filed, May 10, 1946; 11:32 a. m.]

[Rev. SO 119, Order 200]

PITTSBURGH TABLE 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 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Pittsburgh Table Company, 1247 Reedsdale Street, Pittsburgh, Pa., may compute its adjusted ceiling prices for all articles of metal household furniture which it manufactures, as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 22.3 percent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580, and a wholesaler who must determine his ceiling price under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a selling price, the reseller shall compute his ceiling prices under those regulations as they have been modified by Order No. 8 under § 1499.159e of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale prices under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling prices under that regulation as modified by Order No. 8 under § 1499.159e of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price", the reseller shall calculate his ceiling price by adding to his invoice cost the same percentage mark-up which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

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.

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

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by 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.

(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 May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7940; Filed, May 10, 1946; 11:32 a. m.]

[Rev. SO 119, Amdt. 201]

SEMCO FURNITURE CORP.

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 15 and 16 of Revised Supplementary Order No. 119; it is ordered:

(a) *Manufacturer's ceiling prices.* Semco Furniture Corporation, 555 Main Street, North Tonawanda, N. Y., may compute its adjusted ceiling prices for all articles of metal household furniture which it manufactures, as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 24.1 per cent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580, and a wholesaler who must determine his ceiling price under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price' and a selling price, the reseller shall compute his ceiling prices under those regulations as they have been modified by Order No. 8 under § 1499.159e of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale prices under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling prices under that regulation as modified by Order No. 8 under § 1499.159e of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price" the reseller shall calculate his ceiling price by adding to his invoice cost the same percentage mark-up which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

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.

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

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by 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.

(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 May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7941; Filed, May 10, 1946; 11:33 a. m.]

[SO 148, Order 6]

SESSIONS CLOCK CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 3 and 4 of Supplementary Order No. 148; it is ordered:

(a) *Manufacturers' maximum prices.* The Sessions Clock Company of Forestville, Connecticut may increase by no more than $.24 each its maximum prices to jobbers for sales of electric kitchen clock Model No. 287–W of its manufacture; and may increase by no more than $.12 each its maximum prices to jobbers for sales of electric kitchen clock Model No. 386–W of its manufacture.

(b) *Maximum prices of purchasers for resale.* A purchaser for resale shall determine his maximum price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established maximum price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

If the maximum price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration, Washington 25, D. C., for the establishment of a maximum price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Maximum 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 purchasers in effect during March 1942, or established under any applicable OPA regulation.

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

(e) The Sessions Clock Company may not increase its maximum prices for sales of electric kitchen clock, Model No. 339–W, and as to sales of clocks of such model, its application for an increase in maximum price is denied.

(f) *Relation between this order and Supplementary Order No. 153.* The provisions of Supplementary Order No. 153 shall not apply to sales of any of the articles mentioned hereinabove in this order.

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

(h) *Effective date.* This order shall become effective on the 11th day of May 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7942; Filed, May 10, 1946; 11:33 a. m.]

[MPR 188, Amdt. 1 to Order 4924]

AMERICAN METALCRAFT CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered,* That paragraph (a) (1) of Order No. 4924 under Section 1499.158 of Maximum Price Regulation No. 188 be amended as follows:

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below ,the maximum price are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Painted metal bed lamp.	103	$1.20	$1.41	$2.55

These maximum prices are for articles described in the manufacturer's application dated November 8, 1945.

This amendment shall become effective on the 11th day of May 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7915; Filed, May 10, 1946; 11:34 a. m.]

[MPR 188, Order 5004]

L. A. YOUNG SPRING AND WIRE CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by L. A. Young Spring and Wire Corporation, 900 High Street, Oakland 1, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Retailers (dealers)	Household consumers
Wheelbarrow.	Silver Barrow No. 1.	*Each* $5.77	*Each* $7.69	*Each* $11.54

These maximum prices are for the articles described in the manufacturer's application dated April 2, 1946.

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

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of

purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

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

Model No. Silver Barrow No. 1
OPA Retail Ceiling Price—$11.54 each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

(e) This order shall become effective on the 11th day of May 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7916; Filed, May 10, 1946; 11:34 a. m.]

[MPR 120, Order 1656]

COWAN COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

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

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of Maximum Price Regulation No. 120.

COWAN COAL CO., BOX 225, WHITESBURG, KY., COWAN COAL CO. MINE, HAMLIN SEAM, MINE INDEX NO. 7729, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT, ICE, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipment and railroad fuel [1]	365	365	360	360	360	350	330	325	325	360	315	300	295	295
Truck shipment	395	375	350	350	335	310	275	270	-----	-----	-----	-----	-----	-----

THE JOY LEE CANNEL COAL CO., BOX 86, GARRETT, KY., JOY LEE CANNEL COAL CO. MINE, CANNEL SEAM, MINE INDEX NO. 7726, WAYNE COUNTY, W. VA., SUBDISTRICT 8, RAIL SHIPPING POINT, CRUM, W. VA., F. O. G. 130, DEEP MINE, FOR ALL METHODS OF SHIPMENT TO ALL DESTINATIONS

Lump	450
Egg	400
Chips	350
Machine cutting	250

LONG COAL CO., ROUTE NO. 1, NORA, VA., LONG COAL CO. MINE, UPPER BANNER SEAM, MINE INDEX NO. 7724, DICKENSON COUNTY, VA., SUBDISTRICT 7, RAIL SHIPPING POINT, NORA, VA., F. O. G. 10, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	E	D	G	G	G
Rail shipments and railroad fuel	365	365	360	360	360	350	330	325	325	385	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	-----	-----	-----	-----	-----	-----

N. J. LUCAS COAL CO., WHITESBURG, KY., N. J. LUCAS COAL CO. NO. 1 MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 7722, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT, BELCRAFT, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel [1]	365	365	360	360	360	350	330	325	325	360	315	300	295	295
Truck shipment	395	375	350	350	335	310	275	270	-----	-----	-----	-----	-----	-----

[1] Subject to the provisions of Second Revised Order No. 1432 under MPR 120, as amended.

This order shall become effective May 10, 1946.

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

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7864; Filed, May 9, 1946; 4:36 p. m.]

[MPR 260, Order 2149]

RICHARD L. SHOFF

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Richard L. Shoff, Cor. Broad and Main Sts., Yoe, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
A-B's	Queens	50	*Per M* $75	*Cents* [1] 10

[1] Prices apply to this brand and frontmark using only Connecticut Shadegrown (Type 61) L V-1 16" wrappers and 32% Havana (Type 81) and 68% Porto Rico (Type 46) short filler, as specified in application. Attention of the manufacturer is directed to average retail price ceiling requirement of MPR 260.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other

seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7917; Filed, May 10, 1946; 11:34 a. m.]

[MPR 260, Order 2150]

W. W. STEWART & SONS

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) W. W. Stewart & Sons, 330 Cherry Street, Reading, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Cadetship	Perfecto	50	$60	2 for 15
John Hay	Conchas	50	75	10
	Cadet	50	90	12
	Clubhouse	50	115	15
	De Luxe	50	141	3 for 55

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7918; Filed, May 10, 1946; 11:35 a. m.]

[MPR 120, Order 1657]

CAUDILL & FOX COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

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

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

CAUDILL & FOX COAL CO., ERMINE, KY., CAUDILL & FOX MINE, ELKHORN SEAM, MINE INDEX NO. 7731, LETCHER COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: KONA, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J
Rail shipments and railroad fuel [1]	380	375	365	365	360	350	330	325	325	360	315	310	300	295
Truck shipment	395	375	350	350	335	310	275	270	----	----	----	----	----	----

JOHNSON BROTHERS, MELVIN, KY., JOHNSON MINE, ELKHORN NO. 3 SEAM, MINE INDEX NO. 7732, FLOYD COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT: JACKS' CREEK, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 2

Price classification	F	F	F	F	F	F	E	E	C	C	A	F	F	F
Rail shipments and railroad fuel	400	395	385	385	370	355	335	330	330	385	320	310	305	305
Truck shipment	430	410	365	380	345	320	275	270	----	----	----	----	----	----

MAHAN-ELLISON COAL CORP., P. O. BOX 160, KNOXVILLE, TENN., MAHAN-ELLISON NO. 4 MINE, PEE WEE SEAM, MINE INDEX NO. 7736, MORGAN COUNTY, TENN., SUBDISTRICT 6, RAIL SHIPPING POINT: MAHAN, TENN., F. O. G. 70, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 1

Price classification	A	A	A	A	A	A	A	A	A	C	A	G	G	G
Rail shipments and railroad fuel	465	465	465	445	425	400	380	365	355	400	335	325	315	310
Truck shipment	455	435	365	380	345	320	275	270	----	----	----	----	----	----

[1] Subject to the provisions of Second Revised Order No. 1432 under MPR 120, as amended.

