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Washington, Friday, July 12, 1946

The President

EXECUTIVE ORDER 9749

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Denver & Rio Grande Western Railroad Company, a carrier, and certain of its employees represented by the Brotherhood of Railroad Trainmen, a labor organization; and

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

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

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

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

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

HARRY S. TRUMAN

THE WHITE HOUSE,
July 10, 1946.

[F. R. Doc. 46-12007; Filed, July 10, 1946; 4:36 p. m.]

EXECUTIVE ORDER 9750

EXCLUDING FROM THE PROVISIONS OF THE CLASSIFICATION ACT OF 1923, AS AMENDED, POSITIONS OF PERSONS WHOSE EMPLOYMENT IN GOVERNMENT HOSPITALS IS ON A STUDENT-TRAINING OR RESIDENT-TRAINING BASIS

By virtue of the authority vested in me by section 4, Title II of the act of November 26, 1940, 54 Stat. 1212, and as President of the United States, after suitable investigation by the Civil Service Commission, including consultation with representatives of the heads of executive departments and independent establishments concerned, and finding that such action is necessary to the more efficient operation of the Government, it is hereby ordered as follows:

1. There are hereby excluded from the provisions of the Classification Act of 1923, as amended and extended, positions in hospitals operated by the Federal Government or the municipal government of the District of Columbia, which are filled by persons employed on a student-training or resident-training basis consisting of medical and dental interns and residents-in-training, student nurses, student dietitians, student physical therapists, and student occupational therapists, assigned or attached to a hospital, clinic, or medical or dental laboratories, owned or operated by the Federal Government (including any agency or instrumentality of the Federal Government, and including the District of Columbia), primarily for training purposes, and any other persons, assigned or attached to any such hospital, clinic, or medical or dental laboratories primarily for training purposes, who may be designated by the head of any such department, agency, or instrumentality, or by the Commissioners of the District of Columbia, with the approval of the Civil Service Commission.

2. Unless otherwise provided by law, the rates of compensation, including maintenance allowances and other payments in kind, for positions excluded by this order from the provisions of the Classification Act of 1923, as amended and extended, shall be determined by the heads of the respective departments or

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independent establishments, or by the Commissioners of the District of Columbia. The stipends paid shall not exceed maximum rates approved by the Civil Service Commission.

3. This order shall become effective at the close of business on July 13, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
 July 10, 1946.

[F. R. Doc. 46-12025; Filed, July 11, 1946; 11:11 a. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

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

EXCLUSION FROM CLASSIFICATION ACT OF 1923 OF POSITIONS IN GOVERNMENT HOSPITALS ON STUDENT-TRAINING OR RESIDENT-TRAINING BASIS

CROSS REFERENCE: For addition to tabulation in § 91.1, see Executive Order 9750, *supra*.

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B.E.P.Q. 546]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CONTROL-AREAS UNDER PROVISIONS OF THE WHITE-PINE BLISTER RUST QUARANTINE

Introductory note. These administrative instructions designate the States or parts of States into which the interstate movement of gooseberry and currant plants is prohibited or into which, with the exception of European black currants, they may be moved only when accompanied by control-area permits. These are the areas in which five-leaved pine is protected from infection with the white-pine blister rust disease which is spread by gooseberry and currant plants, by removal of such plants in the vicinities of pine stands.

§ 301.63a *Administrative instructions designating the control-area States or parts thereof into which the movement of gooseberry and currant plants is regulated or prohibited.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.63-3 of Notice of Quarantine No. 63, on account of the white-pine blister rust which became effective July 1, 1946, the States of California, Connecticut, Delaware, Georgia, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin are hereby designated in part or in their entirety as control areas, and effective July 10, 1946, the interstate movement to such control areas of gooseberry and currant plants, cuttings, and seeds is prohibited or regulated as provided hereinafter for each such State or part thereof.

California. European black currant plants may not be moved interstate to any destination in California.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into California, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN CALIFORNIA TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Alta	Georgetown
Arnold	Hayfork
Challenge	McCloud
Chester	Quincy
Downieville	Stirling City
Feather Falls	Westwood
Foresthill	

Connecticut. European black currant plants may not be moved interstate to any destination in Connecticut.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Connecticut unless accompanied by control-area permits secured from the State Entomologist, Box 1106, New Haven 4, Conn. Control-area permits will not be issued for planting within infective distances of protected pine.

Delaware. European black currant plants may not be moved interstate to any destination in Delaware.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Delaware unless accompanied by control-area permits secured from the Plant Pathologist, State Board of Agriculture, Newark, Del. Control-area permits will not be issued for planting within infective distances of protected pine.

Georgia. European black currant plants may not be moved interstate to any destination in Georgia.

Gooseberry and currant plants other than European black currants, may be moved interstate without restriction into Georgia, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN GEORGIA TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Afton	Lewner
Aska	Loving
Ayersville	Marblehill
Baxter	Margret
Blairsville	Marion
Blue Ridge	Morganton
Cartecay	Mountain City
Chatsworth	Nacoochee
Cherrylog	Newport
Cisco	Oak Hill
Clarksville	Pike
Clayton	Pisgah
Cleveland	Presley
Cornelia	Quill
Crandall	Rabun Gap
Dahlonega	Robertstown
Dawsonville	Rolston
Demorest	Roy
Dial	Sarah
Diamond	Satolah
Dillard	Sautee
East Ellijay	Suches
Ela Gap	Talking Rock
Ellijay	Tallulah Falls
Emma	Tallulah Lodge
Eton	Talona
Gaddistown	Tennga
Habersham	Tiger
Harvest	Titus
Helen	Toccoa
Hemp	Toccoa Falls
Hiawassee	Tournapull
Higdon's Store	(R. Sta. Toccoa)
Hollywood	Tugalo
Hurst	Turnerville
Jasper	Whitstone
Johnstown ¹	Wiley
Juno	Youngcane
Lakemont	Young Harris
Leaf	

Idaho. European black currant plants may not be moved interstate to any destination in Idaho.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Idaho, except that their interstate movement is prohibited to the following points:

SHIPPING POINTS IN IDAHO TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Avery	Emida
Bovill	Enaville
Calder	Fernwood
Clark Fort	Grangemont
Clarkia	Greer
Coeur d'Alene	Harvard
Coolin	Hayden Lake
Deary	Headquarters
Dent	Helmer ¹
Elk River	Hope
Elmira	Jaypeer ¹
Emerald ¹	Keillogg

¹ No post office.

Kingston
Linfors¹
McArthur¹
Mullan
Murray
Naples
Neva¹
Nordman
Orofino
Pierce
Prichard¹
Priest River

Purdue¹
Rathdrum
Saint Joe¹
Saint Maries
Samuels
Sandpoint
Santa
Spirit Lake
Twin Lakes¹
Wallace
Weippe

Saint Agatha
Saint David
Saint Francis
Sebec Lake
Seboels
Selden
Sheridan
Sherman
Sherman Mills
Sherman Station
Shin Pond
Shirley Mills
Sinclair
Smyrna Mills
Soldier Pond
South Bancroft
Spencer¹
Stacyville
Starboard
Steuben
Stockholm

Tarratine
The Birches¹
Topsfield
Upper Frenchville
Van Buren
Vanceboro
Waite
Washburn
Wesley
Westfield
West Jonesport
West Lubec
Weston
West Outlet¹
West Pembroke
West Seboois
Whiting
Whitneyville
Winterville
Woodland
Wytotitlock

permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN MICHIGAN FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Alcona	Leelanau
Alger	Luce
Allegan	Mackinac
Alpena	Manistee
Antrim	Marquette
Baraga	Mason
Benzie	Mecosta
Charlevoix	Menominee
Cheboygan	Missaukee
Chippewa	Montcalm
Crawford	Montmorency
Delta	Muskegon
Dickinson	Newaygo
Emmet	Oceana
Gogebic	Ogemaw
Grand Traverse	Ontonagon
Houghton	Oscoda
Iosco	Otsego
Iron	Ottawa
Kalkaska	Presque Isle
Kent	Roscommon
Keweenaw	Schoolcraft
Lake	Wexford

Maine. European black currant plants may not be moved interstate to any destination in Maine. Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction to the shipping points listed below. Interstate movement to all other shipping points in the State is prohibited.

SHIPPING POINTS IN MAINE TO WHICH GOOSEBERRY AND CURRANT PLANTS, OTHER THAN EUROPEAN BLACK CURRANTS, MAY BE MOVED WITHOUT RESTRICTION

Addison	Jacksonville
Air Force Base (Sta. Houlton)	Jonesboro
Army Air Field (Ind. Br. of Presque Isle)	Jonesport
Ashland	Keegan
Ayers	Kingsman
Bancroft	Kingsbury
Baring	Kokadjo
Beals	La Grange
Benedicta	Larrabee
Blaine	Lille
Blanchard	Limestone
Bowerbank	Linneus
Bridgewater	Long Pond
Brookton	Ludbeck
Bucks Harbor	Ludlow ¹
Calais	Machias
Capens ¹	Machiasport
Caribou	Madawaska
Carroll	Mapleton
Centerville	Mars Hill
Cherryfield	Masardis
Chesuncook	Meddybemps
Clayton Lake	Medway
Columbia Falls	Millbridge
Cooper ¹	Millinocket
Crawford	Milltown (Ind. Sta. Calais)
Crouseville	Monarda
Cutler	Monson
Danforth	Monticello
Deblois	Moosehead
Dennysville	Moose River
Edge Lake	New Limerick
East Machias	New Sweden
East Millinocket	Norcross
Easton	North Amity
Eastport	North Bancroft
Eaton	North East Carry
Flagstaff	North Lubec
Forest City	Oakfield
Forest Station	Ogontz
Fort Fairfield	Onawa
Fort Kent	Orient
Fort Kent Mills	Oxbow
Frenchville	Patten
Gerard	Pembroke
Grand Isle	Perham
Grand Lake Stream	Perkins
Greenville	Perry
Greenville Jct.	Phair ¹
Grindstone	Plaisted
Grove	Portage
Harrington	Prentiss
Haynesville	Presque Isle
Hodgdon	Princeton
Holeb	Quimby
Houlton	Quoddy (Sta. Eastport)
Howland	Red Beach
Island Falls	Robbinston
Jackman	Robinsons
Jackman Station	Rockwood
	Roque Bluffs

Maryland. European black currant plants may not be moved interstate to any destination in Maryland. Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Maryland, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the State Plant Pathologist, University of Maryland, College Park, Md. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN MARYLAND FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Accident	Kitzmillier
Avilton	Little Orleans
Baltimore	Lock Raven
Barton	Lonaconing
Berwyn	Long Green
Bigpool	Lutherville
Big Spring	McDonogh
Bittinger	McHenry
Bloomington	Mountain Lake Park
Butler	Myersville
Clear Spring	Oakland
Cockeysville	Oella
College Park	Oldtown
Crellin	Parkton
Deer Park	Phoenix
Derwood	Pikesville
Ellicott City	Rockville
Flint Stone	Sang Run
Fork	Shallmar
Frostburg	Smithsburg
Fullerton	Steyer
Garrett Park	Swanton
Glenarm	Timonium
Grantsville	Towson (Br. Baltimore)
Hancock	Upperco
Hutton	Vindex
Jennings	White Hall
Kingsville	

Massachusetts. European black currant plants may not be moved interstate to any destination in Massachusetts. Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Massachusetts unless accompanied by control-area permits secured from the Director, Division of Plant Pest Control and Fairs, State House, Boston 33, Mass. Control-area permits will not be issued for planting within infective distances of protected pine.

Michigan. European black currant plants may not be moved interstate to any destination in Michigan.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Michigan, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the Director, Bureau of Plant Industry, State Department of Agriculture, Lansing 13, Mich. Control-area

Minnesota. European black currant plants may not be moved interstate to any destination in Minnesota.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Minnesota, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the Commissioner of Conservation, State Office Building, St. Paul, Minn. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN MINNESOTA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Aitkin	Hubbard
Becker	Isanti
Beltrami	Itasca
Carlton	Kanabec
Cass	Koochiching
Chicago	Lake
Clearwater	Mahnomen
Cook	Pine
Crow Wing	St. Louis

Montana. European black currant plants may not be moved interstate to any destination in Montana.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Montana, except that their interstate movement is prohibited to the following shipping points.

SHIPPING POINTS IN MONTANA TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Belton	Saltese
Deborgia	Smead ¹
Haugan ¹	Taft ¹
Heron	Troy
Noxon	Warland

New Hampshire. European black currant plants may not be moved interstate to any destination in New Hampshire. Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction to the shipping points listed below. Interstate movement to all other shipping points in the State is prohibited.

SHIPPING POINTS IN NEW HAMPSHIRE TO WHICH GOOSEBERRY AND CURRANT PLANTS, OTHER THAN EUROPEAN BLACK CURRANTS, MAY BE MOVED WITHOUT RESTRICTION

Colebrook	Pittsburg
Dixville Notch	Stratford
Errol	Wentworth Location
North Stratford	West Stewartstown

¹ No post office.

New Jersey. European black currant plants may not be moved interstate to any destination in New Jersey. Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into New Jersey, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN NEW JERSEY TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Bevans	McAfee
East Balles ¹	Mount Arlington
Flatbrookville	Newfoundland
Glenwood	Oak Ridge
Green Pond	Ringwood
Haskell	Vernon
Hewitt	Wallpack Center
Lake Hopatcong	Wanaque
Lake Lookover ¹	West Milford
Layton	

New York. European black currant plants may not be moved interstate to any destination in New York. Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into New York, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN NEW YORK TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Accord	Chazy
Adirondack	Chestertown
Alder Creek	Childwold
Aillgerville	Chilson
Altona	Churubusco
Argyle	Clayburn
Ashokan	Clemons
Athol	Cleverdale
Atwell	Cliff Haven ¹
Ausable Chasm	Clintonville
Sable Forks	Cochecton
Ava	Cochecton Center
Bakers Mills	Cold Brook
Ballston Lake	Colton
Ballston Spa	Comstock
Bangor	Conifer
Barnes Corners	Conklingville ¹
Barneveld	Constable
Berryville	Constableville
Bearsville	Copenhagen
Beaver Falls	Coreys
Beaver River	Corinth
Bethel	Cossayune
Big Moose	Cottkill
Binnewater	Cragmore
Bloomburg	Cranberry Lake
Bloomington	Craterclub
Blossvale	Creek Locks
Blue Mountain Lake	Crogham
Blue Ridge	Crown Point
Boiceville	Crown Point Center
Bolton	Dairyland
Bolton Landing	Dannemora
Bombay	Darts
Boonville	Deerland
Brainardsville	Deer River
Brandreth	Degrasse
Brantingham	Denmark
Brant Lake	Diamond Point
Brasher Falls	Dickinson Center
Broadalbin	Dolgeville
Brushton	Dresden Station
Burke	Duane
Burlingham	Eagle Bay
Burnt Hills	Eagle Nest
Bushville	East Greenwich
Cadyville	Eddyville
Cambridge	Edinburg
Camden	Edwards
Canada Lake	Eldred
Caroga Lake	Elizabethtown
Castorland	Ellenburg
Champlain	Ellenburg Center
Chateaugay	Ellenburg Depot
	Ellenville

¹No post office.