This order shall become effective May May 10, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 388, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7865; Filed, May 9, 1943; 4:36 p. m.]

[MPR 260, Order 2151]

A. SENSENBRENNER SONS

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) A. Sensenbrenner Sons, 1220 Maple Avenue, Los Angeles 15, Calif. (hereinafter called "manufacturer") and

wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Union Pacific	Pony Express	50	$115.00	15
California Club	Epicures	50	108.75	2 for 29
	Presidents	50	138.00	18

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7919; Filed, May 10, 1946; 11:35 a. m.]

[MPR 260, Order 2152]

MARK CIGAR CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Mark Cigar Company, 1020 North Water Street, Milwaukee 2, Wis. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Little Nick's	Breva	50	$72	9
	Perfecto	50	134	2 for 35

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7920; Filed, May 10, 1946; 11:35 a. m.]

[MPR 260, Order 2153]

MEDALIST CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Medalist Company, Inc., 10 West 33d Street, New York 1, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Trovador	#8	50	$101.25	2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this

order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7921; Filed, May 10, 1946; 11:35 a. m.]

[MPR 120, Order 1658]

RUTH LUMBER & SUPPLY CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

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

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

RUTH LUMBER & SUPPLY CO., SCOTTDALE, PA., WALTER MINE, UPPER FREEPORT SEAM, MINE INDEX NO. 4521, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, KEISTER BRANCH, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 7

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	F	E	E	E	E	E	F	F	F	------	------
Rail shipment	294	294	289	289	289	279	259	259	244	------	------
Railroad fuel	299	299	299	299	299	284	259	259	254	254	------
Truck shipment	424	424	424	394	384	384	384	319	299	299	274

JOHN SCOCIALOCK, R. D. NO. 1, BOX 91, MCCLELLANDTOWN, PA., SCOCIALOCK MINE, PITTSBURGH SEAM, MINE INDEX NO. 4515, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, PURITAN NO. 7, DEEP MINE, RAILROAD FUEL PRICE GROUP E, MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	E	E	C	C	B	B	C	C	C	------	------
Rail shipment	355	355	355	355	355	345	320	320	300	------	------
Railroad fuel	355	355	355	355	355	345	320	320	300	285	------
Truck shipment	435	435	435	405	395	395	395	330	310	310	285

SCOTT AND ZEBLEY, 74 HIGHLAND AVE., UNIONTOWN, PA., ZANA NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4523, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, LECKRONE, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	E	E	C	C	B	B	C	C	C	------	------
Rail shipment	319	319	319	319	319	309	284	284	264	------	------
Railroad fuel	319	319	319	319	319	309	284	284	264	254	------
Truck shipment	424	424	424	394	384	384	384	319	299	299	274

WINGERT CONTRACTING CO., INC., 601 BUTLER SAVINGS & TRUST BLDG., BUTLER, PA., LLOYD MINE, MIDDLE KITTANNING SEAM, MINE INDEX NO. 4524, BUTLER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, HALLSTON & KIESTER, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 2

Price classification	E	E	D	D	C	C	D	D	D	------	------
Rail shipment	319	319	309	309	319	309	279	279	254	------	------
Railroad fuel	319	319	309	309	319	309	379	379	254	254	------
Truck shipment	444	444	444	424	414	414	414	329	299	299	279

PETE FETCHEN, R. D. NO. 1, MONONGAHELA, PA., GOSPEL MINE, PITTSBURGH SEAM, MINE INDEX NO. 4505, ALLEGHENY COUNTY, PA., SUBDISTRICT 9, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Truck shipment	445	445	445	410	380	380	380	345	305	305	290

FLECK BROS. COAL CO., CARNEGIE, PA., TACY MINE, PITTSBURGH SEAM, MINE INDEX NO. 4513, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, DEEP MINE, MAXIMUM PRICE GROUP NO. 5

Truck shipment	445	445	445	410	380	380	380	345	305	305	290

FLECK BROS. COAL CO., CARNEGIE, PA., SCHAFFER MINE, PITTSBURGH SEAM, MINE INDEX NO. 4512, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Truck shipment	445	445	445	410	380	380	380	345	305	305	290

MCNARY COAL CO., R. D. NO. 1, FINLEYVILLE, MCNARY MINE, PITTSBURGH SEAM, MINE INDEX NO. 4522, WASHINGTON COUNTY, PA., SUBDISTRICT 7, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 6

Truck shipment	445	445	445	405	395	395	395	345	310	310	275

This order shall become effective May 10, 1946.

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

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7866; Filed, May 9, 1946; 4:36 p. m.]

[MPR 260, Order 2154]

HAROLD BROEZELL

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Harold Broezell, 115 Elm, Mauston, Wis. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Garcia	Londres	*50*	$75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales

of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7922; Filed, May 10, 1946; 11:36 a. m.]

[MPR 260, Order 2155]

BERRIMAN BROS., INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Berriman Bros., Inc., 402 South 22 St., Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Jose Vila [1]	Comet	50	*Per M* $60	*Cents* 2 for 15

[1] Prices apply to this brand and frontmark using only all Havana (Type 81) short filler and all Havana binders.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7923; Filed, May 10, 1946; 11:36 a. m.]

[MPR 260, Order 2156]

KARL H. SITLER

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Karl H. Sitler, East Prospect, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Politano	5¼"—Invincible.	50	*Per M* $72.00	*Cents* [1] 9

[1] Attention of manufacturer is directed to average retail price ceiling requirement of MPR 260.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for

which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7924; Filed, May 10, 1946; 11:36 a. m.]

[MPR 260, Order 2157]

J. F. WHITAKER CIGAR CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) J. F. Whitaker Cigar Company, 661 South Fourth East, Salt Lake City, Utah (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Blue Point	Banker	50	$93.75	2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7925; Filed, May 10, 1946; 11:36 a. m.]

[MPR 260, Order 2158]

CUESTA, REY & CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Cuesta, Rey & Company, 2416 N. Howard Avenue, Tampa 1, Fla. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Cuesta-Rey	Havana Kings	50	$169.00	22

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7926; Filed, May 10, 1946; 11:37 a. m.]

[MPR 260, Order 2159]

MARGARET REACHARD

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Margaret Reachard, Church Avenue, Red Lion, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or front-

mark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Maud Muller	Invincible	50	$75	[1] 10

[1] Prices apply to this brand and frontmark using only a minimum of 78 percent Havana (Type 81) short filler as specified in application. Attention of manufacturer is directed to average retail price ceiling requirement of MPR 260.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7927; Filed, May 10, 1946; 11:37 a. m.]

[MPR 260, Order 2160]

400 CIGAR CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260: *It is ordered*, That:

(a) The 400 Cigar Company, 1006 South College Street, Springfield, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
The 400	5"	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7928; Filed, May 10, 1946; 11:37 a. m.]

[MPR 260, Order 2161]

LOUIS WOOLF

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Louis Woolf, 29 Pearl Street, Worcester, Mass. (hereinafter called "manufacturer", and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Chapin Jr. C-J	Junior	50	$56	7
Ethner's	Londres	50	75	[1] 10

[1] Prices apply to this brand and frontmark using only all Havana (type 81) short filler.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be re-

duced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7929; Filed, May 10, 1946; 11:38 a. m.]

[MPR 120, Order 1659]

KELLY COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

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

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

KELLY COAL CO., 28 ST. NICHOLAS BLDG., PITTSBURGH 19, PA., KAUFMAN NO. 1 MINE, LOWER KITTANNING SEAM, MINE INDEX NO. 4316, ARMSTRONG COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT: WORTHINGTON AND/OR KAYLOR, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 10

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	E	E	D	D	C	C	D	D	D	------	------
Rail shipment	319	319	309	309	319	309	279	279	254	------	------
Railroad fuel	319	319	309	309	319	309	279	279	254	254	------
Truck shipment	404	404	404	374	369	369	369	304	284	284	264

KIMMEL & BAINBRIDGE COAL CO., ARONA, PA., SEDUNOV MINE, PITTSBURGH SEAM, MINE INDEX NO. 4135,[1] WESTMORELAND COUNTY PA., SUBDISTRICT 9, RAIL SHIPPING POINT: ADAMSBURG, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP A

Price classification	D	D	C	C	C	C	D	D	D	------	------
Rail shipment	355	355	355	355	355	345	315	315	290	------	------
Railroad fuel	355	355	355	355	355	345	315	315	290	290	------
Truck shipment [1]	435	435	435	415	385	385	385	325	305	305	275

CLARENCE B. KUHNS, BOX 17, MEADOWLANDS, PA., KUHNS MINE, PITTSBURGH SEAM, MINE INDEX NO. 4511, WASHINGTON COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: CANONSBURG, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP B, MAXIMUM TRUCK PRICE GROUP NO. 6

Price classification	C	C	C	C	F	F	F	F	F	------	------
Rail shipment	334	334	319	319	284	274	259	259	244	------	------
Railroad fuel	334	334	319	319	299	284	259	259	244	244	------
Truck shipment	434	434	434	394	384	384	384	334	299	299	264

LAYTON COAL CO., R. D. NO. 1, DAWSON, PA., LAYTON STAR MINE, UPPER FREEPORT SEAM, MINE INDEX NO. 4564, FAYETTE COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT: LAYTON, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 7

Price classification	F	F	E	E	E	E	F	F	F	------	------
Rail shipment	330	330	325	325	325	315	295	295	280	------	------
Railroad fuel	335	335	335	335	335	320	295	295	290	290	------
Truck shipment	435	435	435	405	395	395	395	330	310	310	285

LUXNER COAL CO., CARMICHAELS, PA., LUXNER CATHY MINE, SEWICKLEY SEAM, MINE INDEX NO. 4508, GREENE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: POLAND, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP G, MAXIMUM TRUCK PRICE GROUP NO. 11

Price classification	J	J	H	H	H	H	J	J	J	------	------
Rail and river shipment	294	294	279	279	279	269	244	244	234	------	------
Railroad fuel	294	294	279	279	279	269	244	244	239	239	------
Truck shipment	389	389	389	369	349	349	349	289	269	269	239

EMERY C. PORCH, R. D., NO. 1, ACME, PA., PORCH MINE, UPPER FREEPORT SEAM, MINE INDEX NO. 4517, WESTMORELAND COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: CALUMET, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 8

Price classification	F	F	E	E	E	E	F	F	F	------	------
Rail shipment	330	330	325	325	325	315	295	295	280	------	------
Railroad fuel	335	335	335	335	335	320	295	295	290	290	------
Truck shipment	435	435	435	415	385	385	385	325	305	305	275

GEORGE J. REIBEL, C/O LUDWICK ZUPANCIC, ATTORNEY AT LAW, 1103 LAW AND FINANCE BLDG., PITTSBURGH 19, PA. REIBEL MINE, PITTSBURGH SEAM, MINE INDEX NO. 4507, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: MCDONALD, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP B, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	C	C	C	C	F	F	F	F	F	------	------
Rail shipment	334	334	319	319	284	274	259	259	244	------	------
Railroad fuel	334	334	319	319	299	284	259	259	244	244	------
Truck shipment	434	434	434	399	369	369	369	334	294	294	279

REILAND COAL CO., 3325 MARGARET ST., PITTSBURGH 10, PA., MARGARET MINE, PITTSBURGH SEAM, MINE INDEX NO. 4525, WASHINGTON COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: BOGGS, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP B., MAXIMUM TRUCK PRICE GROUP NO. 6

Price classification	D	D	C	C	F	F	G	G	G	------	------
Rail shipment	355	355	355	355	320	310	290	290	275	------	------
Railroad fuel	355	355	355	355	335	320	290	290	280	280	------
Truck shipment	445	445	445	405	395	395	395	345	310	310	275

[1] Previously established.

This order shall become effective May 10, 1946.

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

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7867; Filed, May 9, 1946; 4:36 p. m.]

[MPR 591, Amdt. 1 to Order 201]

SEATTLE BRASS CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, Order No. 201 under section 16 (b) (1) of Maximum Price Regulation No. 591 is amended in the following respects:

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

(a) (1) The Seattle Brass Company of Seattle, Washington, shall determine its maximum net price under Maximum Price Regulation No. 591, to each class of purchaser for its following lines as covered by Maximum Price Regulation No. 591 by increasing its presently established maximum net prices by 12.8 percent: clamps and couplings (except garden hose clamps and couplings), nozzles (except garden hose nozzles), fire fighting standpipe equipment, plumbing and drainage staples and plumbing brass goods.

2. Paragraph (c) is amended to read as follows:

(c) *Notification to all purchasers.* The Seattle Brass Company shall give the following written notice to every purchaser of the commodities covered by this amendment at or before the time of the first billing after the amendment is put into effect.

Order No. 201 as amended under Maximum Price Regulation No. 591, effective May 11, 1946 provides for a 12.8 percent increase in the net prices for the following lines, as covered by Maximum Price Regulation No. 591, manufactured by the Seattle Brass Company: clamps and couplings (except garden hose clamps and couplings), nozzles (except garden hose nozzles), fire fighting standpipe equipment, plumbing and drainage staples and plumbing brass goods. Resellers may add to their own maximum prices in effect on May 10, 1946 the actual dollars-and-cents of item increases in acquisition cost resulting from the adjustment granted the manufacturers.

This amendment shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7932; Filed, May 10, 1946; 11:39 a. m.]

[MPR 591, Order 497]

AMERICA AND SOUTHERN CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum price, excluding federal excise tax, for sales by any person to consumers of the following electric water heater manufactured by America and Southern Corporation of Nashville, Tennessee and described in its application dated March 18, 1946, shall be:

Model 221—30 gallon, single element, automatic electric water heater, galvanized tank, insulated..... $75.69

(b) The maximum net price, f. o. b. point of shipment, excluding federal excise tax, for sales by any person to dealers, shall be:

Model 221—30 gallon, single element, automatic electric water heater, galvanized tank, insulated..... $51.32

(c) The maximum net price, f. o. b. point of shipment, excluding federal excise tax, for sales by any person to jobbers, shall be:

Model 221—30 gallon, single element, automatic electric water heater, galvanized tank, insulated..... $42.63

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

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

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

(g) America and Southern Corporation shall attach to each water heater covered by this order a tag on which will be printed the following:

OPA Maximum Retail Price—Not Installed, Including Federal Excise Tax Paid at Source—$_____
(Do Not Detach)

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7933; Filed, May 10, 1946; 11:39 a. m.]

[MPR 591, Order 498]

SPARTAN AIRCRAFT CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following farm and home freezer cabinet manufactured by the Spartan Aircraft Company of Tulsa, Oklahoma, and as described in the application dated February 6, 1946, which is on file with the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—		
	Distributors	Dealers	Consumers
8 cu. ft. ¼ hp. condensing unit.....	$160	$192	$320

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Spartan Aircraft Company of Tulsa, Oklahoma, shall stencil on the inside of lid or cover of the farm and home freezer cabinet covered by this order, substantially the following:

OPA Maximum Retail Price—$320
Plus freight and crating as provided in Order No. 498 under Maximum Price Regulation No. 591.

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

This order shall become effective May 11, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7934; Filed, May 10, 1946; 11:39 a. m.]

[Rev. SO 119, Order 202]

LLOYD MANUFACTURING 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 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Lloyd Manufacturing Company, North State Street, Menominee, Mich., may compute its adjusted ceiling prices for all articles of Metal Household Furniture which it manufactures, as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 18 per cent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580, and a wholesaler who must determine his ceiling price under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by these regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a selling price, the reseller shall compute his ceiling prices under these regulations as they have been modified by Order No. 8 under § 1499.159c of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale prices under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling prices under that regulation as modified by Order No. 8 under § 1499.159c of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price", the reseller shall calculate his ceiling price by adding to his invoice cost the same percentage mark-up which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

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.

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

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by 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.

(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 May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7980; Filed, May 10, 1946; 5:12 p. m.]

[RMPR 136, Order 623]

ABRASIVE PRODUCTS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 31 of Revised Maximum Price Regulation 136; *It is ordered:*

(a) As used in this order, the phrase "abrasive products" shall be defined to mean coated, bonded and natural stone abrasives, also diamond tools including core bits, dies, .002" and larger, dressing tools, shaped tools and wheels. The phrase does not include artificial abrasive grain.

(b) As used in this order, the phrase "artificial abrasive grain" shall be defined to mean abrasive grain artificially produced from aluminum oxide, silicon carbide and similar materials.

(c) As used in this order, the phrase "current prices" shall mean the maximum prices established under section 7 of Revised Maximum Price Regulation 136, or computed under sections 8, 9 or 10 of Revised Maximum Price Regulation 136, before the addition of any increase provided to an individual manufacturer by individual adjustment under the provisions of Revised Maximum Price Regulation 136, Supplementary Order 142, or any increase computed by any individual manufacturer under the provisions of Order 591 under Revised Maximum Price Regulation 136.