Elnora	Long Lake
Essex	Loon Lake
Faust	Lowville
Flne	Lyon Mountain
Florence	Lyons Falls
Forest	McKeever
Forestport	Maiden on Hudson
Fort Ann	Malone
Fort Covington	Martinsburg
Fort Edward	Mayfield
Fort Jackson	Mechanicville
Fort Miller	Merriewold
Fort Ticonderoga	Merrill
Fosterdale	Middle Falls
Gabriels	Middle Granville
Galway	Middle Grove
Gansevoort (Sara-toga County)	Military (Br. of Plattsburg)
Garnet Lake	Minerva
Glasco	Mineville
Glenburnie	Moffitsville
Glenfield	Mohonk Lake
Glenford	Moir
Glen Island	Mongaup Valley
Glen Lake	Montela ¹
Glens Falls	Monticello
Glen Spey	Moody
Glen Wild	Moers
Gloversville	Moers Forks
Grant	Moriah
Granville	Moriah Center
Gravesville	Morrisonville
Greenfield Center	Mountain View
Greenfield Park	Mount Arab
Greenwich	Mount McGregor
Greig	Mount Marion
Hadley	Napanoch
Hague	Narrowsburg
Hampton	Nehasane
Hannawa Falls	New Bremen
Harris	Newcomb
Harrisville	New Russia
Hartford	Newton Falls
Hartwood	Nicholville
Hawkeye	Norfolk
Helena	North Bangor
Higgins Bay	North Creek
High Falls	North Granville
Highland Lake	North Hudson
Highview	North Lawrence
Hinckley	North River
Hoffmeister	North Stockholm
Hogansburg	Northville
Holland Patent	North Western
Hopkinton	Ohio
Hotel Champlain	Old Forge
Hudson Falls	Olivebridge
Huletts Landing	Olmstedville
Hunter Lake	Onchiota
Hurley	Osceola
Indian Lake	Oswegatchie
Inlet	Otter Lake
Inman ¹	Owls Head
Irona	Palmer
Jay	Paradox
Johnsburg	Parishville
Johnstown	Paul Smiths
Jonesville	Peasleeville
Kattskill Bay	Peru
Kauneonga Lake	Phillipsport
Keene	Piercefield
Keene Valley	Pilot Knob
Keeseville	Piseco
Kerhonkson	Plattsburg
Kinamesha Lake	Poland
Krumville	Pond Eddy
Kyserike	Porter Corners
Lackawack	Port Henry
Lake Clear	Port Kent
Lake Clear Junction	Port Leyden
Lake George	Pottersville
Lake Hill	Prospect
Lake Huntington	Putnam Station
Lake Katrine	Rainbow Lake
Lake Kushaqua	Raquette Lake
Lake Luzerne	Ray Brook
Lake Placid	Raymondville
Lake Placid Club	Redford
Lake Pleasant	Remsen
Lawrenceville	Rexford
Lee Center	Riparius
Lewis	Riverview

Rock City Falls	Thomson
Rock Hill	Thurman
Roosa Gap	Ticonderoga
Rosendale	Tillson
Round Lake	Trudeau
Rouses Point	Truthville
Ruby	Tupper Lake
Russell	Turin
Sabael	Tusten
Sabattis	Upper Jay
Sabbath Day Point	Upper St. Regis
Sacandaga	Ushers
Saint Huberts	Valcour
Saint Josephs	Vermontville
Saint Regis Falls	Victory Mills
Salem	Wadhams
Salisbury	Wanakena
Salisbury Center	Warrensburg
Samsonville	Waterford
Santa Clara	Wawarsing
Saranac	Wells
Saranac Inn	West Bangor
Saranac Lake	West Branch
Saratoga Springs	Westbrookville
Saugerties	West Camp
Schroon Lake	West Chazy
Schuyler Falls	Westdale
Schuylerville	Westernville
Severance	West Granville Corners
Shady	West Hurley
Shokan	West Leyden
Shushan	Westport
Silver Bay	West Shokan
Smallwood	West Stockholm
Smiths Basin	Wevertown
South Colton	Whallonsburg
South Hartford	Whippleville
South Schroon	White Creek
Speculator	Whiteface
Spring Glen	Whitehall
Standish	White Lake
Starlake	Willow
Stillwater	Willsboro
Stone Ridge	Wilmington
Stony Creek	Wilton
Stratford	Winterton
Summitville	Winthrop
Sunmount	Witherbee
Swastika	Wittenberg
Taberg	Woodgate
Tahawus	Woodstock
Ten Mile River	Wurtsboro
The Glen	Yulan
Thendara	
Thompsonville	

North Carolina. European black currant plants may not be moved interstate to any destination in North Carolina. Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into North Carolina, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the State Entomologist, Department of Agriculture, Raleigh, N. C. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN NORTH CAROLINA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Alexander	McDowell
Alleghany	Macon
Ashe	Madison
Avery	Mitchell
Buncombe	Polk
Burke	Rutherford
Caldwell	Surry
Cherokee	Swain
Clay	Transylvania
Cleveland	Watauga
Graham	Wilkes
Haywood	Yadkin
Henderson	Yancey
Jackson	

Ohio. European black currant plants may not be moved interstate to any destination in Ohio.

Gooseberry and currant plants, other than European black currants, may be moved in-

terstate without restriction into Ohio, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the Chief, Division of Plant Industry, Dept. of Agriculture, Columbus 15, Ohio. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN OHIO FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Adelphi	Germano
Brecksville	Glenmont
Burton	Greer
Chagrin Falls	Keene
Chillicothe	Kent
Clark	Loudonville
Danville	Marietta
Fresno	Nashville
Gambier	New Marshfield
Gates Mills	Winona

Oregon. European black currant plants may not be moved interstate to any destination in Oregon.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Oregon, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the Chief, Division of Plant Industry, Agricultural Building, Salem, Oregon. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN OREGON FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Cave Junction	Oregon Caves
Colestin ¹	Prospect
Dryden	Selma
Galice ¹	Tiller
Grants Pass	Union Creek ¹
Holland	Waters Creek ¹
Kerby	Wilderville
Murphy	Wonder

Pennsylvania. European black currant plants may not be moved interstate to any destination in Pennsylvania.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Pennsylvania, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the Chief, Division of Forest Protection, Pennsylvania Department of Forests and Waters, 410 Educational Building, Harrisburg, Pa. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN PENNSYLVANIA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Bradford	Jefferson
Cameron	Luzerne
Centre	Lycoming
Clarion	Monroe
Clearfield	Pike
Clinton	Potter
Elk	Susquehanna
Forest	Tioga
Fulton	Warren
Huntingdon	Wayne

Rhode Island. European black currant plants may not be moved interstate to any destination in Rhode Island. Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Rhode Island unless accompanied by control-area permits secured from the Administrator, Division of Entomology and Plant Industry, State House, Providence 2, R. I. Control-area permits will not be issued for planting within infective distances of protected pine.

Tennessee. European black currant plants may not be moved interstate to any destination in Tennessee.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Tennessee, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN TENNESSEE TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Allardt	Holston Valley
Archville	Huntsville
Armathwaite	Ironburg
Bakewell	Isabella
Banner Springs	Jamestown
Belltown	Kinzel Springs ¹
Ben Stockton	Lancing
Benton	Laurel Bloomery
Big Lick	Linary
Bluff City	Litton
Bridgeport	Milligan College
Bristol	Milo
Burrville	Mountain City
Butler	Neva
Cades Cove	New River
Calderwood	Nicks Creek
Catoosa ¹	Norma
Chilhowee	Oakdale
Clarkrange	Ocoee
Coalfield	Oldfort
Coker creek	Oneida
Coleman ¹	Ozone
Conasauga	Peavine
Cosby	Petros
Crab Orchard	Pigeon Forge (R. Sta. Sevierville)
Crossville	Pikeville
Dayton	Piney Flats
Dean	Rasar
Deer Lodge	Reliance
Delano	Roan Mountain
Del Rio	Robbins
Doeville	Rock Creek
Ducktown	Rockwood
East Jamestown	Roslin
Elgin	Rugby
Elizabethton	Sale Creek
Elkmont (R. Sta. Sevierville)	Servilla
Embreeville	Sevierville
Emory Gap	Shady Valley
Epperson	Shell Creek
Erwin	Shirley
Evensville	Shouns
Farner	Smoky Junction
Flag Pond	Spring City
Flattop ¹	Sunbright
Frankfort	Tallassee
French Broad	Tellico Plains
Gatlinburg	Townsend
Gennett ¹	Trade
Glenmary	Unicoi
Grandview	Walland
Graysville	Wartburg
Grimsley	Watauga
Hampton	Westel
Harriman	Winesap
Hartford	Winfield
Hebbertsburg ¹	Winona
Helenwood	Wolf Creek
Hendon	

Vermont. European black currant plants may not be moved interstate to any destination in Vermont.

Gooseberry and currant plants other than European black currants, may not be moved interstate to any destination in Vermont unless accompanied by control-area permits secured from the State Forester, Department of Natural Resources, Forest Service, Montpelier, Vt. Control-area permits will not be issued for planting within infective distances of protected pine.

Virginia. European black currant plants may not be moved interstate to any destination in Virginia.

Gooseberry and current plants, other than European black currants, may be moved interstate without restriction into Virginia, except that they may be moved interstate to

shipping points in the counties listed below only when accompanied by control-area permits secured from the State Entomologist, 1112 State Office Building, Richmond 19, Va. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN VIRGINIA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Albemarle	Highland
Alleghany	Madison
Amherst	Montgomery
Augusta	Nelson
Bath	Page
Bedford	Patrick
Bland	Pulaski
Botetourt	Rappahannock
Carroll	Roanoke
Craig	Rockbridge
Floyd	Rockingham
Franklin	Shenandoah
Frederick	Smyth
Giles	Warren
Grayson	Washington
Greene	Wythe
Henry	

Washington. European black currant plants may not be moved interstate to any destination in Washington.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Washington, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the Supervisor of Horticulture, Department of Agriculture, Olympia, Wash. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN WASHINGTON FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Blueslide	Mead
Colbert	Metaline Falls
Cusick	Ruby ¹
Ione	Tiger
Lost Creek ¹	Usk

West Virginia. European black currant plants may not be moved interstate to any destination in West Virginia. Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into West Virginia, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN WEST VIRGINIA TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Abraham	Brushy Run
Alvon	Buckeye
Anthony	Caldwell
Arbovale	Camp Alleghany
Ashford General Hospital	Camp Creek
Assurance	Capon Bridge
Athens	Capon Springs
Auto	Cashmere
Avis ¹	Cass
Baker	Cave
Ballard	Cherry Creek
Ballengee	Cherry Run
Bartow	Clover Lick
Bass ¹	Cool Ridge
Beard	Crab Orchard
Beaver	Cranberry
Beckley	Crow
Beeson	Crumps Bottom
Bellepoint	Daniels
Berkeley Springs	Deer Run
Bloomery	Denmar
Blue Jay	Droop
Boyer	Dunmore
Bozoo	Dunns
Brandywine	East Beckley
	Eccles

¹ No post office.

¹ No post office.

Egeria	North Caldwell ¹
Elgood	North Mountain
Ellison	Norvell ¹
Fablius	Oakland
Fame	Oakvale
Forest Hill	Old Fields
Fort Run	Omps
Fort Seybert	Orchard
Frankford	Organ Cave
Franklin	Oswald
Frost	Parsons
Gap Mills	Pemberton
Ghent	Perry
Glace	Peterstown
Glengary	Petry
Glen Morgan	Pickaway
Glen White	Piney View
Grandview	Pinoak
Green Bank	Pipestem
Greenville	Pluto
Hambleton	Price Hill
Harper	Princeton
Hedgesville	Prosperity
Hendricks	Raleigh
High View	Red Sulphur Springs
Hillsboro	Renick
Hinton	Ridge
Hollywood	Rio
Hooks Hills	Rock Camp
Huntersville	Rockoak
Indian Mills	Ronceverte
Inkerman	Roxalla
Intermont	Ruddle
Jones Springs	Saint George
Jumping Branch	Secondcreek
Keenan	Seebert
Kegley	Shady Spring
Kirby	Skelton
Kline	Sleepy Creek
Lanark	Smoke Hole
Lashmeet	Spanishburg
Lead Mine	Speedway
Lehew	Sprague
Lerona	Spring Creek
Lewisburg	Stanaford
Lick Creek	Stottlers Cross Roads
Lindside	Streeter
Lost City	Sugar Grove
Lost River	Surveyor
Lovern	Sweetsprings
McGreery ¹	True
Mabscott	Ungers Store
MacArthur	Union
Mandeville	Upper Tract
Marie	Vago
Marlinton	Waiteville
Mathias	Wardenville
Maxwelton	Warford
Milam	Watoga
Mih Point	Wayside
Minnehaha Springs	White Sulphur
Moorefield	Springs
Mountview	Wickham ¹
Moyers	Wikel
Mozer	Willow Bend
Needmore	Yellow Spring
Neola	Zentth
New	

Douglas	Oneida
Dunn	Polk
Eau Claire	Portage
Florence	Price
Forest	Rusk
Iron	St. Croix
Jackson	Sawyer
Juneau	Shawano
Langlade	Taylor
Lincoln	Vilas
Marathon	Washburn
Marinette	Waupaca
Monroe	Waushara
Oconto	Wood

Regulated Articles Not Affected by These Instructions

(1) *Movement of five-leaved pines.* As provided in § 301.63-5 (a) of Quarantine No. 63, revised July 1, 1946, five-leaved pines may be moved interstate without restriction between the noninfected States of Arizona, Colorado, Georgia, Kentucky, Nevada, New Mexico, South Carolina, Tennessee, Utah, and the noninfected part of California comprised of the counties of Calaveras, Contra Costa, Mono, San Francisco, San Joaquin, Tuolumne and all those south thereof. Five-leaved pines may not be moved interstate into these areas from any other part of the United States except when intended for reforestation purposes and when they have been grown in a nursery protected from blister rust infection and when accompanied by a white-pine certificate issued for such movement by the Bureau of Entomology and Plant Quarantine.

There are no restrictions on the interstate movement of five-leaved pines and parts thereof into or within that part of the continental United States outside of the areas described in the above paragraph, except that five-leaved pines and parts thereof when visibly infected with blister rust may not be moved interstate anywhere within the continental United States except in accordance with § 301.63-9 of the quarantine regulations.