(d) The maximum prices for sales by manufacturers of abrasive products shall be the current prices increased by 24.2%.

(e) The maximum prices for sales by manufacturers of artificial abrasive grain shall be the current prices increased by 22.3%.

(f) The maximum prices for sales of abrasive products and artificial abrasive grain, by resellers, shall be the maximum prices in effect just prior to the issuance of this order increased by the same percentage by which their net invoice cost has been increased by reason of the issuance of this order.

(g) All prices established under paragraphs (d), (e) and (f) of this order shall be subject to the same discounts, deductions and other allowances in effect to any purchasers and classes of purchasers just prior to the issuance of this order.

(h) Every manufacturer of abrasive products and artificial abrasive grain shall give written notice to its resellers of the percentage amount by which this order permits the reseller to increase his maximum prices.

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

This order shall become effective May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7973; Filed, May 10, 1946; 5:09 p. m.]

[MPR 594, Order 24]

CHRYSLER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 9a of Maximum Price Regulation 594; it is ordered:

(a) *Company sales to distributors and dealers.* Chrysler Corporation, Detroit, Michigan, hereinafter called Company, is authorized to sell and deliver at factory, Detroit, Michigan, to distributors and direct dealers each of the Plymouth new passenger automobiles listed in paragraph (a) (1) of Order 9, under MPR 594, when converted to a Dodge or De Soto passenger automobile at a maximum price not to exceed the total of the following charges:

(1) *Charge for new automobile.* A charge for the model of Plymouth new passenger automobile which is converted not to exceed the charge permitted by paragraph (a) (1) of Order 9, MPR 594, for the model which is converted.

(2) *Charge for conversion.* A charge for conversion not to exceed $15.32 in case of a conversion to a Dodge passenger automobile and $30.75 in case of a conversion to a De Soto passenger automobile.

(3) *Other charges.* The charges permitted by subparagraphs 2 to 10 inclusive of paragraph (a) of Order 9, MPR 594, which are applicable to the sale.

(b) *Company sales to users.* The Company and its wholly-owned subsidiaries, except its wholly-owned dealers, may sell to users at the factory, Detroit, Michigan, each of the Plymouth new passenger automobiles listed in subparagraph (1) of paragraph (e), Order 9, MPR 594, when converted to a Dodge or De Soto new passenger automobile at a maximum price not to exceed the total of the following charges:

(1) *Charge for the new automobile.* A charge for the model of Plymouth new passenger auotmobile which is converted not to exceed the applicable factory retail price in subparagraph (1) of paragraph (e), Order 9, MPR 594, for the model converted less 89 percent of the allowance in effect January 1, 1941, to the applicable class of purchaser.

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) of paragraph (e), Order 9, MPR 594, when installed at the factory, Detroit, Michigan, not to exceed the applicable factory retail price in that subparagraph less 89 percent of the allowances in effect on January 1, 1941, to the class of purchaser.

(3) *Charge for conversion.* A charge for conversion not to exceed $19.00 in case of a conversion to a Dodge new passenger automobile and $41.00 in case of a conversion to a DeSoto new passenger automobile.

(4) *Charge for State and local taxes.* A charge to cover State and local taxes on the sale or delivery of the new automobile and extra or optional equipment.

(5) *Charge for preparing and conditioning.* A charge not to exceed $13.50 for preparing and conditioning the new automobile for delivery.

(6) *Other charges.* Charges permitted by subparagraphs (4), (5), (6), (8) and (10) of paragraph (a), Order 9, MPR 594, when applicable to the sale.

(c) *Sales by distributors and direct dealers to dealers and associate dealers.* Distributors and direct dealers may sell and deliver to dealers and associate dealers each of the new passenger automobiles listed in subparagraph (1) of paragraph (a) when converted to a Dodge or DeSoto passenger automobile at a price not to exceed the total of the following charges:

(1) *Charge for new automobile.* A charge for the model of Plymouth new passenger automobile which is converted not to exceed the charge permitted by paragraph (a) (1), Order 9, MPR 594 for the model converted.

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) of paragraph (d), Order 9, MPR 594, when installed at the factory, Detroit, Michigan, not to exceed the applicable net wholesale price in that subparagraph.

(3) *Charge for conversion.* A charge for conversion not to exceed $15.32 in case of a conversion to a Dodge new passenger automobile and $30.75 in case of a conversion to a DeSoto new passenger automobile.

(4) *Other charges.* Charges permitted by subparagraphs (3) to (10) inclusive of paragraph (d), Order 9, MPR 594, when applicable to the sale.

(d) *Sales by resellers in continental United States.* A reseller may sell and deliver at his place of business each of the Plymouth new passenger automobiles listed in subparagraph (1) of paragraph (e), Order 9, MPR 594, when converted to a Dodge or DeSoto new passenger automobile at a price not to exceed the total of the following charges:

(1) *Charge for the new automobile.* A charge for the model of Plymouth new passenger automobile which is converted not to exceed the factory retail price in subparagraph (1) of paragraph (e), Order 9, MPR 594, for the model converted.

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) of paragraph (e), Order 9, MPR 594, when installed at the factory not to exceed the applicable factory retail price in that subparagraph.

(3) *Charge for conversion.* A charge for conversion not to exceed $19.00 in case of a conversion to a Dodge new passenger automobile and $41.00 in case of a conversion to a DeSoto new passenger automobile.

(4) *Other charges.* Charges permitted by subparagraphs (3) to (7) inclusive of paragraph (e), Order 9, MPR 594, when applicable to the sale.

(e) *Sales by distributors, direct dealers or resellers in territories or possessions.* A distributor, direct dealer or reseller may sell and deliver in a territory or possession of the United States each of the Plymouth new passenger automobiles listed in subparagraph (1) of paragraph (e), Order 9, MPR 594, when converted to a Dodge or DeSoto new passenger automobile at a price not to exceed the maximum price it may charge under paragraph (c) or (d) of this order, whichever is applicable, to which he may add a sum equal to the expense incurred by or charged to him for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new automobile and extra or optional equipment in the territory or possession, when not charged under paragraph (c) or (d) of this order; export premiums; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage and terminal operations; ocean freight; freight to port of embarkation when not charged under paragraph (c) or (d) of this order; transportation by the most direct route from the port of debarkation to the place of business of the seller under this paragraph (e).

(f) *Definitions.* The definitions of terms in paragraph (g) of Order 9, MPR 594, shall apply to the same terms when used in this order.

(g) Letter-order 7 under MPR 594, and letter-order 4 under MPR 594 in so far as it authorizes an allowance for converting a Plymouth new passenger automobile to a DeSoto new passenger automobile, are revoked.

This order shall become effective May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7979; Filed, May 10, 1946; 5:11 p. m.]

[General Order 72]

DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS TO MAKE FINDINGS THAT SUBSIDY APPLICANTS HAVE WILLFULLY VIOLATED MEAT OR LIVESTOCK REGULATIONS OR ORDERS ISSUED BY THE PRICE ADMINISTRATOR

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Directives 55 and 70, as amended, of the Office of Economic Stabilization, the following order is prescribed:

Section 3 (a) of Office of Economic Stabilization Directive No. 55, as amended, and section 2 (a) of Office of Economic Stabilization Directive No. 70 provide:

> The Secretary of Agriculture is directed to declare invalid, in whole or in part, any claim for payment filed by an applicant who, in the judgment of the Price Administrator, has willfully violated any meat or livestock regulation or order issued by the Price Administrator. Such judgment shall be made only in the event the alleged violation is referred to the U. S. Attorney for prosecution.

I hereby delegate to any Regional Administrator, or Acting Regional Administrator, the authority to make findings that subsidy applicants have willfully violated any meat or livestock regulation or order issued by the Price Administrator and based upon such findings to recommend to the Secretary of Agriculture that he withhold or recover all subsidy payments due or paid such applicants for the calendar months during which such willful violations are found to have occurred.

Effective May 18, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8023; Filed, May 13, 1946; 11:52 a. m.]

[SO 108,[1] Amdt. 6 to Special Order 3]

MEN'S TAILORED CLOTHING CATEGORIES

TEMPORARY ADJUSTMENT OF CERTAIN MAXIMUM AVERAGE PRICES

An opinion accompanying this amendment to Special Order No. 3 under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Special Order 3 is amended in the following respects:

1. Section 5 is amended by adding at the end of the last undesignated paragraph thereof the following: "The statements containing the information required by paragraphs (a), (b) and (c) of this section pertaining to any category listed in section 7 (c) must be filed on or before May 31, 1946."

2. Paragraph (c) is added to section 7 to read as follows:

(c) *Exemption prices for the second quarter of 1946 only.* In figuring your adjusted maximum average prices for the second quarter of 1946 only, you may use the exemption prices set forth below instead of the exemption prices listed in section 7 (a) for the same category.

(1) Category No.	(2) Exemption price (each)
E-1	$21.00
E-2	13.50
E-3	9.75
E-4	7.00
E-7	18.00
E-8	12.00
E-9	8.75
E-10	6.00
E-12A	21.00
E-12B	17.50
E-13	13.25
E-14	9.00
E-15	7.50
E-16	6.50
E-18C	13.00
E-24	10.75
E-25	8.25
E-27	5.25
E-28	4.75
E-48A	6.00
E-48B	4.50
E-49	3.75
E-50	3.00
E-53B	3.00
E-54	2.75
E-55	2.25
E-56	1.75

3. Section 10 is added to read as follows:

SEC. 10. *Recalculation of net surcharges incurred in the first quarter of 1946*—(a) *How to recalculate the surcharge.* If you had a net surcharge at the end of the first quarter of 1946, you may subtract from that net surcharge an amount computed as follows:

Step 1: Find the amount of your net surcharge at the end of the first quarter of 1946.

Step 2: Find the difference in each category between the highest maximum average price available to you during the first quarter of 1946 and the highest maximum average price which would have been available if section 7 (c) of Special Order 3 had been in effect during the first quarter of 1946.

Step 3: For each category multiply the amount found in Step 2 by the number of units you delivered in that category during the first quarter of 1946.

Step 4: Add together the amounts found in Step 3 for all categories.

Step 5: Subtract the amount found in Step 4 from the net surcharge found in Step 1. The result is your net surcharge at the end of the first quarter of 1946.

NOTE: If the amount found in Step 4 is equal to or greater than the net surcharge found in Step 1, you are deemed to have incurred no surcharge at the end of the first quarter of 1946 and you may consider yourself on a normal operation basis during the entire second quarter of 1946. However, where the amount found in Step 4 is greater than the surcharge found in Step 1, you may not carry over the difference as a credit into your normal operation.

(b) *Filing a report of the recalculation under this section.* If you have recalculated a net surcharge as described in (a) above, you must file, together with each copy of the statement required by section 5 of this order, a separate statement showing all the calculations found in Steps 1 through 5.

This amendment shall become effective May 13, 1946.

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

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8057; Filed, May 13, 1946; 11:48 a. m.]

[1] F. R. 4336, 5995, 6402, 8368, 10200, 12089, 12984, 13129, 15125.

[SO 94, Order 121]

WAR ASSETS ADMINISTRATION ET AL.

SPECIAL MAXIMUM PRICES FOR CERTAIN WOOD STUDENT CHAIRS

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 established the maximum price for the sale and delivery by any reseller of the used wood student chairs hereinafter described which have been or may be purchased from the War Assets Administration or any other United States Government agency.

(b) *Maximum price.* The maximum price per chair (f. o. b. shipping point) for sales and deliveries by all resellers of the used wood student chairs described herein purchased from the War Assets Administration or any other Government agency, in any quantity and to any class of purchaser, shall be:

Description:	Maximum price
Used wood student chair with tablet arm approximately 12" wide x 23" long and solid shaped seat approximately 17" x 17", in various finshes	$4.50

(c) *Notification.* Any person who sells the chairs described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum price, and stating that the retailer is required by this order to attach to each chair before sale a tag or label which plainly states a selling price not in excess of $4.50.

(d) *Tagging.* Any person who sells the chairs described in paragraph (b) at retail shall attach to each chair before sale a tag or label which plainly states a selling price not in excess of $4.50, as follows:

OPA price—$———

(e) *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.

(f) *Definitions.* (1) "Retailer" means any person who sells to ultimate consumers.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective May 14, 1946.

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8056; Filed, May 13, 1946; 11:48 a. m.]

[MPR 591, Amdt. 12 to Order 1]

SPECIFIED MECHANICAL BUILDING EQUIPMENT

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 22 of Maximum Price Regulation No. 591, *It is ordered:*

Section 5.1 of Order No. 1 under Maximum Price Regulation No. 591 is amended in the following respects:

1. In paragraph (b) (2) the base date "June 23, 1944," which is stated for the item (5)—"Steel, oil, gas, and wood-fired warm air furnaces and subassemblies" is amended to read: "November 1, 1943."

2. In paragraph (d) the date "April 18, 1946", wherever it appears, is amended to read as follows: "January 13, 1946."

3. In paragraph (e) the date "April 18, 1946" is amended to read as follows: "January 13, 1946."

This amendment shall become effective as of April 19, 1946.

Issued this 13th day of May 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-8051; Filed, May 13, 1946; 11:50 a. m.]

[RMPR 136, Amdt. 1 to Order 603]

FEDERAL MOTOR TRUCK CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; It is ordered:

Order No. 603, under Revised Maximum Price Regulation 136 is amended in the following respects:

1. The narrative in paragraph (a) (1) preceding the schedule is amended to read as follows:

(1) *Charge for new truck chassis.* A charge for the Model 18 series chassis in the following schedule not to exceed the applicable list price, f. o. b. factory, subject to a discount of 25%, for sales to resellers; a charge for the Model 29 series chassis in the following schedule not to exceed the applicable list price, f. o. b. factory, subject to a discount of 29.5%, for sales to resellers; a charge for Model 45, 55 and 60 series chassis in the following schedule not to exceed the applicable list price, f. o. b. factory, subject to a discount of 32.5%, for sales to resellers:

2. The schedule in paragraph (a) (1) is amended to include the following truck chassis and their respective list prices:

Model No.	Description	List price f. o. b. factory
45M	Chassis, truck, 24,000 pounds gross vehicle weight; 1942 standard specifications and equipment of Model 45, excepting the following modifications and additions: Continental B-6427 engine instead of Waukesha 6MKR engine; 10.00 x 20 12-ply front and dual rear synthetic tires on cast wheels and 9-10 rims instead of 9.00 x 20 10-ply front and dual rear natural rubber tires on cast wheels and 8" rims; air brakes instead of hydraulic brakes; addition of front wheel limiting valve and extra air reservoir; 14" diameter clutch instead of 13" diameter clutch; Trustop emergency brake instead of band brake; 35011 Timken front axle instead of 33000; radius rods instead of Hotchkiss drive on rear springs; one additional side mounted gasoline tank; overdrive transmission—Clark 270VO—instead of 270V; hand brake mounted on left side of chassis instead of in center at transmission; Gemmer 400 steering gear instead of Ross 700; Spicer 1600 series propeller shaft instead of 1500; 40 amp. generator instead of 21 amp.; oversize radiator core and tank; painted radiator shell assembly instead of chrome; tow hooks mounted on front; 19 plate battery instead of 17 plate; oversize springs—front and rear; ¾" lining on rear axle; Zenith 63AW16R carburetor governor assembly instead of 28BV12R (wheelbase):	
	143"	$4,743.50
	155"	4,743.50
	167"	4,785.75
	179"	4,827.99
	203"	4,942.65
45M2	Chassis, truck, 24,000 pounds gross vehicle weight; standard specifications and equipment as shown for Model 45M above excepting the following modifications: Timken two-speed rear axle—98415—with vacuum shifting device instead of 58301; 10.00 x 22 12-ply front and dual rear synthetic rubber tires on cast wheels and 9-10 rims instead of 10.00 x 20 12-ply front and dual rear synthetic rubber tires mounted on cast wheels and 9-10 rims (wheelbase):	
	143"	5,249.94
	155"	5,249.94
	167"	5,292.19
	179"	5,334.43
	203"	5,449.09
55M	Chassis, truck, 27,000 pounds gross vehicle weight; 1942 standard specifications and equipment of Model 55 excepting the following modifications and additions: Continental B-6427 engine instead of Waukesha 6MZR; 11.00 x 22 12-ply front and dual rear synthetic rubber tires on cast wheels and 9-10 rims instead of 9.00 x 20 10-ply front and dual rear natural rubber tires on cast wheels and 8" rims; air brakes instead of hydraulic; addition of front wheel limiting valve and extra air reservoir; 14" diameter clutch instead of 13" diameter clutch; Timken 36020 front axle instead of 35000; Timken S-200 rear axle instead of 75743; one additional side mounted gasoline tank; overdrive transmission—Clark 270VO—instead of 270V; hand brake mounted on left side of chassis instead of in center at transmission; Gemmer 400 steering gear instead of Ross 700; 40 amp. generator instead of 21 amp.; oversize radiator core and tank; painted radiator shell assembly instead of chrome; two hooks mounted on front; 19 plate battery instead of 17 plate; ¾" brake lining on rear axle; Zenith carburetor and governor assembly 63AW16R instead of Monarch governor R7-87 and Zenith carburetor 1N-67 (wheelbase):	
	143"	5,636.45
	155"	5,636.45
	167"	5,678.70
	179"	5,720.94
	203"	5,835.61
55MA	Chassis, truck, 27,000 pounds gross vehicle weight; standard specifications and equipment as shown for Model 55M above excepting the following modifications: main transmission direct on fifth 270V instead of overdrive 270VO; 6031 auxiliary transmission (wheelbase):	
	143"	5,940.93
	155"	5,940.93
	167"	5,983.18
	179"	6,025.42
	203"	6,140.09
60MA	Chassis, truck, 28,000 pounds gross vehicle weight; standard specifications and equipment as shown for Model 55M above excepting the following modifications: Continental 22R engine instead of Continental B-6427 engine; main transmission—Fuller 5A65—instead of Clark 270VO; 703 auxiliary transmission—Spicer 1700 series propeller shaft instead of 1600; Gemmer 500 steering gear instead of Gemmer 400 (wheelbase):	
	143"	6,702.38
	155"	6,702.38
	167"	6,744.63
	179"	6,786.87
	203"	6,932.20
60M2	Chassis, truck, 28,000 pounds gross vehicle weight; standard specifications and equipment as shown for Model 55M above excepting the following modifications: Continental 22R engine instead of Continental B-6427; main transmission—Fuller 5A650—instead of Clark 270VO; Spicer 1700 series propeller shaft instead of 1600; Gemmer 500 steering gear instead of 400; Timken S-300 two-speed rear axle with vacuum shifting device instead of Timken S-200 rear axle (wheelbase):	
	143"	6,408.18
	155"	6,408.18
	167"	6,450.43
	179"	6,492.67
	203"	6,607.34