(2) *Movement of European black currants.* As provided in § 301.63-5 (b) of Quarantine No. 63, revised July 1, 1946, European black currant plants may be moved interstate without restriction between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. Interstate movement of such plants into or between any other States or the District of Columbia is prohibited except in accordance with § 301.63-9 of the quarantine regulations.

These instructions shall be effective on and after July 10, 1946, and shall remain in effect until further modified or revoked.

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161; 7 CFR § 301.63-3, 11 F.R. 6960)

Done at Washington, D. C., this 1st day of July 1946.

[SEAL] P. N. ANNAND,
Chief Bureau of Entomology
and Plant Quarantine.

[F. R. Doc. 46-12026; Filed, July 11, 1946; 11:13 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—AIR COMMERCE REGULATIONS

DOCUMENTS FOR ENTRY

CROSS REFERENCE: For addition of paragraph (d) to § 116.8, see Title 19, Part 6, *infra*.

Chapter II—Office of Alien Property Custodian

[Gen. Order 13, Reg. 6]

PART 503—GENERAL ORDERS

LICENSING CERTAIN TRANSACTIONS INVOLVING WORKS SUBJECT TO COPYRIGHT

§ 503.13-6 *Licensing certain transactions involving works subject to copyright—(a) Definitions.* The term "trade or communication" shall have the meaning assigned in Treasury General Ruling No. 11, section 4 (d), under Executive Order No. 8389, as amended. The term "national" shall have the meaning assigned in paragraph 5E of Executive Order No. 8389, as amended: *Provided, however,* That, for the purposes of this order, only such persons shall be deemed to be nationals of Germany, Japan, Italy, Bulgaria, Rumania or Hungary as are also enemy nationals as defined in said General Ruling No. 11.

(b) *General license.* A general license is hereby granted authorizing all transactions prohibited by § 503.13 (General Order No. 13), except as specified in paragraphs (c), (d) and (e) of this section.

(c) *General license does not extend to Germans or Japanese.* This license does not extend to any transaction by, or on behalf of or pursuant to the direction of Germany or Japan or any national thereof. This license does not extend to any transaction involving property in which Germany or Japan or any national thereof has at any time on or since June 14, 1941 had any interest of any nature whatsoever, direct or indirect. This license does not extend to any transaction involving trade or communication, direct or indirect, with Germany or Japan or persons resident in the territory thereof, or which is carried out as the result of such trade or communication.

(d) *General license is granted conditionally in the case of Italy, Bulgaria, Rumania and Hungary.* In the case of any transaction by, or on behalf of, or pursuant to the direction of Italy, Bulgaria, Rumania, or Hungary, or any national thereof, or which involves property in which Italy, Bulgaria, Rumania or Hungary, or any national thereof, has at any time on or since the effective date of Executive Order No. 8389, as amended, had any interest of any nature whatsoever, direct or indirect, this license authorizes only the following transactions and only on the following conditions:

(1) The making and filing in the United States Copyright Office of applications for registration or renewal of copyrights in which individuals resident in, or firms or corporations having their principal place of business in Italy, Bul-

Wisconsin. European black currant plants may not be moved interstate to any destination in Wisconsin. Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Wisconsin, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the State Entomologist, State Capitol, Madison 2, Wis. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN WISCONSIN FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Adams	Burnett
Ashland	Chippewa
Barron	Clark
Bayfield	Door

¹ No post office.

garia, Rumania or Hungary, have at any time on or since the effective date of Executive Order No. 8389, as amended, had any interest, and the receipt of registration or renewal certificates granted pursuant to any such applications is authorized, *Provided*,

(i) That if the person making or filing any such application or acting as attorney or agent in connection therewith has any knowledge, information or belief concerning any instrument, agreement or understanding affecting title to, or granting any interest in, including licenses under any such application, he may record under the provisions of paragraph (d) (3) of this section, the instrument, agreement or understanding, if it is in his possession or control and recordable, or, if he has such knowledge, information or belief and does not record the instrument, agreement or understanding, he shall at the time of filing the application in the United States Copyright Office after the date of this section (unless a report on Form APC-23 has previously been filed with respect to such application) file with the United States Copyright Office a report on Form APC-23 setting forth the information called for therein;

(ii) That the person making any such application shall notify the Copyright Office in writing that the application is made pursuant to this section;

(iii) That such application, or copies of the materials subject to copyright, with respect to which any such application is based, was received in the United States after the date upon which this section is published in the FEDERAL REGISTER; or, in the case of transactions for and on behalf of Italy or nationals thereof, after September 28, 1945;

And provided, further,

(iv) That nothing contained herein shall relieve any person executing any instrument under the authorization of paragraph (d) (3) of this section from the requirement of recording such instrument set forth in paragraph (d) (3) (i) of this section.

(2) Applications for the registration or renewal of copyrights made under paragraph (d) (1) of this section will be subject to the power of the Alien Property Custodian to take such action as he deems necessary in the national interest, including but not limited to, the power to direct, manage, supervise, control or vest, with respect thereto.

(3) The execution and recording of any instrument, recordable in the United States Copyright Office which affects title to or grants an interest in any copyright or renewal thereof, if such instrument constitutes or evidences a transaction made by, or on behalf of, or pursuant to the direction of, or with Italy, Bulgaria, Rumania or Hungary, or any national thereof, is authorized: *Provided*,

(i) That such instrument be recorded in the United States Copyright Office within ninety days of the date of execution thereof or within such further time as may be allowed by the Alien Property Custodian;

(ii) That the person presenting such instrument for recording shall attach

thereto and record in the United States Copyright Office therewith a copy of Form APC-22, and shall file therewith in the United States Copyright Office a report on Form APC-21 setting forth under oath the information called for therein;

(iii) That such instrument may be set aside by the Alien Property Custodian upon notice mailed to the person recording the instrument at the address given on the form filed with the instrument, and the copyrights or rights thereunder so transferred may be vested by the Alien Property Custodian at any time within a period of three years from the date of recording, except that the Alien Property Custodian may in his discretion reduce such period of time with respect to any such instrument after the recording thereof.

(e) *Past transactions remain subject to prior regulations.* Any instrument heretofore recorded pursuant to and in accordance with the provisions of § 503.13-3 (Regulation No. 3) (prior to the present regulation) shall be subject to the provisions thereof, including particularly, but without limitation, the provision reserving the power of the Alien Property Custodian to set aside such instrument within 3 years from the date of such recording and to take such other action as he may deem appropriate.

(f) *Limitations of scope of this section.* (1) This section does not authorize:

(i) Any transactions not specifically enumerated herein, such transactions being permitted only upon specific authorization from the Alien Property Custodian; or

(ii) The receipt of any funds or credits with respect to the transactions licensed herein except as such receipt may be permitted by the Treasury Department; or

(iii) The payment of any funds or credits to any party to an instrument executed or recorded hereunder with respect to the property affected by such instrument, except nominal consideration not exceeding One Dollar, as long as such instrument is subject to being set aside in accordance with the conditions of paragraph (d) (3) (iii) of this section, except into a specific account from which withdrawals can be made only upon the approval of the Alien Property Custodian. Any such special account shall be subject to all provisions governing special accounts established under paragraph (c) (3) of § 503.13-3 (Regulation No. 3, as amended, under General Order No. 13), including all provisions of § 503.13-5 (Regulation No. 5 under General Order No. 13).

(2) Attention is directed to § 131.72 of Title 31, chapter I (Treasury General License No. 72, as amended).

(3) No extension of time granted under this section is intended to extend or affect any of the time limitations contained in Title 17, U.S.C., relating to the registration of copyrights and applications for renewal thereof in the United States Copyright Office.

(40 Stat. 411, 50 U.S.C., App.: 55 Stat. 839, 50 U.S.C. App. (Supp. 1945); E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on July 1, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-12014; Filed, July 11, 1946; 9:31 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5386]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THE CAMERA MAN ET AL.

§ 3.6 (h) *Advertising falsely or misleadingly—Fictitious or misleading guarantees:* § 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (w) *Advertising falsely or misleadingly—Refunds, repairs and replacements:* § 3.6 (y5) *Advertising falsely or misleadingly—Sample, offer or order conformance:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.71 (e5) *Neglecting, unfairly or deceptively, to make material disclosure—Scientific or relevant facts:* § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods:* § 3.72 (i) *Offering deceptive inducements to purchase or deal—Money back guarantee:* 3.72 (k5) *Offering deceptive inducements to purchase or deal—Repair or replacement guarantee:* § 3.72 (m10) *Offering deceptive inducements to purchase or deal—Sample, offer or order conformance:* § 3.96 (a) *Using misleading name — Goods — Qualities or properties.* In connection with the offering for sale, sale, and distribution of cameras or other merchandise in commerce, (1) representing directly or by implication: (a) that cameras which are not equipped with fast lenses are so equipped; (b) that cameras which will not take sharp, clear pictures of things or persons in motion or still will take such pictures; (c) that cameras not nationally advertised are so advertised; (d) that any article the cost of which is included in the purchase price of other merchandise in connection with which such article is offered is given free; (e) that cameras which do not have the appearance, performance, or durability of higher-priced cameras have such appearance, performance, or durability; (f) that cameras or other articles of merchandise are being offered at a reduced or special price, when in fact such price is not lower than respondents' usual and customary price for such merchandise; or (g) that cameras will take color pictures, without revealing that the reproduction of actual color is a property of the film and not of the camera; (2) using the word "candid" to designate or describe cameras not equipped with fast lenses and which will not take

sharp, clear pictures of things or persons in motion or still; (3) representing that refunds will be made to dissatisfied customers unless such refunds are in fact made; or (4) representing that cameras are guaranteed to give a lifetime of service unless cameras broken because of defective materials or workmanship are replaced by respondents; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, *The Camera Man, et al.*, Docket 5386, June 7, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1946.

In the Matter of Henry J. Handelsman, Jr., Birdye Handelsman, and William Handelsman, Individually and as Co-partners, Trading and Doing Business as The Camera Man, and Henry J. Handelsman, Jr., Inc., a Corporation

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

It is ordered, That the individual respondents Henry J. Handelsman, Jr., Birdye Handelsman, and William Handelsman, jointly or severally, their representatives, agents, and employees, and Henry J. Handelsman, Jr., Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of cameras or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That cameras which are not equipped with fast lenses are so equipped.

(b) That cameras which will not take sharp, clear pictures of things or persons in motion or still will take such pictures.

(c) That cameras not nationally advertised are so advertised.

(d) That any article the cost of which is included in the purchase price of other merchandise in connection with which such article is offered is given free.

(e) That cameras which do not have the appearance, performance, or durability of higher-priced cameras have such appearance, performance, or durability.

(f) That cameras or other articles of merchandise are being offered at a reduced or special price, when in fact such price is not lower than respondents' usual and customary price for such merchandise.

(g) That cameras will take color pictures, without revealing that the reproduction of actual color is a property of the film and not of the camera.

2. Using the word "candid" to designate or describe cameras not equipped with fast lenses and which will not take sharp, clear pictures of things or persons in motion or still.

3. Representing that refunds will be made to dissatisfied customers unless such refunds are in fact made.

4. Representing that cameras are guaranteed to give a lifetime of service unless cameras broken because of defective materials or workmanship are replaced by respondents.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-12028; Filed, July 11, 1946;
11:19 a. m.]

[Docket No. 5308]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

FOOD DISPLAY MACHINE CORPORATION, ETC.,
ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with the offering for sale, sale, and distribution of razor blade sharpeners in commerce, representing (1) that respondents' said razor blade sharpener will enable the user thereof to obtain over 700 shaves from one razor blade, or any number in excess of that which can be regularly obtained through the normal use of the average razor blade; (2) that the use of said device makes razor blades give extraordinary or miraculous service, or will eliminate the necessity for changing blades or purchasing new blades; (3) that the razor holder of said device is automatic or automatically holds the blades at the correct angle and pressure and thereby eliminates the necessity for hand adjustment of the blades; or, (4) that respondents' razor blades sharpener can be depended upon to give years of service; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, *Food Display Machine Corporation, et al.*, Docket 5308, June 10, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1946.

In the matter of Food Display Machine Corporation, a Corporation, Trading as Razoroll Company, and Adam H. Kulikowski, Individually and as President of Food Display Machine Corporation

This proceeding having been heard by the Federal Trade Commission upon the

complaint of the Commission, the answer of respondents, and a stipulation as to the facts entered into upon the record between counsel for the Federal Trade Commission and counsel for the respondents, which provides, among other things, that the Commission may proceed upon said statement of facts to make its report stating its findings as to the facts (including inferences which it may draw from said stipulated facts, and its conclusion based thereon and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs, and which waives the filing of a report upon the evidence by the trial examiner, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Food Display Machine Corporation, a corporation trading under the name "Razoroll Company," or under any other name, its officers, representatives, agents, and employees, and Adam H. Kulikowski, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of razor blade sharpeners in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

1. That their said razor blade sharpener will enable the user thereof to obtain over 700 shaves from one razor blade, or any number in excess of that which can be regularly obtained through the normal use of the average razor blade.

2. That the use of said device makes razor blades give extraordinary or miraculous service, or will eliminate the necessity for changing blades or purchasing new blades.

3. That the razor blade holder of said device is automatic or automatically holds the blades at the correct angle and pressure and thereby eliminates the necessity for hand adjustment of the blades.

4. That respondent's razor blade sharpener can be depended upon to give years of service.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-12029; Filed, July 11, 1946;
11:19 a. m.]

[Docket No. 5420]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

UNION FISHERMAN'S CO-OPERATIVE PACKING
CO.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the sale and distribution of canned Columbia River salmon, canned Columbia River tuna

fish, and other sea food products in commerce, paying or granting, directly or indirectly, to any buyer, anything of value as a commission or brokerage, or any compensation, allowance or discount in lieu thereof, upon purchases made for such buyer's own account; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, Union Fishermen's Cooperative Packing Company, Docket 5420, June 14, 1946].

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 14th day of June A. D. 1946.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer of the respondent, which answer admits all the material allegations of fact set forth in said complaint and waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of subsection (c) of section 2 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 an act of Congress approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That the respondent Union Fishermen's Co-Operative Packing Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale and distribution of canned Columbia River salmon, canned Columbia River tuna fish, and other sea food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Paying or granting, directly or indirectly, to any buyer, anything of value as a commission or brokerage, or any compensation, allowance or discount in lieu thereof, upon purchases made for such buyer's own account.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-12030; Filed, July 11, 1946;
11:19 a. m.]

[File No. 21-392]

PART 166—PISTON RING INDUSTRY
PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1946.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as

amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of July 12, 1946.