This amendment shall become effective May 10, 1946.

Issued this 10th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7978; Filed, May 10, 1946; 5:11 p. m.]

[Rev. SO 119, Order 192]

SPECIAL HARDSHIP PROVISION FOR RECONVERTING MANUFACTURERS

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 Revised Supplementary Order No. 119, it is ordered:

SECTION 1. *Scope of this order.* This order applies to any reconverting manufacturer who is eligible to use the adjustment provisions of Revised Supplementary Order 119, for whom the amount of adjustment afforded by that order is not adequate to prevent financial hardship jeopardizing the continued operation of his entire business. In such a case, a special adjustment may be provided the manufacturer under this order. Such an adjustment may be made when the manufacturer can show:

(a) His ceiling prices, including any adjustment to which he is entitled under Revised Supplementary Order 119, are not high enough to prevent his entire business from operating at a projected overall loss. In making this calculation, the net profit or loss on the products eligible for adjustment under Revised Supplementary Order 119 shall be determined by a projection based on 1941 volume and overhead expense.

(b) The prospective loss operation is due to factors which are not temporary in character.

(c) His rate of production is not likely to rise high enough in the immediate future to allow him to qualify for an adjustment under other adjustment provisions based on realized cost.

SEC. 2. *Amount of adjustment.* For any manufacturer who qualified under Section 1, an adjustment will be provided sufficient to remove the projected overall loss or the projected loss on the products eligible under Revised Supplementary Order 119 whichever is the lower. The Administrator may, however, refuse to reflect fully in the price adjustment a particular cost which is so excessive in view of the industry experience, or of other information available to the Administrator, as to indicate either a temporary situation or one which the applicant could correct by the exercise of ordinary business prudence.

This order shall become effective on the 18th day of May 1946.

Issued this 13th day of May 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-8059; Filed, May 13, 1946; 11:52 a. m.]

[MPR 188, Order 14]

CLOCKS AND WATCHES

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 § 1499.159e of Maximum Price Regulation No. 188, it is ordered:

SECTION 1. *Purpose of this order.* Clocks and watches have been found to be reconversion products in accordance with the standards set forth in § 1499.159e of Maximum Price Regulation No. 188. This order is issued under that section and fixes new ceiling prices for

sales by manufacturers by permitting them to increase their prices (other than to ultimate consumers) in effect between October 1 and October 15, 1941, or established under certain provisions of MPR 188, by a specified price increase factor.

This order also contains provisions establishing new ceiling prices for wholesalers' and retailers' sales of clocks and watches.

SEC. 2. *Articles and persons covered.* (a) This order applies to sales by manufacturers, wholesalers, and retailers of clocks and watches. In this order the term "clocks" means both spring-wound and electric powered clocks and clock movements (complete with time trains). The term "watches" means the type of watch (commonly called "clock-type") produced by the clock industry, including those models which have one or more jewels, and includes clocks which contain watch movements.

This order does not cover electric clock motors without time trains, timing devices or clock systems which are under RMPR 136, jewelled watches produced by the jewelled watch industry, clocks and watches with imported movements which are under the MIPR or RMPR 499, respectively, or used clocks and watches which are covered by the GMPR and MPR 429.

(b) As used in this order:

(1) The terms "wholesalers" and "retailers" refer to persons making sales at wholesale and at retail as defined in the GMPR.

(2) The term "direct buying retailer" means a mail order house (an establishment selling at retail which, as a separate operating unit, makes offerings through catalogues or printed price lists, receives orders by mail, and makes deliveries by mail, railway, express, or other common carrier), a chain store (a retail store which is one or a group of ten or more retail stores under common ownership or control which, as a group, had combined sales of over $1,000,000 in 1944), or a retailer who purchases at the manufacturers ceiling price to wholesalers.

(3) The term "manufacturer's price" for the purpose of calculating resellers' ceiling prices means the manufacturer's ceiling price, or adjusted ceiling price as provided by section 3 of this order, for sales to wholesalers or his selling price to that class of purchaser if he sells at less than his ceiling price.

SEC. 3. *Manufacturers' ceiling prices.* (a) A manufacturer's ceiling price for the sale to each class of purchaser other than an ultimate consumer of a clock or a watch covered by this order is the highest of the applicable of the following:

(1) His highest price to each class of purchaser in effect between October 1 and October 15, 1941; or his ceiling price to each class of purchaser established under the First, Second, or Third Pricing Methods of MPR 188, provided that price was based on maximum prices of comparable articles which are no higher than his October 1941 prices; or established under the provisions of the Fourth Pricing Method or § 1499.159 (c) of MPR 188; plus:

20.5% in the case of watches;
17% in the case of spring-wound clocks; and
15% in the case of electric clocks.

(2) His highest price to each class of purchaser during March 1942, or his ceiling price determined under the First, Second, or Third Pricing Methods of MPR 188 based on maximum prices for the comparable articles which were higher than the manufacturer's prices in effect during October 1941.

(3) His adjusted ceiling price to each class of purchaser established under the provisions of Supplementary Orders 118, 133, or 148 or Revised Supplementary Order 119.

(4) His ceiling price to each class of purchaser established under Order No. 4332 or Revised Order 4332 under MPR 188, Simplified pricing for new small volume manufacturers.

(b) Orders may be issued under this section denying a manufacturer permission to sell at prices adjusted by all or part of the increases authorized by this section when it appears that the manufacturer has discontinued or will discontinue production of his low-priced models of any type of clocks and watches, or will decrease the proportions of low-priced to high-priced models which he manufactures, so that his present or prospective production is not representative of his sales between October 1 and October 15, 1941. The average price at which the manufacturer's products will be sold will be considered in determining how much, if any, of the increases will be granted to such a manufacturer.

SEC. 4. *Retail ceiling prices.* This section provides for the determination of retail ceiling prices of clocks and watches covered by this order. Manufacturers, except in the case of articles which are sold only to another manufacturer, are required to calculate the retail ceiling prices of their products in accordance with the provisions of this section and to comply with the tagging provisions of section 7.

(a) The retail ceiling price, except as provided in (b) below, is the "manufacturer's price" to a wholesaler plus the applicable one of the following percentages, the total to be adjusted to the nearest 5¢:

(1) 73% in the case of watches and spring-wound clocks for which the "manufacturer's price" is less than $2.90;

(2) 80% in the case of watches and spring-wound clocks for which the "manufacturer's price" is $2.90 or more but less than $5.56; and electric clocks for which the "manufacturer's price" is less than $5.56.

(3) 97% in the case of watches and clocks for which the "manufacturer's price" is $5.56 or more.

(b) The retail ceiling price for sales by a "direct buying retailer" of a clock which is not one of a line (brand) or part of line which was Fair Traded or generally sold at uniform retail prices contained in a published price list in effect during October 1941 is the retail ceiling price determined under paragraph (a) above, less 10% and adjusted to the nearest 5¢.

(c) The applicable Federal Excise tax upon the retail price may be collected in addition to the retail ceiling prices determined in accordance with this section.

SEC. 5. *Wholesalers' ceiling prices.* A wholesaler's ceiling price for a clock or watch covered by this order is the wholesale ceiling price calculated by the manufacturer in accordance with the provisions of this section.

(a) A manufacturer whose published price list in effect in October 1941 showed different prices for sales by wholesalers in small and large quantities shall determine the wholesale ceiling price for sales in smallest quantities by deducting from the retail ceiling price (exclusive of the Federal Excise tax) the applicable one of the following discounts:

(1) 28% in the case of watches and spring-wound clocks for which the manufacturer's price is less than $2.90;

(2) 30% in the case of watches and spring-wound clocks for which the manufacturer's price is $2.90 or more, but less than $5.56; and electric clocks for which the manufacturer's price is less than $5.56.

(3) 33% in the case of watches and clocks for which the manufacturer's price is $5.56 or more.

The manufacturer shall calculate wholesalers' ceiling prices for sales in larger quantities by applying to the wholesale ceiling prices for sales in smallest quantities the differentials contained in his October 1941 price list for sales in such larger quantities.

(b) A manufacturer who had no published price list in effect during October 1941 or whose price list did not show different prices for sales by wholesalers in small and large quantities shall determine the wholesale ceiling price for sales of all quantities by applying to the retail ceiling price (exclusive of the Federal excise tax) the applicable one of the following discounts:

(1) 29.5% in the case of watches and spring-wound clocks for which the manufacturer's price is less than $2.90;

(2) 32% in the case of watches and spring-wound clocks for which the manufacturer's price is $2.90 or more but less than $5.56; and electric clocks for which the manufacturer's price is less than $5.56.

(3) 35% in the case of watches and clocks for which the manufacturer's price is $5.56 or more.

SEC. 6. *Wholesalers' and retailers' terms.* (a) Wholesalers' and retailers' ceiling prices fixed by this order are subject to the cash discounts, delivery terms, allowances and other price differentials which they had in effect during March 1942 or which have been established under the applicable OPA regulation.

(b) A wholesaler or retailer who did not sell clocks and watches during March 1942, shall allow the same cash discounts, delivery terms, allowances and other price differentials which the wholesaler's or retailer's closest competitor who did sell clocks and watches during March 1942 is required to allow

in accordance with the provisions of this order.

(c) A wholesaler or retailer who cannot ascertain the cash discounts, delivery terms, etc., which his nearest competitor is required to allow, shall apply to the nearest District Office of the Office of Price Administration for an order under this section establishing the conditions to which his ceiling prices are subject. Such applications may be made by letter and shall state the type of business he is operating (wholesaler, retailer) when he started to sell clocks and watches, the brands of clocks and watches, and the classes of purchasers to whom he sells. An order will be issued under this section establishing terms, allowances and other price differentials, and conditions of sale in line with the conditions of sale generally fixed by this order.

(d) If a wholesaler or retailer who did not sell clocks and watches during March 1942 does not allow the same discounts, delivery terms, and other price differentials allowed by his nearest competitor who did sell clocks and watches during March 1942, and does not file an application in accordance with the provisions of this section, or if he fails to provide any of the information required by this section, the Price Administrator may, on his own motion, issue orders under this section fixing discounts, allowances, and other price differentials in line with such conditions of sale fixed by this order. Conditions of sale so established will apply to all sales and deliveries made on and after May 13, 1946.

SEC. 7. *Retail price tags.* (a) Unless otherwise authorized by the Office of Price Administration, no manufacturer may, on and after June 12, 1946, ship to any purchaser a clock or watch for which the retail ceiling price is fixed by this order unless there is attached to it a retail ceiling price tag or label. That tag or label shall state: The manufacturer's name or the brand name; the model designation of the article; the retail ceiling price; the amount, or the applicable percentage, of Federal excise tax upon that retail ceiling price, and that the tag or label may not be removed before the article is delivered to the consumer.

A tag or label in the following form with the blanks properly filled in will satisfy this requirement:

(Manufacturer's name or brand name)
Model No.------
OPA retail ceiling price—$------
------% Federal excise tax $------
Do Not Detach

However, a manufacturer is not required to comply with the foregoing tagging provision with respect to articles which are shipped to mail order houses or to persons who operate both as chain stores and as mail order houses; or articles which are shipped for export.

(b) On and after June 12, 1946, no retailer may display, offer for sale, sell, or deliver at retail a clock or watch for which the retail ceiling price is fixed by this order unless there is attached to it a tag or label containing all the information required by paragraph (a) of this section, except that mail order houses are not required to comply with this provision with respect to those articles for which a price no higher than their retail ceiling price is published in their current catalog or price list.

SEC. 8. *Notification.* At the time of, or prior to the first to a purchaser for resale of clocks and watches covered by this order the manufacturer shall notify the wholesaler of the wholesale ceiling prices which he has calculated in accordance with the provisions of Section 5 and the manufacturer or wholesaler shall notify retailer purchasers of the retail ceiling prices for all clocks and watches which the manufacturer does not tag with the retail ceiling price. These notices may be given in any convenient form.

SEC. 9. *Credit charges on retailers' sales.* Charges for the extension of credit may be added to the retail ceiling prices established by this order or by any order issued under this order unless otherwise provided. No such credit charge may exceed that permitted by this section.

(a) Retailers who in March 1942 collected a separately stated additional charge for the extension of credit on sales of clocks and watches, may collect a charge for the extension of credit on sales under this order, not exceeding such charge in March 1942 on a similar sale on similar terms to the same class of purchaser. Retailers who did not then so state and collect an additional charge, may collect a charge for the extension of credit only on installment plan sales; and the charge shall not exceed the separately stated additional charge collected for the extension of credit on a similar sale on similar terms to the same class of purchaser in March 1942 by the retailer's closest competitor who made such a separately stated charge.

An installment plan sale as used in the above paragraph means a sale where the unpaid balances are to be paid in installments over a period of either (1) six weeks or more from the date of sale in the case of weekly installments, or (2) eight weeks or more in the case of other than weekly installments.

(b) All charges for the extension of credit shall be quoted and stated separately. Any charge which is not quoted and stated separately or which otherwise does not conform to this section, shall for the purpose of this order, be considered to be part of the price charged for the article sold.

(c) No retailer may require as a condition of sale that the purchaser must buy on credit.

SEC. 10. *Relationship between this order and other regulations.* The provisions of this order supersede the provisions of the General Maximum Price Regulation, of Maximum Price Regulation No. 188, and of any other orders previously issued under those regulations and orders, with respect to sales and deliveries for which ceiling prices are established by this order to the extent that they are inconsistent with the provisions of those regulations.

SEC. 11. *Revocation of certain ceiling prices.* Regardless of any provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 188, or any approval or order obtained or issued thereunder by the Office of Price Administration, all ceiling prices heretofore or hereafter established by any seller under those regulations or orders do not apply to any sales or deliveries made after June 12, 1946, except those manufacturers' ceiling prices continued in effect by section 3 of this order.

In addition, all resellers' ceiling prices approved or established by orders at any time under Supplementary Order No. 118, Revised Supplementary Order No. 119, Supplementary Orders 133, 148, or 153, shall not apply to any articles which are delivered by the manufacturer on or after May 13, 1946. Resellers' ceiling prices for such articles shall be determined in accordance with the provisions of this order.

SEC. 12. *Definitions.* Unless otherwise defined herein or the context otherwise requires, the definitions contained in § 1499.40 of the General Maximum Price Regulation and § 1499.163 of Maximum Price Regulation No. 188, whichever is applicable, shall apply to all terms used herein.

SEC. 13. *Delegation of authority.* Any Regional Administrator or District Administrator authorized by the appropriate Regional Administrator, may issue orders under section 6 of this order.

SEC. 14. *Modification of the provisions of this order.* The provisions of this order, as applicable to articles or persons subject hereto, may be modified by orders of general applicability issued under this section.

Effective date. This order shall become effective on the 13th day of May 1946.

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

Issued this 13th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-8047; Filed, May 13, 1946; 11:48 a. m.]

[MPR 188, Rev. Order 4866]

G. N. COUGHLAN CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

Order No. 4866 under § 1499.158 of Maximum Price Regulation No. 188 is amended and revised as follows:

(a) This revised order establishes maximum prices for sales and deliveries of certain articles manufactured by G. N. Coughlan Company, West Orange, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Chain and department stores	Other retailers	Consumers
Bean slicer, burnished aluminum alloy, die cast, bean X, 6" x 1½" x 1½"	110	*Per doz.* $6.00	*Per doz.* $7.20	*Per doz.* $8.00	*Each* $1.00

These maximum prices are for the articles described in the manufacturer's application dated February 13, 1946.