Statement by the Commission. Trade practice rules for the Piston Ring Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules relate to the sale and distribution of piston rings for use as original or replacement equipment in all types of internal combustion engines, steam engines, and compressors. Members of the industry include manufacturers, distributors, jobbers, and others who place piston rings on the market. The aggregate annual volume of sales by manufacturers of industry products is reported to be in excess of \$75,000,000.

In the rules various unfair methods of competition, unfair or deceptive acts or practices, and other trade evils are listed and proscribed. A primary purpose of these provisions is to maintain free and fair competition for the protection of the industry and the buying public through the elimination and prevention of such harmful practices.

The proceedings for establishing the rules were instituted upon application from members of the industry. A general trade practice conference was held under Commission auspices in Chicago, Illinois. At such conference suggested rules were considered and adopted subject to Commission approval. Thereafter, a draft of proposed rules was made public by the Commission for the information of all concerned, and public notice was issued under which all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer, and to be heard. Such hearing was accordingly held in Washington, D. C. All matters presented pursuant to such public notice, or otherwise received in the proceedings, were duly considered.

Thereupon, and after full consideration, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative 30 days from date of promulgation. However, this shall not be construed as sanctioning the use meanwhile of any unfair method of competition or other act or practice which is contrary to law.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, de-

stroys, or prevents competition, that the rules are to be applied.

Group I. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.	
166.1	Misbranding.
166.2	False advertising.
166.3	Deceptive concealment of price charged for so-called premiums.
166.4	False and misleading price quotations.
166.5	False invoicing.
166.6	Imitation of trade-marks, trade names, etc.
166.7	Misuse of word "free," etc.
166.8	Guarantees.
166.9	Coercing purchase of one product as a prerequisite to the purchase of other products.
166.10	Exclusive deals.
166.11	Commercial bribery.
166.12	"Spiffs," "push money," "premiums," etc.
166.13	Consignment shipping.
166.14	Defamation of competitors or disparagement of their products.
166.15	Selling below cost.
166.16	Discrimination.

AUTHORITY: §§ 166.1 to 166.16, inclusive, issued under 38 Stat. 717, as amended, and pursuant to other provisions of law administered by the Commission.

§ 166.1 *Misbranding.* It is an unfair trade practice for any member of the industry to use, or cause or promote the use of, any label, brand, or mark, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, brand, grade, quality, composition, tests, durability, serviceability, performance, quantity, origin, size, substance, character, nature, material, content, price, value, preparation, manufacture, distribution, or marketing of any product, or in any other respect. [Rule 1]

§ 166.2 *False advertising.* It is an unfair trade practice for any member of the industry to use, or cause or promote the use of, any trade promotional literature, advertising matter, testimonial, guarantee, warranty, designation, or representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, brand, grade, quality, composition, tests, durability, serviceability, performance, quantity, origin, size, substance, character, nature, material, content, price, value, preparation, manufacture, distribution, or marketing of any product, or in any other respect. [Rule 2]

§ 166.3 *Deceptive concealment of price charged for so-called premiums.* In the offering of so-called premiums in combination or in connection with the sale or offering for sale of piston rings, it is an unfair trade practice:

(a) To represent, directly or by implication, that the so-called premium is given without additional charge when in fact a charge therefor is included in the price of such piston rings; or

(b) To conceal or fail to disclose the fact that the selling price at which piston rings are sold or offered for sale includes a charge for such so-called premium which is in addition to the regular and customary selling price of such piston rings, where such concealment or failure to disclose has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(c) To conceal or fail to disclose what part or proportion of such selling price is attributable to the so-called premium, where such concealment or failure to disclose such part or proportion has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 3]

§ 166.4 *False and misleading price quotations.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, or terms or conditions of sale, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 4]

§ 166.5 *False invoicing.* Withholding from or inserting in an invoice any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction represented on the face of such invoice, with the effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 5]

§ 166.6 *Imitation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, or other marks of identification of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 6]

§ 166.7 *Misuse of word "free," etc.* The use of the word "free," or any other term or representation of similar import or meaning, to describe, designate, or refer to any piston ring or so-called premium offered in connection therewith which is not given to the recipient thereof without cost and unconditionally, is an unfair trade practice. [Rule 7]

NOTE: For other rules relating to the use of premiums, see §§ 166.3, 166.11, 166.12 and 166.16.

§ 166.8 *Guarantees.* It is an unfair trade practice to use, or cause to be used, any guarantee which is false, misleading, deceptive, or unfair in any respect.

Guarantees of the type prohibited by this section include the following:

(a) Guarantees issued or directly or indirectly caused to be used by any member of the industry under which the guarantor fails or refuses to scrupulously observe his obligation or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(b) Guarantees which are so used or are of such form, text, or character as

to import, imply, or represent that the guarantee is broader than is in fact true, or will afford more protection to purchasers or users than is in fact true; or

(c) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(d) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading and deceiving purchasers or prospective purchasers with respect to the serviceability, durability, or lasting qualities of any piston rings, or which guarantees, either in themselves or in the manner of their use, are otherwise false, misleading, or deceptive; or

(e) Guarantees which are not furnished all purchasers on proportionally equal terms contrary to the provisions of § 166.16, or are otherwise discriminatory within the inhibitions of § 166.16. [Rule 8]

§ 166.9 *Coercing purchase of one product as a prerequisite to the purchase of other products:* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 9.]

§ 166.10 *Exclusive deals.* It is an unfair trade practice for any member of the industry to purchase or otherwise acquire from a distributor or dealer the stock of a competitor or competitors of such industry member, to make loans to a distributor or dealer, or to guarantee a distributor or dealer increased profits as compared with profits previously obtained in the handling of competitive products, when such acts or practices are done:

(a) Upon any express or implied condition, agreement, or understanding, that the distributor or dealer will discontinue handling competitive products and will handle such member's products exclusively; or

(b) As an inducement to the distributor or dealer to discontinue handling competitive products and to handle such member's products exclusively,

and where the effect of such acts or practices may be to substantially lessen competition, or tend to create a monopoly, or to unreasonably restrain trade. [Rule 10]

§ 166.11 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value, whether in the guise of premiums or otherwise, to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or

contract to purchase piston rings manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the piston rings of competitors or from dealing or contracting to deal with competitors. [Rule 11]

NOTE: For other rules relating to the use of premiums, see §§ 166.3, 166.7, 166.12 and 166.16.

§ 166.12 *"Spiffs," "push money," "premiums," etc.* It is an unfair trade practice for any member of the industry, directly or indirectly, to give, pay, or contract to pay, to any clerk, salesperson, purchasing agent, stockroom man, mechanic, or other employee, of any customer-dealer handling two or more competitive brands of piston rings, "push money," "spiffs," or any other bonus, gratuity, or payment, whether in the guise of premiums or otherwise, as an inducement or encouragement to push or promote the sale of such member's piston rings over competing piston rings of other members of the industry;

(a) With the capacity and tendency or effect of thereby causing purchasers or prospective purchasers, when making purchases of such piston rings, to be misled or deceived into the erroneous belief that such clerk, salesperson, purchasing agent, stockroom man, mechanic, or other employee, is free from any such special interest or influence, or is not so subsidized or paid by such member; or

(b) With the capacity and tendency or effect of thereby hampering and unduly restricting the legitimate, free, and full use and enjoyment of such trade outlets for the distribution of competing piston rings; or

(c) With the purpose or effect, directly or indirectly, of otherwise substantially lessening competition or unreasonably restraining trade in the marketing of piston rings; or

(d) With the effect of thereby bringing about the granting of an illegally discriminatory service, payment, or price contrary to the provisions of § 166.16. [Rule 12]

NOTE: For other rules relating to the use of premiums, see §§ 166.3, 166.7, 166.11 and 166.16.

§ 166.13 *Consignment shipping.* It is an unfair trade practice for any member of the industry to use the practice of shipping piston rings on consignment or pretended consignment for the purpose and with the effect of artificially clogging trade outlets and unduly restricting competitors' use of said trade outlets in getting their piston rings to consumers through regular channels of distribution, or with such purpose to entirely close said trade outlets to such competitors so as to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade: *Provided, however,* That nothing herein shall be construed or used as restricting or preventing consignment shipping or marketing of piston rings in good faith and without artificial interference with competitors' use of the usual channels of distribution in such manner as thereby to suppress competition or restrain trade. [Rule 13]

§ 166.14 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or other false representations, or the false disparagement of the type, brand, grade, quality, composition, tests, durability, serviceability, performance, quantity, origin, size, substance, character, nature, material, content, price, value, preparation, manufacture, distribution, or marketing of the piston rings of competitors, or of their business methods, values, credit terms, or policies, or in any other respect, is an unfair trade practice. [Rule 14]

§ 166.15 *Selling below cost.* The practice of selling piston rings below the seller's cost with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade is an unfair trade practice. All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs, however, which are referred to in the rule, are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 15]

§ 166.16 *Discrimination—(a) Prohibited discriminatory prices, or rebates, refunds, so-called free goods, premiums, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, so-called free goods, premium, discount, credit, or other form of price differential, where such rebate, refund, so-called free goods, premium, discount, credit, or other form of price differential, effect a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,² and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,³ or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

¹As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States. (With respect to the Philippine Islands, the foregoing is subject to such statutory limitations as relate thereto.)

(For other rules relating to the use of premiums, see §§ 166.3, 166.7, 166.11 and 166.12.)

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce¹ from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce¹ to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such

commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which act and the application thereunder of this section are subject to limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-Fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

(52 Stat. 446; U. S. C., Title 15, sec. 13c) [Rule 16]

Group II. Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Non-observance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

RULE A. Independent price lists. The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists fully setting forth his terms of sale.

RULE B. Maintenance of accurate records. It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs.

RULE C. Shipping goods not requested. The practice of shipping piston rings on approval or on consignment or pretended consignment, which piston rings have not been previously contracted for, requested or ordered, is condemned by the industry.

RULE D. Returning merchandise. The practice by members of the industry of permitting customers to return purchased or consigned piston rings without just cause for refund or credit, without the payment of a reasonable charge to cover actual expenses of necessary reinspection and repacking, creates waste

and loss and increases the cost of doing business, to the detriment of both the industry and the public, and is condemned by the industry: *Provided, however*, That the above shall not apply to the return of piston rings at the request of the seller or consignor, and subject to the general limitation that members of the industry shall not engage in any combination or conspiracy to fix prices or charges or otherwise to restrain trade or use any other illegal methods in the regulation, control, or prevention of the return of piston rings.

RULE E. Arbitration. The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration.

Promulgated and issued by the Federal Trade Commission July 12, 1946.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-12027; Filed, July 11, 1946; 11:19 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS
DOCUMENTS FOR ENTRY

The regulations for the application to civil air navigation of the laws and regulations relating to customs, public health, entry and clearance, and immigration issued by the Acting Secretary of the Treasury, the Federal Security Administrator, the Acting Secretary of Commerce, and the Acting Attorney General, within their respective authorities, on August 28, 1941, as amended on October 31, 1941, June 5, 1942, September 21, 1942, April 14, 1943, August 26, 1944, July 16, 1945, and October 18, 1945 (6 F.R. 4516, 4536, 4537, 4514, 5582, 5583, 5596, 7 F.R. 4471, 4472, 4496, 7800, 7813, 8 F.R. 5291, 5296, 5320, 9 F.R. 10446, 10448, 10503, and 10 F.R. 9314, 9315, 9338, 13102, 13103, 13130; 19 CFR, Cum. Supp., 6.1 to 6.11, 42 CFR, Cum. Supp., 11.501 to 11.516, and 8 CFR, Cum. Supp., 116.1 to 116.16), are hereby further amended as follows:

Section 6.8 of Title 19, Code of Federal Regulations, also designated as § 11.503 of Title 42 and § 116.8 of Title 8, is amended by adding a new paragraph designated (d) as follows:

§ 6.8 Documents for entry. * * *
(d) The provisions of section 466, Tariff Act of 1930, are applicable to any such aircraft of United States registry engaged in trade arriving in the United States, as defined in section 401 (k), Tariff Act of 1930, whether from a contiguous or noncontiguous foreign country, and a notation as to any equipment installed on any such aircraft or repairs made thereto in a foreign country shall

be made in the aircraft journey log book, which shall set forth a general description of the equipment or repairs and a statement of the necessity therefor. The aircraft commander, on the first subsequent arrival of the aircraft in the United States, shall exhibit the journey log book to the customs officer at the port of arrival. Except as specified hereafter in this paragraph, such equipment and repairs shall be subject to entry and deposit of duty as prescribed by § 4.14 of this title. Entry and deposit of duty on such equipment or repairs shall not be required if (1) the aircraft belongs to a scheduled air line operating between the United States and foreign countries, (2) the aircraft commander executes and files with the entry of the aircraft an affidavit in the form set forth below, and (3) the collector is satisfied from an inspection of the journey log book and such further investigation as he may deem necessary that the facts with respect to the installation of the equipment and making of repairs were as set forth in such affidavit.

AFFIDAVIT RESPECTING EQUIPMENT PURCHASED FOR OR REPAIRS MADE TO UNITED STATES AIRCRAFT WHILE IN A FOREIGN COUNTRY

District No. _____
Port of _____
Date _____

I, _____, the person in command of aircraft No. _____, flight No. _____, now entering from _____, declare that the installation of equipment and making of repairs noted in the journey log book of such aircraft exhibited herewith were necessary by reason of stress of weather or other casualty occurring since last leaving the United States and were required to secure the safety and airworthiness of the aircraft in accordance with Civil Aeronautics Administration regulations to enable the aircraft to continue its scheduled flight; or that the equipment installed and materials used in making the repairs were of the growth, produce, or manufacture of the United States and the work incident to such installation or repairs was performed by the regular crew of the aircraft or by residents of the United States.

(Aircraft commander)

Declared to under oath before me this _____ day of _____, 19____

(Title or designation)

(R.S. 161, 251, sec. 644, 46 Stat. 761, sec. 7; 44 Stat. 572, secs. 367, 602; 58 Stat. 706, 712, sec. 23; 39 Stat. 892, sec. 24; 43 Stat. 166; 5 U.S.C. 22, 19 U.S.C. 66, 1644, 49 U.S.C. 177, 42 U.S.C. Sup. IV, 201 note, 270, 8 U.S.C. 102, 222. Sec. 1, President's Reorganization Plan No. V; 5 F.R. 2132, 2223, E.O. 9083, Feb. 28, 1942; 7 F.R. 1609.)

Washington, D. C., July 3, 1946.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.
O. MAX GARDNER,
Acting Secretary of the Treasury.
WATSON B. MILLER,
Federal Security Administrator.
TOM C. CLARK,
Attorney General.
THOMAS PARRAN,
Surgeon General,
U. S. Public Health Service.

[F. R. Doc. 46-12047; Filed, July 11, 1946; 11:56 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 9—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

- Sec.
- 9.1 Definitions.
- 9.2 Allotments; size of health problems.
- 9.3 Basis of allotments.
- 9.4 Allotments; estimates; time of making; duration.
- 9.5 State plans; submission and amendments.
- 9.6 State plans; contents.
- 9.7 State plans; time of submission and approval.
- 9.8 Payment to States.
- 9.9 Required expenditure of State and local funds.
- 9.10 Required administrative standard; State plans; expenditures.
- 9.11 Required administrative standard; State plans; health services.
- 9.12 Required administrative standard; State plans; personnel administration on a merit basis.
- 9.13 Required administrative standard; State plans; training of personnel.
- 9.14 Required administrative standard; fiscal affairs.
- 9.15 Required administrative standard; required information; reports when due; audits.
- 9.16 Effective date; prior regulations superseded.

AUTHORITY: §§ 9.1 to 9.16, inclusive, issued under secs. 215, 314, 58 Stat. 690, 693, 42 U.S.C., Supp., 216, 246.

§ 9.1 Definitions. As used in this part:

(a) "Act" means the Public Health Service Act approved July 1, 1944, 58 Stat. 682.

(b) "Exception" means the amount of Federal funds expended contrary to this part or the State plan.

(c) "Federal funds" means funds appropriated by Congress for carrying out the purposes of section 314 of the act.

(d) "Financial need" as applied to any State means the relative per capita income as shown by data, supplied by the Bureau of Foreign and Domestic Commerce for the most recent five-year period, available on January 1, preceding the fiscal year for which Federal funds are appropriated.

(e) "General health purposes" means the establishment and maintenance of public health services within the meaning of subsection (c) of section 314 of the act.

(f) "Official forms" means forms and instructions supplied by the Public Health Service to the State health authority for use in the submittal of State plans or information required with respect to the operation of such plans.

(g) "Political subdivision" includes counties, health districts, municipalities, and other subdivisions of the State established for governmental purposes.

(h) "Population" as applied to any State or political subdivision, means the civilian population thereof according to the most recent Federal Census for which figures are available on January 1, preceding the fiscal year for which Federal funds are appropriated.

(i) "Public Health Service" means the Public Health Service in the Federal Security Agency.

(j) "State" includes any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(k) "State plan" refers to the information and proposals, including budgets, submitted by the State health authority pursuant to these regulations for activities of the State and political subdivisions thereof for (1) the prevention, treatment and control of venereal disease, (2) the prevention, treatment and control of tuberculosis, or (3) establishing and maintaining adequate public health services.

§ 9.2 *Allotments; size of health problems.* For the purpose of making allotments to the several States:

(a) The size of the venereal disease problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The varying composite and racial prevalence rates for syphilis;

(2) The extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis;

(3) The total number of syphilis patients brought to treatment in the primary or secondary stages during the previous year;

(4) The varying costs of providing equal services as determined by the inverse function of the syphilitic density, and the direct function of the size of the population of each State;

(5) The need for training centers and demonstrations in selected areas;

(6) The need for facilities for the prevention and control of venereal diseases in localities where there is an unusual concentration of population.

(b) The size of the tuberculosis problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The morbidity of the disease;

(2) The mortality attributed to the disease;

(3) The relative need among the States of facilities for diagnosis and treatment of tuberculous persons;

(c) The size of special health problems shall be determined by the Surgeon General taking into consideration such factors as:

(1) The ratio which the mean annual number of deaths in each State from pneumonia, cancer, diabetes, heart disease and infectious and parasitic diseases, except influenza, tuberculosis and the venereal diseases, bears to the total mortality from these causes in the United States as shown by the most recent mortality statistics.

(2) Special conditions which create unequal burdens in the administration of equal public health services among the States indicated by the relative population density as shown by the most recent Bureau of Census population census;

(3) The ratio which the number of persons engaged in hazardous industry in each State bears to the total number of persons engaged in hazardous industry based upon the 1940 labor force as shown by the 1940 Labor Force of the Bureau of the Census.

§ 9.3 *Basis of allotments.* Of the total sum determined to be available for each fiscal year for allotment to the several States for the purposes of subsections (a), (b), and (c) of section 314 of the act, allotments to the several States shall be made as follows:

(a) Of the amount available for allotment for venereal disease control programs:

From 10 percent to 20 percent, on the basis of population;

From 60 percent to 80 percent, on the basis of the size of the venereal disease problem;

From 10 percent to 20 percent, on the basis of financial need.

(b) Of the amount available for allotment for tuberculosis control programs:

From 10 percent to 20 percent, on the basis of population;

From 60 percent to 80 percent, on the basis of the size of the tuberculosis problem;

From 10 percent to 20 percent, on the basis of financial need.

(c) Of the amount available for allotment for general health purposes:

From 20 percent to 30 percent, on the basis of population;

From 40 percent to 60 percent, on the basis of special health problems;

From 20 percent to 30 percent, on the basis of financial need.

§ 9.4 *Allotments; estimates; time of making; duration.* (a) For each fiscal year, the Surgeon General shall, with the approval of the Administrator, determine the amount of the appropriation for each program which shall be available for allotment among the several States.

(b) Prior to the beginning of each fiscal year the Surgeon General shall prepare and make available to the States an estimated schedule of the amounts which it is expected will be allotted to each State during the fiscal year from estimated appropriations.

(c) Allotments for each program for the first quarter shall be made prior to the beginning of such quarter or as soon thereafter as practicable, and shall equal not less than 30 percent nor more than 40 percent of the total sum determined to be available for allotment during that fiscal year. At the end of the first quarter, the amounts of such allotments which have not been certified for payment to the respective States pursuant to section 9.8 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted.

(d) Allotments for each program for the remaining nine months shall be made prior to the beginning of the second quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unallotted from the amount available for allotment during the fiscal year.

(e) The Secretary of the Treasury and the respective State health authorities shall be notified of the amounts of allotments and of the period for which they are made.

§ 9.5 *State plans; submission and amendments.* (a) Each State making application for grants under section 314 of the act shall submit plans through its State health authority for each fiscal year for carrying out the purposes of

such section. A State making application for Federal funds for more than one of the purposes authorized by section 314 of the act may consolidate its plan: *Provided*, That the information specifically required for a State plan is distinguished with respect to each purpose.

(b) The State plan and amendments thereto shall be prepared in accordance with official forms supplied by the Public Health Service for the purpose.

(c) The State plan may be amended with the approval of the Surgeon General. Amendments shall state the period they are to be in effect.

§ 9.6 *State plans; contents.* A State plan with respect to any program shall consist of two parts:

(a) Part I shall describe the current organization and functions of health services for the program and the proposals of the State health authority for extending, improving, and otherwise modifying such organization and functions. It shall include a description of the services, and a statement that the plan if approved will be carried out as described and in accordance with the regulations prescribed under section 314 of the act.

(b) Part II shall consist of proposed budgets for carrying out the activities described in Part I, and shall specify the period for which such budgets are submitted.

§ 9.7 *State plans; time of submission and approval.* (a) Parts I and II of a plan (the former in duplicate, the latter in triplicate) shall be submitted at least 45 days prior to the beginning of the Federal fiscal year to which the plan relates.

(b) Review and approval of Part I shall precede review and approval of Part II. Part II of a plan shall not be approved unless each item thereof relates to activities specifically described in Part I.

Part II of a plan shall not be approved for any period antedating receipt of such part by the Public Health Service, except that in the event of epidemics or similar emergency, involving expenditures not capable of prediction, telegraphic requests for approval of emergency expenditures may be tentatively approved pending submission of necessary amendments to Parts I and II (and justification thereof) at a later date prescribed at the time of such tentative approval.

§ 9.8 *Payments to States.* Payments from allotments to a State having an approved plan shall not exceed the allotment to such State or the total estimated expenditure necessary for carrying out the State plan whichever is less.

Subject to the foregoing limitations, payments shall be made as follows:

(a) For the first quarter two payments shall be made from the allotment for such quarter. The first payment shall equal 45 percent of the amount allotted to each State for that quarter. The second payment shall be the amount of the difference between the unpaid balance of the allotment of the respective State and the unencumbered cash balance of the respective fund in the State treasury at the beginning of the first quarter, adjusted for exceptions.

(b) Payment for subsequent quarters from the allotments for the final three quarter period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirements for such quarter and the estimated unencumbered balance of the respective fund in the State treasury at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the difference between the estimated requirement and the estimated unencumbered cash balance adjusted for exceptions, except that the amount paid together with such estimated unencumbered balance shall not exceed 35 per cent of the total amount available to the State for the year.

Except with respect to the first payment in the first quarter, payments from allotments shall not be certified unless all reports and documents prescribed by these regulations to be due have been received. Payments subsequent to such first payment shall not be made until an application for the payment has been received.

§ 9.9 *Required expenditure of State and local funds.* (a) Moneys paid to any State pursuant to section 314 of the Act shall be paid upon the condition that there be expended in the State, during the fiscal year for which payment is made and for purposes specified in the State plan with respect to which the payment is made, public funds of the State and its political subdivisions (excluding any funds derived by loan or grant from the United States) in amounts determined as follows:

(1) With respect to payments for a venereal disease control program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

(2) With respect to payments for a tuberculosis control program, an amount equal to the amount of Federal funds to be expended pursuant to the State plan.

(3) With respect to payments for a general health program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

The expenditures required for any one of the above programs shall be additional to the expenditures required for other programs.

§ 9.10 *Required administrative standard; State plans; expenditures.* (a) Federal funds paid to a State shall be expended solely for the purposes specified in plans approved by the Surgeon General, and in accordance with the regulations in this part.

(b) State laws and regulations governing the custody and disbursement of State funds shall govern the custody and disbursement of Federal funds paid to the State, subject to such modification as may be determined by the Surgeon General.

§ 9.11 *Required administrative standard; State plans; health services.* The State plan shall provide for health services in substantial accordance with nationally accepted standards. Compliance with standards of performance by health agencies receiving Federal funds

shall be evaluated on the basis of criteria prescribed by the Surgeon General.

§ 9.12 *Required administrative standards; State plans; personnel administration on a merit basis.* A system of personnel administration on a merit basis shall be established and maintained for personnel employed in programs, the budgets of which provide for the expenditure of Federal funds or of State funds for matching purposes. Standards for evaluating compliance with this requirement shall be contained in "Merit System Policies of the Public Health Service" in effect at the time of the expenditure.

§ 9.13. *Required administrative standards; State plans; training of personnel.* Use of Federal funds for training personnel for State and local health work shall be authorized by the State health authority in accordance with "Minimum Standards for Sponsored Training of the Public Health Service." Records of authorized training shall be maintained in State health departments and shall be audited for compliance with these standards.

§ 9.14 *Required administrative standards; fiscal affairs.* (a) A separate and distinct fund account shall be maintained for each fund of Federal moneys by the principal State accounting officer.

(b) An efficient method for the conduct of fiscal affairs (including financial and property controls) shall be established and maintained with respect to State and local public health agencies receiving financial assistance through grants pursuant to the regulations in this part.

§ 9.15 *Required administrative standards; required information; reports when due; audits.* (a) The Surgeon General may require the submission of information pertinent to the operation of the State plans and to the purpose of the grants, including the following:

(1) A certification on an official form as to the amount of State and local funds available for carrying out the State plan shall be due in duplicate within 90 days after the beginning of the fiscal year.

(2) A statement on an official form showing the distribution of all funds by functional activities for the current fiscal year and estimates for the year following shall be due in duplicate on July 1, of each year.

(3) Quarterly reports on official forms showing total receipts, expenditures, unliquidated encumbrances and balances of Federal funds, and total quarterly expenditures from Federal grants and other sources for each budget shall be due in duplicate 45 days after the close of the quarter.

(4) A detailed annual report on an official form showing expenditures for each budget and item for the preceding fiscal year shall be due in duplicate on October 1, of each year.

(5) A report on an official form showing personnel, facilities and services for each local health organization included in the current State plan shall be due in duplicate on September 15, of each year.

(6) The following reports on official forms shall be submitted with respect to

venereal disease activities within 45 days after the close of the period to which they pertain:

(i) A quarterly report on laboratory activities, drug distribution and fees to private physicians.

(ii) A quarterly activity report for each cooperative health unit or a summary of such activities by the State health authority.

(iii) A quarterly morbidity report, with separate report by each city of 200,000 population or over.

(7) The following reports on official forms shall be submitted with respect to tuberculosis control activities within 45 days after the close of the period to which they pertain:

(i) A semiannual report on mass chest surveys, and tuberculosis morbidity, and mortality, with separate report for cities of 500,000 population or over.

(ii) An annual report on clinic and nursing services.

(b) Audit of the activities and programs described in the State plan may be made after prior consultation with the State health authority. Records, documents, and information available to the State health authority pertinent to the audit shall be accessible for purposes of audit.

§ 9.16 *Effective date; prior regulations superseded.* The regulations in this part, which shall become effective upon the date of their publication in the FEDERAL REGISTER, shall apply for the fiscal year 1947 and thereafter, and with respect to the fiscal year 1947 and thereafter, shall supersede the regulations heretofore contained in this part.

[SEAL]

L. R. THOMPSON,
Acting Surgeon General.

MAURICE COLLINS,
Acting Federal Security Administrator.

JULY 10, 1946.

[F. R. Doc. 46-12031, Filed, July 11, 1946;
11:27 a. m.]

PART 11—FOREIGN QUARANTINE
DOCUMENTS FOR ENTRY

CROSS REFERENCE: For addition of paragraph (d) to § 11.508, see Title 19, Part 6, *supra*.

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

[Order M-328B, Revocation of Direction 9]
USE OF CC RATINGS IN FIRST QUARTER OF
1946 UNDER SCHEDULES J AND K

Direction 9 to Order M-328B is revoked. This revocation does not affect any liabilities incurred for the violation of the direction or of actions taken by the Ci-

villian Production Administration under the direction.

Issued this 11th day of July 1946.

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

[F. R. Doc. 46-12037; Filed, July 11, 1946;
11:45 a. m.]

PART 944—REGULATIONS APPLICABLE TO
THE OPERATION OF THE PRIORITIES SYS-
TEM

[Priorities Reg. 28, Schedule I, as Amended
July 11, 1946]

CRITICAL PRODUCTS

(a) *Introduction.* The table in this schedule lists certain of the critical products which the Civilian Production Administration has determined to be in such tight supply that they are serious threats to the national economy. (This schedule supersedes former Directions 1 through 5 and 7 through 12 to PR-28 covering critical products.) When effective assistance of other kinds is not practicable, the CPA may assign CC preference ratings under paragraph (e) of Priorities Regulation 28 for material which is needed to sustain or increase the production of these products. In addition to the rules explained in paragraph (b) below, the general rules in paragraphs (c) and (d) of Priorities Regulation 28 governing the application for and assignment of CC ratings are also applicable.