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

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

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

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

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

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

Issued this 9th day of May 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7870; Filed, May 9, 1946; 4:37 p. m.]

Regional and District Office Orders.

[Region VI Order G-7 Under SR 15, Amdt. 2]

FLUID MILK IN SIOUX CITY, IOWA

For reasons set forth in the attached opinion and pursuant to the authority vested in the Regional Administrator by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation; *It is ordered:*

That Appendix A to Order G-7 under section 18 (c) of the General Maximum Price Regulation (formerly Regional Order No. 11, issued under section 18 (c) of the General Maximum Price Regulation) is amended as follows:

APPENDIX A—SCHEDULE OF MILK PRICES IN SIOUX CITY AREA

	Sales to institutions and at wholesale	Retail	Cooperatively owned retail stores
Standard butterfat milk:	*Cents*	*Cents*	*Cents*
Gallons	45	50	49
½ gallons	23	26	25
Quarts	12	14	13
Pints	6½	7½	7
½ pints	3¼	------	------
All special milks including homogenized vitamin "D", Guernsey and chocolate milk:			
Gallons	49	54	50
½ gallons	25	28	26
Quarts	13	15	14
Pints	7½	8½	8
½ pints	3¾	------	------
Skim milk:			
Gallons	19	24	20
½ gallons	12	15	11
Quarts	9	10	6
Buttermilk:			
Gallons	32	37	30
Quarts	10	12	9
Pints	5½	7½	6½
½ pints	3¼	------	------

This amendment may be revoked amended, corrected or superseded at any time.

This Amendment has been approved by the Department of Agriculture.

Effective the 9th day of May 1946.

Issued May 9, 1946.

R. E. WALTERS,
Regional Administrator.

Approved: May 8, 1946.

S. W. TATOR,
Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture.

CHESTER BOWLES,
Director, Office of Economic Stabilization.

[F. R. Doc. 46-7879; Filed, May 9, 1946; 4:35 p. m.]

[Region II Order G-15 Under SR 15]

FLUID MILK IN NEW YORK METROPOLITAN-NORTHERN NEW JERSEY MARKETING AREA, SOUTHERN NEW JERSEY MARKETING AREA, AND PHILADELPHIA, PENNSYLVANIA MARKETING AREA

For the reasons set forth in an opinion issued and filed with the FEDERAL REGISTER and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and upon the written authorization of the Price Administrator pursuant to a directive from the Director of the Office of Economic Stabilization, it is ordered:

SECTION 1. *Explanation of the order.* This order establishes adjusted maximum prices for sales at retail of raw, pasteurized and Vitamin D-Homogenized Certified fluid milk, in glass containers in the New York Metropolitan-Northern New Jersey Marketing Area, Southern New Jersey Marketing Area and Philadelphia, Pennsylvania Marketing Area, all described in section 2 of this order. Maximum prices previously established under General Maximum Price Regulation and Supplementary Regulation No. 14A to the General Maximum Price Regulation for sales of certified fluid milk in glass containers, in the areas specified in this order, are superseded by the maximum prices established herein.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Fluid milk" means liquid cow's milk, raw or processed, which is sold for human consumption in fluid form as whole milk.

(b) "Certified fluid milk", raw, pasteurized or Vitamin D-Homogenized shall have the meanings prescribed for such types of milk by the American Association of Milk Commissions, Inc., in their bulletin entitled "Methods and Standards for the Production of Certified Milk", adopted by the association on June 19, 1944.

(c) "At retail" means a sale and delivery of Certified fluid milk to the ultimate consumer either by a store or delivered directly to the home of the ultimate consumer.

(d) "New York Metropolitan-Northern New Jersey Marketing Area" means the Boroughs of Manhattan, Brooklyn, Bronx, Queens and Richmond in the City of New York; the counties of Nassau, Suffolk, Westchester, Rockland, and Putnam in the State of New York; and the counties of Bergen, Hudson, Passaic, Essex, Union, Middlesex, Morris, Monmouth, Ocean and Somerset in the State of New Jersey.

(e) "Southern New Jersey Marketing Area" means the counties of Mercer, Burlington, Camden, Atlantic, Cape May and Gloucester.

(f) "Philadelphia, Pennsylvania Marketing Area" means the counties of Montgomery, Bucks, Chester, Delaware and Philadelphia in the Commonwealth of Pennsylvania.

SEC. 3. *Maximum prices*—(a) *Sales at retail.* The maximum price for sales at retail of Certified fluid milk in glass containers shall be the applicable adjusted maximum price for sales of the particular type of Certified milk in the specified areas set forth in Table below:

TABLE I—ADJUSTED MAXIMUM PRICES FOR SALES OF CERTIFIED MILK

	(*Cents per quart*)
New York Metropolitan-Northern New Jersey Marketing Area:	
Raw and pasteurized	24½
Vitamin D-homogenized	25½
Southern New Jersey Marketing Area:	
Raw and pasteurized	24
Vitamin D-homogenized	25
Philadelphia, Pa., Marketing Area:	
Raw and pasteurized	23½
Vitamin D-homogenized	24½

SEC. 4. *Calculations.* Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sale or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a cent, or where only one unit is sold, the seller shall adjust the maximum price to the nearest full cent, except that if the fraction should be a half cent the seller shall adjust the maximum price to the next higher cent (for example, a maximum price of 4½¢ per one unit shall be adjusted to 5¢ for one unit, 9¢ for two units, 14¢ for three units, etc.).

SEC. 5. *Geographical applicability.* The provisions of this order shall apply only to sales of Certified fluid milk, raw, pasteurized and Vitamin D-Homogenized in quart glass containers at retail in New York Metropolitan-Northern New Jersey, Southern New Jersey and Philadelphia Marketing Areas, all as defined in section 2 of this order.

This Order No. G–15 shall become effective May 10, 1946.

Issued this 10th day of May 1946.

LEO F. GENTNER,
Regional Administrator.

Approved: April 26, 1946.

T. G. STITTS,
Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture.

For the reasons set forth in the accompanying opinion, and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599 and 9697, I find that the issuance of Regional Order G–15 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, is necessary to maintain the continued stabilization of the economy in the present emergency and will aid in the effective transition to a peacetime economy.

CHESTER BOWLES,
Director,
Office of Economic Stabilization.

[F. R. Doc. 46–7947; Filed, May 10, 1946; 1:23 p. m.]

[Region VI Order G–114 Under SR 15 and MPR 280]

FLUID MILK IN OMAHA, NEBR., AND COUNCIL BLUFFS, IOWA

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and by § 1351.807 (b) of Maximum Price Regulation No. 280, it is ordered:

(a) *Maximum wholesale and retail prices.* Maximum prices for sales of fluid milk at wholesale and retail in glass or paper containers, and for sales in bulk to stores, hotels and restaurants are hereby increased ¼¢ a half-pint, ⅓¢ a third quart, ½¢ a pint, 1¢ a quart, 2¢ a half gallon and 4¢ a gallon over the prices established by the seller under the provisions of the General Maximum Price Regulation, except that the increases permitted on sales of half-pints, and one-third quarts shall apply only to sales at wholesale.

(b) *Applicability.* Maximum prices established by paragraph (a) of this order shall apply to all sales by distributors subject to Federal Milk Marketing Order No. 35 issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, affecting the Omaha, Nebraska and Council Bluffs, Iowa markets. It shall also apply to all resellers who obtain a major portion of their supply from distributors whose maximum prices have been increased by this order.

(c) *Multiple unit sales.* Where because of the increases permitted by paragraph (a) of this order a maximum price results in a price expressed in terms of ½ cent, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Relation of this order to office of Price Administration regulations.* Except as modified by this order, the provisions of the General Maximum Price Regulation, or any other regulation or order shall remain in full force and effect and shall not be evaded by any change in business or trade prices in effect during the applicable base period of such regulation or orders.

(e) *Revocability.* The order may be revoked, amended or corrected at any time.

This order has been approved by the Department of Agriculture.

The order shall become effective May 10, 1946.

Issued May 10, 1946.

R. E. WALTERS,
Regional Administrator.

Approved: May 8, 1946.

S. W. TATOR,
Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture.

CHESTER BOWLES,
Director, Office of Economic Stabilization.

[F. R. Doc. 46–7946; Filed, May 10, 1946; 1:23 p. m.]