Especially important is paragraph (d) (1) of Priorities Regulation 28, requiring a determination that the use of substitute and less scarce materials is not practicable, that reasonable efforts have been made to get the required item without a rating, and that a rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and available without a rating.

(b) *Explanation of table.*

Column I—Critical products. Column I lists the critical products for which CC ratings may be granted to sustain or increase production. When "specialized machinery" for another critical product is listed in Column I, it includes only machinery and equipment designed solely for the production of that critical product. It does not include general types of equipment suitable for other use even though a particular piece of equipment is designed and built expressly for a producer of the critical product.

Column II—Persons eligible. Column II states the persons who may apply for CC ratings. Where Column VI indicates that CC ratings may be assigned for construction, the builder or contractor may apply instead of the person listed.

Column III—Production materials. (1) If the word "yes" appears in Column III, the CPA may assign CC ratings to the person named in Column II to get production materials needed to make the item listed in Column I regardless of the applicant's minimum economic rate of operation. Where the applicant regularly sells materials as maintenance, repair or operating supplies for the item he makes, CC ratings may also be assigned to him for such supplies or for materials needed to make them. Applications for CC ratings for textile fabrics or yarns should be made under Priorities Regulation 28A, and CC ratings may be assigned under para-

graph (d) of that Regulation in accordance with subparagraph (d) (5) (1).

(2) If the word "no" appears in Column III, CC ratings will be assigned for production materials only as provided in Priorities Regulation 28. The same rule applies to any production materials expressly excluded from Column III.

Column IV—Capital equipment. (1) If the word "yes" appears in Column IV, the CPA may assign CC ratings to the person named in Column II to get capital equipment which either (i) will result in a substantial increase in production of the item listed in Column I, or (ii) is needed to replace present operating equipment which is in danger of imminent breakdown.

(2) Where the word "no" appears in Column IV, CC ratings will be assigned for capital equipment only as provided in Priorities Regulation 28. The same rule applies to any capital equipment expressly excluded from Column IV.

Column V—MRO. (1) If the word "yes" appears in Column V, the CPA may assign CC ratings to the person named in Column II to get maintenance, repair and operating supplies (MRO) which he needs to use in making the item listed in Column I.

(2) If the word "no" appears in Column V, CC ratings will be assigned for MRO only as provided in Priorities Regulation 28.

Column VI—Construction. (1) If the word "yes" appears in Column VI, the CPA may assign CC ratings to the person named in Column II, or to his builder, for material needed for incorporation in new plants or in expanded or modernized old ones where increased production of the item listed in Column I will result, or where the construction is necessary to prevent a loss of production.

(2) If the word "no" appears in Column VI, CC ratings will be assigned for construction materials only as provided in Priorities Regulation 28.

NOTE: Item "Wiring devices . . ." added to table July 11, 1946.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).	Producer.....	No.....	Yes (except specialized machinery for asbestos-cement siding shingles and flat sheets).	Yes.....	Yes.
Asbestos-cement siding shingle and flat sheet specialized machinery.	do.....	Yes.....	Yes.....	Yes.....	No.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, mineral surfaced insulation board, laminated asphalt felt and mastic core type boards, saturated felts, dry roofing felts, and saturated or coated sheathing papers).	do.....	No.....	Yes (except specialized machinery for asphalt and tarred roofing products).	Yes.....	Yes.
Asphalt and tarred roofing products specialized machinery.	do.....	Yes.....	No.....	Yes.....	No.
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).	do.....	No.....	Yes (except specialized machinery for building board).	Yes.....	Yes.
Building board specialized machinery.	do.....	Yes.....	No.....	Yes.....	No.
Castings, malleable iron and gray iron, including cast iron soil pipe, cast iron radiation (tubular and convector) and railroad car brake shoes.	Producer (foundry).....	Yes.....	Yes.....	Yes.....	Yes.
Clay building products (common and face brick, clay structural tile and clay sewer pipe).	Manufacturer.....	Yes.....	Yes (except specialized machinery for clay building products).	Yes.....	Yes.
Clay building products specialized machinery (such as de-airing machines, extrusion heads, clay grinders and pulverizers, and brick presses).	do.....	Yes.....	No.....	Yes.....	No.
Coal, of the following kinds only: high grade metallurgical and by-product coking coal and double screened domestic coal in the areas comprising Bituminous Producing Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 13 (as defined in SFAW Regulation 27) and the anthracite fields of Pennsylvania.	Producer.....	No.....	Yes (except underground coal mining machinery).	Yes.....	Yes (at present mines only).
Coal mining machinery, underground.	Manufacturer.....	Yes.....	Yes.....	Yes.....	No.
Concrete building products (light weight and heavy weight aggregate concrete blocks and cement brick).	do.....	Yes (cinders, burned clay or shale, and blast furnace slag, only).	Yes (except specialized machinery for concrete building products).	Yes.....	Yes.
Concrete building products specialized machinery (such as concrete block and brick machines and attachments, including concrete mixers and skip loaders as commonly used in the concrete products industry).	do.....	Yes.....	No.....	Yes.....	No.

See footnotes at end of table.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Convactor radiation (extended surface)	Producer	Yes	Yes	Yes	Yes
Furnaces (warm-air)	do	Yes (except iron and steel products in the forms and shapes listed in Schedule I to Order M-21).	Yes	Yes	Yes
Gypsum board and gypsum lath	do	No	Yes (except specialized machinery for gypsum board and gypsum lath).	Yes	Yes
Gypsum board and gypsum lath specialized machinery	do	Yes	No	Yes	No
Lead	Producer (mines and smelters)	Yes	Yes	Yes	Yes
Logs	Producer (any person engaged in felling or bucking trees or transporting the yield from felled trees to the points of delivery for manufacture or shipment).	No	Yes (except special equipment produced only for use in log or sawmill operations).	Yes	Yes ³
Lumber	Producer (operator of any plant, stationary or portable, which produces lumber not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working, but not including any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber on special orders from customers).	No	Yes (except special equipment produced only for use in log or sawmill operations).	Yes	Yes ³
Millwork, suitable for housing construction	Producer	No	Yes	Yes	Yes (at existing plants only).
Motors, electric, fractional horsepower AC	Manufacturer	Yes (except electric sheet steel).	Yes	Yes	Yes
Penicillin	Producer	Yes	Yes	Yes	Yes
Plumbing fixtures (of the following types, in residential-design models only: bathtubs; lavatories; laundry trays, sinks, sink-and-tray combinations; shower stalls, receptors, stall-and-receptor combinations; water closet bowls, tanks. Trim is not included.)	do	No	Yes	Yes	No
Plywood, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Presses, mechanical, power-driven, 150 ton and over	do	Yes	No	Yes	No
Pulpwood	do	No	Yes	Yes	Yes ²
Rosin (formerly covered by direction 10)	do	Yes	Yes	Yes	Yes
Steel, electrical high silicon sheet	do	No	Yes	Yes	Yes
Streptomycin	do	Yes	Yes	Yes	Yes
Titanium dioxide	do	Yes	Yes	Yes	Yes
Veneer, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Wire, copper magnet	do	Yes	Yes	Yes	Yes
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types—lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one-piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event, the appurtenances are not part of the lampholder itself.) (2) Convenience receptacles (outlets)—types suitable for residential use. (3) Toggle switches—types designed specifically for tools and appliances not included. (4) Wall and face plates. (5) Outlet, switch, and receptacle boxes—types suitable for residential use—covers, hangers, supports, and clamps included. (6) Box connectors for residential-type metallic—or nonmetallic-sheathed cable.	Producer	Yes	Yes (except specialized machinery for wiring devices).	Yes	No

¹ CC ratings will be assigned for special repair parts for underground coal mining machinery only where the repair part is essential for the continued operation of the mine and then only where it will not interfere with delivery of mining machinery for more essential purposes.
² CC ratings for construction for logs, lumber, and pulpwood will be assigned only for construction at existing plants or at plants which need to be relocated because of increased availability of timber, manpower or transportation facilities.

Issued this 11th day of July 1946.

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

[F. R. Doc. 46-12045; Filed, July 11, 1946;
11:45 a. m.]

PART 3290—TEXTILE, CLOTHING AND
LEATHER

[Conservation Order M-328B, as Amended
July 11, 1946]

SPECIAL PROGRAMS; TEXTILE, CLOTHING AND
RELATED PRODUCTS

The fulfillment of requirements for
the defense of the United States has

created shortages in the supplies of textiles, clothing, leather and related products 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.

Scope

Par.	Explanation.
(a)	

Definitions

- (b) (1) Special programs.
- (b) (2) Priorities assistance.
- (b) (3) Manufacturers.
- (b) (4) Base period.
- (b) (5) Base period manufacturers.
- (b) (6) Price.

- (b) (7) Item.
- (b) (8) Order of purchase order.
- (b) (9) Veteran.
- (b) (10) Producer.

Obtaining Priorities Assistance

- (c) How to apply for priorities assistance.
- (d) Policy in granting priorities assistance.

Use of Priorities Assistance

- (e) Advance use of CC ratings for second quarter of 1946.
- (f) Rules applicable to manufacturers granting priorities assistance.
- (g) Applications and extension of preference ratings.

Set-Asides(h) Set-asides and certificates.Equitable Distribution(i) Equitable distribution by manufacturers.Miscellaneous Provisions

- (j) Records and report.
 (k) Applicability of regulations.
 (l) Appeals.
 (m) Violations.
 (n) Communications.

§ 3290.120 *Conservation Order M-328B*—(a) *Explanation.* This order (including the schedules and supplements) states the rules under which apparel and other textile end-product manufacturers may get preference ratings to make listed essential items under special programs. It also provides a method for retail sellers of over-the-counter piece goods to get certain fabrics. Set-asides are also established on producers of certain cotton, rayon and wool fabrics to channel them to the above uses. This Order M-328B states the general rules including those relating to the obtaining of priorities assistance and the use of such priorities assistance after it has been obtained. Other rules may be specified for a special program in a schedule of this order. If the rules set forth in a schedule differ from those specified in this order the provisions of the schedule govern.

Definitions

(b) *Definitions.* For the purpose of this order and its schedules,

(1) "Special program" means a program approved by the Civilian Production Administration for the production with priorities assistance and the distribution of any item on a schedule of this order.

(2) "Priorities assistance" includes preference ratings, allocations and directions.

(3) "Manufacturer" means any person engaged in the United States in manufacturing for sale any item listed in a schedule of this order from material which has not been supplied directly or indirectly by the person acquiring the item.

A person is also deemed a "manufacturer" for the purpose of using a preference rating under this order, if he is engaged in the business of selling and having manufactured in the United States for his account an item listed in a schedule of this order from material which he owns or material which he directly or indirectly supplies to a contractor or contractors. In no event shall more than one person be deemed a "manufacturer" of the same units which one person fabricates in whole or in part and for which another person supplies the material.

(4) "Base period" means the past period of production which a manufacturer uses as a base in applying for priorities assistance under this order.

(5) "Base period manufacturer" means a manufacturer who applies for priorities assistance to make an item of the same class of material (cotton, rayon or wool) of which he was a manufacturer

in the base period for sale at or below the base period price specified in the applicable schedule of this order.

(6) "Price" means the list price (quoted or invoice price before the application of discount) of the manufacturer to an unaffiliated purchaser. A purchaser is deemed affiliated with a manufacturer if he is an owned or controlled outlet or is an outlet which owns, controls or is subject to common control with the manufacturer. "Price" for a manufacturer who sells directly to consumers or to affiliated purchasers is two-thirds of the retail price.

(7) "Item" means the article produced for civilian sale of the type, size, price and other description listed in a schedule.

(8) The terms "orders" or "purchase orders" include orders between branches or divisions of a company as well as orders from other companies.

(9) "Veteran" means any person who was in the Army, Navy, Marine Corps, Coast Guard or Merchant Marine on or after September 16, 1940, and was discharged or released under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(10) "Producer" means any person who weaves or knits fabrics from yarn owned by him or who has fabrics woven or knitted for his account from yarn owned by him whether he delivers them in the grey, finished, or partially finished state.

Obtaining Priorities Assistance

(c) *How to apply for priorities assistance.* (1) Applications for the third quarter of 1946 must be filed on Form CPA-3732 (Revised) with the Textile Division, Civilian Production Administration, Washington 25, D. C. and should be postmarked not later than July 31, 1946, except that a veteran who was discharged from the military service on or after June 1, 1946, may file his application at any time before September 1, 1946. Also, if any item is added to a schedule during that quarter, applications for that item may be filed within 20 days after the item is added. Copies of the application form CPA-3732 (Revised) and other CPA forms used under this order may be procured by writing to the Civilian Production Administration, Washington 25, D. C.

(2) Each applicant must show on Form CPA-3732 (Revised) his base period and base period production of an item at or below the base period price specified in the applicable schedule under the following rules:

(i) If he was in business during at least 6 months of 1943 or 1944, he may apply for the items of which he was a manufacturer in any calendar quarter of either year, but must use the same quarter as his base period for all items under a single schedule to this order.

(ii) If he entered business after July 1, 1944, he may apply for the items of which he was a manufacturer in any calendar

quarter after that. If he did not have a previous production record of an item and was initially granted priorities assistance under this order for the first or second quarter of 1946, he may use the production authorized for that quarter as his base period production even though he was unable to manufacture the item or items for which he was granted priorities assistance in that quarter. In any event he must use the same quarter as his base period for all items under a single schedule of this order.

(iii) If he is a veteran who closed his business when he entered the military service, he may use as his base period the last full calendar quarter in which he was a manufacturer of the items before his entry into military service.

(3) An applicant who produced on his own facilities in 1943, 1944 or 1945 textile products for the military services and who before then produced on his own facilities items listed on a schedule to this order may use as his base period the better of the two calendar quarters preceding the quarter when he started military production. If such a manufacturer increased his own facilities to produce military textile products, he may be eligible for a military credit, and should therefore attach a letter to his application on Form CPA-3732 (Revised) showing all the following. (If he has done this in a previous application he need not do so again, but should merely refer to that application):

(i) The quantity of each textile product which he made for his own account in the better of the two calendar quarters preceding the quarter in which he first made textile products for the military services;

(ii) The average number of sewing machines he used in making each textile product reported under (i) above; and

(iii) The total number of sewing machines he operated in his best quarter during which he made textile products for the military services.

(4) An applicant who has never received an allocation under this order for an item applied for must submit with his application a sample of the item he proposes to make.

(5) An applicant who does not own or control the facilities on which it is proposed to manufacture items applied for, must submit with his application form a signed statement from each person who owns or controls the facilities on which the items are to be produced. This statement must contain the following information:

(i) Each operation to be performed for the applicant.

(ii) The maximum quantity of each item applied for which he has agreed to produce for the applicant.

(iii) That he in fact owns the facilities or controls them under a rental or lease contract.

(6) A veteran should submit with his application a certified or photostatic copy of his discharge papers or other written evidence of his military service.

(d) *Policy in granting priorities assistance.* Within the available supply of materials for which ratings may be assigned, the following policy will apply:

(1) Base period manufacturers will generally be granted priorities assistance in proportion to their base period production of an item at or below the base period price specified in the applicable schedule. Where an applicant is eligible for military credit under paragraph (c) (3), priorities assistance to him may be increased up to or above his base period production, in proportion to any additional facilities he acquired for the purpose of producing textile products for the military services. However, a manufacturer who qualifies under paragraph (d) (3) below may be granted priorities assistance for additional yardage to give him sufficient material to operate at a minimum economic rate.

(2) Applications from persons who are not base period manufacturers of an item will be denied, except where the applicant qualifies under paragraph (d) (3) below. Applicants (including Veterans) who do so qualify, may be given priorities assistance for sufficient material to enable them to operate at a minimum economic rate.

(3) To qualify under paragraph (d) (1) or (d) (2) above for priorities assistance to operate at a minimum economic rate, an applicant must meet both the following conditions:

(i) His total proposed production of all textile products (including items under M-328B programs) does not exceed an annual rate, based on sales, of \$250,000 and

(ii) The facilities with which the items will be produced are owned by the applicant, or are leased to him and the facilities are operated by the applicant and the employees are paid by him; provided that in any case the facilities were not used during any quarter beginning with the 4th quarter of 1945 more than 10% for the account of persons who supplied the applicant with materials.

(iii) Any sample of an item which he proposes to make submitted in accordance with paragraph (c) (4) above must have such specifications, including standards of workmanship and quality, that it conforms to the type which the CPA approves as generally conforming to those items which on June 30, 1946 had an OPA ceiling price no higher than the current price specified in the applicable preference schedules.

(4) Applications for items will be denied where they show selling prices as of June 30, 1946 in excess of the current price for those items in the applicable preference rating schedules. Applications will also be denied where samples of the items which the applicant proposes to make do not conform to the types approved by the CPA under paragraph (d) (3) (iii) above.

Use of Priorities Assistance

(e) *Advance use of CC ratings for third quarter of 1946.* A manufacturer may apply a CC rating for the third quarter of 1946 before the Civilian Production Administration assigns him a CC rating for that quarter only under the following rules:

(1) A manufacturer who received an allocation for the second quarter of 1946 for an item which is also on the preference rating schedule for the third quarter of 1946 in Schedules C, F, J or K, may immediately apply a CC rating for body fabric specified for that item under the following rules:

(i) He must file his application on Form CPA-3732 (Revised) for that item by July 31, 1946.

(ii) He must not use this advance CC rating for more than 70% of the yardage of body fabric he was authorized under Direction 12 to M-328B to receive on CC rated orders for the second quarter of 1946 for an item on Schedule C, J or K. For an item on Schedule F he may not use this advance CC rating for more than 70% of the yardage for which he was assigned CC ratings on Form CPA-3732.

(iii) In placing orders under this advance authorization, a manufacturer must show on Form CPA-4412 (Revised) (which he must file in accordance with paragraph (g) below) the case number which he was assigned for the second quarter of 1946, unless otherwise directed in writing by the Civilian Production Administration.

(iv) He must have filed Form CPA-4460 referred to in paragraph (d) of Direction 12 to M-328B if he reported base period production in his application on Form CPA-3732 for the second quarter of 1946.

(v) His legal selling price as of June 30, 1946 for the item must have been at or below the Current Price specified for that item in the applicable Preference Rating Schedule.

(2) A base period manufacturer who did not receive an allocation for the second quarter of 1946 for an item may apply a CC rating for the purchase of fabrics in the third quarter of 1946 for that item as soon as the Civilian Production Administration assigns him a case number in writing after receipt of his application on Form CPA-3732 (Revised) for that item. He may apply this advance CC rating only for fabrics for which he makes application. He may not use this rating for a total yardage of fabrics of more than 50% of the total yardage of fabric he used in making that item in the base period at or below the base period price specified in the applicable schedule.

(3) Fabrics purchased on an advance authorization under paragraphs (e) (1) or (e) (2) above shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted pursuant to his application on Form CPA-3732 (Revised). If the applicant does not receive a grant for the entire quantity thus rated, he shall upon notification of his grant by the Civilian Production Administration immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

(f) *Rules applicable to manufacturers granted priorities assistance.* (1) A manufacturer who is assigned a preference rating under a schedule of this or-

der may use that rating only to get the fabrics specified and may not use the fabrics for any purpose except to make the item for which the rating was assigned.

(2) All persons receiving priorities assistance for any quarter under a schedule of this order must as far as practicable complete in that quarter all the items for which assistance was given. A manufacturer may, however, use valid CC ratings to get in a calendar quarter any undelivered cotton, rayon, or wool fabric for which he was assigned a CC rating under this order for the previous quarter and for which he was unable to get delivery in that quarter. He may not, however, use CC ratings assigned under this order to get fabrics in any calendar quarter except the one for which the ratings were assigned, and the next one after that.

(3) All items produced of material obtained with a rating assigned under a schedule of this order must have the same basic specifications, including standards of quality and workmanship, as the item produced by the applicant in the base period for sale at the base period price specified in the applicable schedule. An applicant who was not a base period manufacturer and submitted a sample in accordance with paragraph (c) (4) above, must use all material he obtains with a rating assigned under this order to produce items with the same basic specifications, including standards of quality and workmanship, as the sample he submitted.

(4) No manufacturer who uses a rating assigned under a schedule of this order may accept delivery of any finished material which is suitable for an item for which priorities assistance has been granted whether rated or unrated if together with material on hand it will give him more than the smaller of the following:

(i) A practicable minimum working inventory, or

(ii) The quantity required by him during the next 45 days on the basis of his current or scheduled rate of production. Such material on hand includes material wherever located if title has passed to the manufacturer except material in transit to him from his supplier.

No manufacturer who uses a rating assigned under a schedule of this order may make an item if his inventory of the item in the form in which he sells it is or will be more than a practicable minimum working inventory or the quantity which he produced during the previous 21 working days, whichever is less.

(5) Items produced from material procured with priorities assistance shall, to the extent called for by the customers' orders, be made in the same size ranges and in the same proportion of size ranges and assortment of sizes as the manufacturer produced in the base period. If he did not produce the item in the base period, he must comply with the size ranges and assortments of sizes which the Civilian Production Administration may specify for the particular item.

(6) Every manufacturer who is entitled to use a CC rating under this order to get fabric in any quarter must apply this rating to orders already placed before he places any additional rated orders for that fabric. If he is unable to use all his CC ratings on outstanding orders he must place rated orders for the balance before he places any unrated orders for that fabric.

(7) Whenever a Preference Rating Schedule is deleted, fabric obtained with CC ratings to make an item on that schedule must be used to make the item as shown on the Preference Rating Schedule before it was deleted, subject to any different rules which may be stated in the schedules to this order.

(g) *Application and extension of preference ratings.* The preference ratings assigned under this order shall be applied and extended in accordance with the provisions of Priorities Regulation No. 3 but subject to the limitations stated below:

(1) No person may use, apply, or extend any CC rating or accept any CC rated order if he knows or has reason to believe the rating was assigned under Order M-328B unless the purchase order is accompanied by the proper Rating Extension Form indicating the quarter for which the rating was assigned as specified in the following table:

Form Number	Quarter
CPA-4412 (revised)	Second and Third Quarters, 1946

(2) A supplier of fabric who does not extend the rating must complete the Rating Extension Form in accordance with its instructions and forward one copy immediately to the Textile Division, Civilian Production Administration, Washington 25, D. C.

(3) [Deleted Apr. 3, 1946.]

Set-Asides and Certificates

(h) *Set-asides and certificates.* (1) Some of the schedules of this order have set-asides which apply to producers and suppliers of fabric. These set-asides are of two kinds, one for orders rated CC under this order or for orders certifying the fabrics will be used in a program under this order, and one for piece goods for over-the-counter sale at retail. Every producer and supplier of fabrics subject to these set-asides must deliver his fabrics in accordance with the rules stated below and the provisions of the applicable schedule to persons who furnish the rating or certificate specified, even though he may have higher rated orders for other purposes.

(2) *List of forms.* The following forms contain certificates which finished goods suppliers may use to get fabrics under the set-asides of this order. The forms may only be used for the purpose specified below and must indicate the applicable quarter:

Form number	Purpose	Set-aside
CPA-4413 (revised)	Delivery on M-328B CC rated orders	Second and third quarters, 1946.
CPA-4414 (revised)	Ultimate delivery as over-the-counter piece goods.	Do.

(3) *Rules for producers.* A producer may charge to a set-aside for a particular quarter a purchase order accompanied by the appropriate Form listed in paragraph (h) (2) above, or (only for his set-aside for M-328B CC rated orders) the appropriate Rating Extension Form listed in paragraph (g) (1) above. As soon as a producer accepts any order accompanied by one of these forms, he must fill out a copy in accordance with its instructions and send it to the Textile Division, Civilian Production Administration, Washington 25, D. C. After a producer has accepted an order accompanied by a form listed in paragraph (h) (2) above, he must schedule it for delivery as if it bore a CC rating, and then fill all such orders and orders which do bear M-328B CC ratings in accordance with Priorities Regulation 1 to the extent of the applicable set-asides.

(4) *Rules for finished goods suppliers.* Every supplier of finished fabric making a certification on a Form listed above in paragraph (h) (2) must comply with the following rules:

(i) If he uses a form specified for delivery on M-328B CC rated orders, he must, if possible, deliver during the applicable quarter on M-328B CC rated orders for that quarter (These orders may be identified by the proper Rating Extension Form listed in paragraph (g) (1) above), finished fabric of the type covered by his purchase order in a yardage at least equal to the yardage which he orders for delivery in that quarter on orders accompanied by the form specified for that quarter. Within this quantity, M-328B CC rated orders must be accepted and filled in accordance with Priorities Regulation 1.

(ii) If he uses one of the forms specified for ultimate delivery as over-the-counter piece goods, he must, if possible, deliver during the applicable quarter to persons who furnish the piece goods certificate set forth in the applicable schedule finished fabric of the type covered by his purchase order in a yardage at least equal to the yardage which he orders for delivery in the applicable quarter on orders accompanied by the proper form for that quarter. He may not, however, sell to any person using the retailer's certificate more yardage of any fabric than 10 percent of the total yardage of his set-aside obligation for that fabric for the quarter.

(iii) In calculating the yardage of a particular fabric which he is required to deliver, a supplier of finished fabric may

take into consideration actual processing loss in finishing the fabric.

(iv) Any supplier who does not deliver the full yardage required during the applicable quarter must deliver in the next quarter for the same purpose a yardage of finished fabric equal to the undelivered yardage (in addition to the yardage he is required to deliver on certificates for that next quarter).

(v) No supplier of finished fabric who uses one of the forms listed in paragraph (h) (2) above is required to accept or fill M-328B CC rated or over-the-counter piece goods certified orders for a greater yardage of any type of finished fabric than the yardage he is required to deliver under the rules stated in this paragraph (h) (4).

(vi) After a supplier of finished fabric uses the form specified in paragraph (h) (2) above for M-328B CC rated orders for a particular quarter for any fabric, he must not extend any M-328B CC ratings to any supplier on orders for that fabric for delivery in that quarter.

(5) Any supplier of finished fabric who does not use for any quarter the form specified in paragraph (h) (2) above for M-328B CC rated orders for a fabric, must accept and fill all M-328B CC rated orders for that fabric calling for delivery in that quarter in accordance with the provisions of Priorities Regulation 1.

(6) No person may deliver or accept any fabric on an order accompanied by a Form or certificate prescribed by this order or its schedules if he knows or has reason to believe that the fabric will not be used for the purpose specified on the Form or certificate.

(7) Suppliers of fabric may apply to the Textile Division, Civilian Production Administration, Washington 25, D. C., on Form CPA-4351 for relief from the set-aside requirements for fabrics if:

(i) A fabric which they are required to set-aside is unsuitable because of construction or price for the purpose for which it is set aside, or

(ii) If its inclusion in the set-aside would work an unreasonable hardship on manufacturers of an item not included in a schedule of Order M-328B.

Applications for such exemption must be filed not later than July 25, 1946 for exemptions from the set-aside for the third quarter of 1946. Whenever an application is made to exempt a fabric because of its unsuitability for any item in the program a small sample of each type and construction bearing the OPA ceiling price must be attached to the application form. When permission for a change in the yardage to be delivered under a set-aside is given to a person who has purchased material on a certifica-

tion, the Civilian Production Administration may notify the person who filled the certified order of the exemption and direct him to reinstate the exempted yardage in his set-aside.

(8) Each producer of fabric who is required to set aside fabrics under the provisions of a schedule of this order shall, to the extent orders chargeable to the set-aside are offered, accept them by the end of the first month of the applicable quarter. To the extent that customers' orders permit, suppliers of grey fabric and finished fabric shall schedule and make deliveries so that at least two-thirds of the quantity to be delivered during any quarter on M-328B CC rated orders and certificates (including piece goods certificates) will be delivered by the end of the second month of the quarter.

(9) Whenever a Fabric Set-aside Table is deleted, each producer of fabric who is required to set aside fabrics under that table must comply with the provisions of this order and its schedules and the provisions of the Fabric Set-aside Table as shown before it was deleted.

(10) At the end of each month a producer of fabric (or his selling agent acting in his behalf) who, during that month, has accepted certified retailers' orders for such fabric for ultimate sale as piece goods, for delivery during any quarter must report such orders by letter to the Civilian Production Administration, Washington 25, D. C. Attention: Textile Division, Ref. M-328B, not later than the 10th of the following month. The total yardage accepted during the month must be reported separately for each fabric listed on the fabric set-aside tables.

Equitable Distribution

(i) *Equitable distribution by manufacturers.* All items made with material obtained with a preference rating assigned under this order must be distributed without regard to any preference ratings and each manufacturer must distribute his production of the item (including any production of the same item which he may have made without a rating for civilian sale in the United States, its territories and possessions) as follows:

(1) Up to 90 percent of sales of each item in each calendar quarter must be made to customers who purchased that item or any other textile product for civilian sale in the United States, its territories and possessions, from the manufacturer during the base period, to the extent that orders are received from such customers. However, the manufacturer need not sell any customer an amount which will be a greater percentage of the manufacturer's total sales for the period than the percentage of the manufacturer's total sales which were made to the same customer in the calendar year which includes the base period.

(2) As between such customers, each customer shall be entitled to a dollar share of the sales referred to in (1) above up to the percentage which the customer's total purchases from the manufacturer in the base period was of the manufacturer's total sales in that quarter.

(3) Any manufacturer may base his distribution under this paragraph on his style seasons instead of calendar quarters, but must treat all customers on the same basis. A manufacturer shall not be required to sell smaller than commercial quantities. The manufacturer may not discriminate against any of his customers in notifying the trade that he has the items available for sale or in making deliveries or allocating his production. If the manufacturer was not, in the base period, in the business of manufacturing an item for which a preference rating is assigned under this order, he shall not sell to any one purchaser more than 10 percent of his total production of any item he produces with a rating (including any part of his production of the same item which he may have made without the rating). Purchasers who are subject to common control shall be deemed one purchaser. Further specific directions may be issued as to the distribution of items.

(4) No person may sell for export to a foreign country, or to a person whom the seller has reason to believe will export it to a foreign country, any item which he knows or has reason to believe was produced with priorities assistance granted under a schedule of this order.

Miscellaneous Provisions

(j) *Records and reports.* (1) Each person who uses a preference rating assigned under this order shall maintain at his regular place of business, accurate records of the quantities of material for which he is authorized under this order to apply preference ratings, the quantities ordered with the use of such ratings, the quantities received and the quantities put into process. He shall also maintain records of the quantities of each item manufactured from the material obtained with the rating. All these records shall be preserved for a period of not less than two years and shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Civilian Production Administration.

(2) The reporting and application requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subject to the approval of the Bureau of the Budget under this act, all persons affected by this order shall execute and file with the Civilian Production Administration such other reports as the Civilian Production Administration shall from time to time require.

(k) *Applicability of regulations.* Except as otherwise provided in this order, this order and all transactions affected thereby are subject to all applicable regulations of the Civilian Production Administration as amended from time to time.

(l) *Appeals.* Any person who considers that compliance with any restriction of this order or its schedules, would work an exceptional and unreasonable hardship, may appeal for relief. The appeal shall be made by filing a letter in triplicate with the Appeals Branch, Textile Division, Civilian Production Administration, Washington 25, D. C.,

referring to the particular provision appealed from, and stating fully the grounds of the appeal.

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

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Textile Division, Civilian Production Administration, Washington 25, D. C., Reference M-328B.

Issued this 11th day of July 1946.

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

[F. R. Doc. 46-12039; Filed, July 11, 1946;
11:44 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Order M-328B, Interpretation 1, as Amended July 11, 1946]

ACCEPTANCE AND FILING OF RATED ORDERS, AND COMPLETION AND DELIVERIES OF APPAREL

The following amended interpretation is issued with respect to M-328B:

(a) *Purpose.* This interpretation calls particular attention to certain rules concerning the acceptance and filing of rated orders, and their application to orders for textiles assigned CC preference ratings under several schedules to Order M-328B; and also to certain rules requiring apparel manufacturers to complete their operations as rapidly as practicable.

To insure the success of the low cost civilian apparel programs provided by the schedules, these rules must be observed. Any person who willfully violates them, or who, in connection with the rules, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is subject to administrative action and the penalties referred to in § 944.18 of Priorities Regulation 1 and paragraph (m) of Order M-328B.

Any supplier who has inadvertently failed to comply with these and other applicable Civilian Production Administration rules should immediately take any steps necessary to make his operations conform to them.

(b) *Compulsory acceptance of rated orders.* The rules concerning compulsory acceptance of rated orders (that is, orders carrying an AAA, MM, or CC preference rating) are stated in § 944.2 of Priorities Regulation 1. It must be noted that a rated order which meets the supplier's regularly established prices and terms of sale or payment may not be rejected merely because he would prefer to hold back his goods from sale until a later date when he may hope that tax laws, his OPA ceiling prices, or other factors will change so as to enable him to make a larger profit.

(c) *Offering of goods.* A supplier may not evade the acceptance and filing of rated

orders by withholding his production or offerings of low cost goods suitable for low cost apparel.

In addition, when a person who has a rating asks a supplier of textiles to quote his regularly established prices and terms of sale or payment, or the earliest date on which he could make delivery on that rating, the supplier must do so; he may refuse to quote only if he would have the right under the applicable rules, to reject the rated orders and also knows that he will do so if he receives it.

(d) *Rated orders must be given priority over unrated ones.* A rated order must be accepted and filled regardless of existing contracts and orders, in accordance with the rules in § 944.2 of Priorities Regulation 1. For example, if a supplier has accepted an unrated order for fabric and has a rated order served upon him, he may not reject the rated order merely because filling it would require him to use some or all of the fabric which he planned to use to fill the unrated order.

(e) *Customer's required delivery date must be met, if possible.* A supplier must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date, as explained in § 944.7 of Priorities Regulation 1. He must also accept orders and schedule and make deliveries in accordance with paragraph (h) (8) of M-328B. If he cannot fill all rated and unrated orders, he must give preference to the rated ones.

(f) *Operations of apparel manufacturers; inventories of manufacturers, mills, converters, and other suppliers.* The attention of apparel manufacturers using ratings under M-328B Schedules is particularly called to the production preference and inventory rules in paragraphs (f) (2) and (f) (4) of M-328B, and in Priorities Regulation 32. A manufacturer of items within the programs provided for by these schedules must purchase materials for these programs for delivery before materials to be used for items not within the programs, to the full extent necessary to comply with the rule in (f) (2) of M-328B; and must complete the items within the programs in accordance with that rule, even if this results in postponing or delaying production of items not within the programs. A delay in processing material or in making deliveries of completed apparel may involve a violation of Priorities Regulation 32 and of paragraph (f) (4) of M-328B prohibiting the receipt or accumulation of excessive inventories. Priorities Regulation 32 applies equally to suppliers of gray or finished fabrics and manufacturers of apparel not within these programs.

(g) *Other rules.* All of the rules concerning the acceptance and filling of rated orders and the accumulation of excessive inventories, are, of course, not referred to above, and reference must be made to the Priorities Regulations, orders in the M-328 series, and other orders such as L-99, and M-317. The rules specifically referred to are those to which attention is particularly called at this time, in view of their important current application to orders rated CC under the M-328B programs. Some of these rules are qualified to the extent that a special rule, such as those in Order M-328B or one of its schedules, may permit a supplier to reject rated orders in excess of a specified quantity of his receipts or production.

Issued this 11th day of July 1946.

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

[F. R. Doc. 46-12040; Filed, July 11, 1946;
11:45 a. m.]

PART 3290—TEXTILE, CLOTHING AND
LEATHER

[Conservation Order M-328B, Schedule K,
as Amended July 11, 1946]

SPECIAL PROGRAM FOR WOOL CIVILIAN ITEMS

§ 3290.120k *Schedule K to Order M-328B—(a) Explanation.* This schedule states the special rules in addition to those set forth in M-328B for manufacturers of civilian items manufactured from wool fabric to get preference ratings for wool fabric to make the items listed in this schedule. It also establishes set-asides for certain wool fabrics for these items.

(b) *Definitions.* For the purpose of this schedule:

(1) "Fabric" unless otherwise designated, means a woven or knitted fabric 12 inches or more in width.

(2) "Wool fabric" means any fabric incorporating 25% or more by weight of new, re-processed or re-used wool fiber except upholstery pile fabrics and floor coverings and blankets and felt. The term includes woolen and worsted fabrics.

(3) "Wool item" means an item of which 50% or more of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is made of woolen or worsted fabrics.

(4) "Tailor-to-the-trade" means a manufacturer who makes items to the individual measurements of the ultimate consumer, and who sells them to a distributor at a wholesale price.

(c) *Special provisions for assignment of ratings.* The policy set forth in paragraph (d) of Order M-328B will be applied in granting ratings under Schedule K except that current production rates and inventories of wool fabric of individual manufacturers will be taken into account.

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get wool fabrics listed on a Fabric Set-Aside Table to make the wool items specified in the preference rating schedule.

(2) Fabric obtained with CC ratings assigned for any calendar quarter must be used to make an item, the specification of which, including standards of workmanship and quality, are such, that under Maximum Price Regulations of the Office of Price Administration in effect on June 30, 1946, the item had a maximum price no higher than the "current price" specified in the latest preference rating schedule on which that item appears.

(3) Each manufacturer must use all the wool fabric he gets with CC ratings under this schedule to make the particular item for which the ratings were assigned, except as follows:

(i) Fabric obtained with ratings assigned for Items 3 or 4 in Preference Rating Schedule 3 for the third quarter of 1946 may be used to make Item 2 if he made Item 2 in his chosen base period; and

(ii) Fabric obtained with ratings assigned for Items 11 or 12 in Preference Rating Schedule 3 for the third quarter of 1946 may be used to make Item 10 if he made that item in his chosen base period.

(4) A manufacturer who did not manufacture an item in the base period must state his proposed production by size assortment per dozen in the "Remarks" section of Form CPA-3732. If his application is granted, he must comply with these size assortments.

(5) [Deleted July 11, 1946.]

(6) Producers of wool fabric shall file Form CPA-1420 in accordance with its instructions. Producers of wool knitted fabric shall file Form CPA-4471 in accordance with its instructions.

(7) [Deleted Apr. 3, 1946.]

(e) *Set-asides of wool fabrics to fill rated or certified orders.* (1) Every producer of wool fabric listed in a Fabric Set-aside Table, whether he sells it or uses it to manufacture civilian items, shall set aside during the quarter stated, for ultimate delivery on M-328B CC rated orders, a yardage of that fabric equal to at least the percentage shown in Column IV of the yardage he produced during the preceding quarter or of his estimated production in that quarter, whichever is greater. However, for the third quarter of 1946 every producer of a wool fabric who was required to set aside wool fabric under Wool Fabric Set-Aside Table No. II for the second quarter of 1946, whether he sells it or uses it to manufacture civilian items shall set aside, during the third quarter of 1946, for ultimate delivery on M-328B CC rated orders a yardage of men's and boys' wear overcoatings and topcoatings (woven or knitted) and men's and boys' wear suitings and pantings of specifications that conform to fabrics which had an OPA ceiling price on June 30, 1946, of \$3.00 a yard or less, at least equal to 90% of the yardage of each of these fabrics which he was required to set aside in the second quarter of 1946. Any producer who does not deliver the full yardages required during the applicable quarter must deliver in the next quarter a yardage of wool fabric equal to the undelivered yardage, in addition to the yardage which he is required to deliver in that next quarter. In making deliveries in the third quarter of 1946 from the undelivered yardage of the second quarter set-aside, the fabrics must have such specifications that they conform to fabrics which had an OPA ceiling price on June 30, 1946 of \$3.00 a yard or less; nothing in this schedule, however, restricts the price at which such fabrics may be sold.

(2) Only orders accompanied by the proper Form as provided in paragraph (h) (3) of Order M-328B for delivery on M-328B CC rated orders may be charged to the set-aside for this purpose in the Fabric Set-Aside Tables. No producer need deliver or use to fill these orders (i)

any wool fabric not listed on a Fabric Set-Aside Table; (ii) more of any fabric listed on a Fabric Set-Aside Table than his set-aside for that fabric.

(3) When a producer has accepted orders accompanied by the applicable CPA forms to the extent of a set-aside for any fabric he may not require any customer to furnish any of these forms as a condition of filling additional orders for that fabric.

(4) Any person giving a certificate under this schedule, including the certificates on the applicable CPA forms, must use or dispose of fabric he gets with that certificate in accordance with its terms.

(f) *Delivery by wool jobbers.* Wool jobbers must comply with the rules stated in paragraph (h) of Order M-328B in accepting and filling orders for fabrics covered by this schedule except that a wool jobber may not use the certificate on Form CPA-4413 (Revised) to order for delivery in the third quarter of 1946 more wool fabric of any type than the yardage of that type delivered to him in the second quarter of 1946.

(g) [Deleted Apr. 3, 1946.]

(h) *Acceptance of rated orders.* If a supplier of wool fabric receives orders bearing Order M-328B CC ratings (assigned for the third quarter of 1946) he may hold them until July 20, 1946 before determining whether he is required to accept them. However, he must not actually reject any such CC rated orders for any fabric until such time as he has accepted CC rated orders for the yardage of that fabric he is required to set aside.

(i) *Special provisions for tailors-to-the-trade.* The Civilian Production Administration will grant priorities assistance to manufacturers who are tailors-to-the-trade to get wool fabrics listed under Reference No. 2 on a Fabric Set-aside Table to make item No. 1a on a Preference Rating Schedule for the applicable quarter.

(j) *Special provision for persons who made military textile products.* Any person who produced on his own facilities in 1943, 1944 or 1945 textile products for the military services may qualify under paragraph (d) of Order M-328B for priorities assistance under this schedule for sufficient wool fabric to operate at a minimum economic rate whether or not his total proposed production of all textile products exceeds an annual rate based on sales of \$250,000. Such a person may file his application for the second quarter of 1946 by June 5, 1946; and to be eligible for priorities assistance must conform to all the provisions of paragraph (d) of Order M-328B except (d) (3) (i).

Issued this 11th day of July 1946.

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

NOTE: Wool Fabric Set-Aside Table No. I for the first quarter of 1946, deleted May 16, 1946.

NOTE: Wool Fabric Set-Aside Table No. II for the second quarter of 1946, deleted July 11, 1946.

NOTE: Preference Rating Schedule I, deleted Apr. 3, 1946.

NOTE: Preference Rating Schedule II, deleted July 11, 1946.

PREFERENCE RATING SCHEDULE NO. 3—WOOL FABRICS FOR CIVILIAN ITEMS—PROGRAM FOR THIRD QUARTER, 1946

NOTE: Schedule added July 11, 1946.

Item No.	Size range	Base period price	Current price
SUITS			
1. Men's	All sizes	\$22.50	\$23.75
1a. Men's (for tailors-to-the-trade only) ¹	All sizes	28.50	30.00
2. Students	32-38	15.75	17.25
3. Cadets	8-16	11.75	12.50
4. Juniors	3-12	7.50	8.25
SEPARATE TROUSERS			
5. Men's	All sizes	5.50	6.00
6. Students	25-32	4.25	4.75
7. Cadets	21-26	3.25	3.50
8. Juniors	3-12, 6-16	2.50	2.75
OVERCOATS OR TOPCOATS			
9. Men's	All sizes	22.50	23.75
10. Students	12-24, 32-38	12.75	14.00
11. Boys	8-20	10.00	11.00
12. Juniors	4-12	8.50	9.25

¹ See paragraph (i).

[F. R. Doc. 46-12044; Filed, July 11, 1946; 11:44 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule J, as Amended July 11, 1946]

SPECIAL PROGRAM FOR RAYON CIVILIAN ITEMS

§ 3290.120j *Schedule J to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of civilian items manufactured from rayon fabric to get preference ratings for rayon fabric for delivery beginning in the fourth quarter of 1945 to make the items listed in this schedule. It also establishes set-asides for rayon fabrics other than marquisettes for these items and for over-the-counter sale as piece goods. Order M-391 contains other provisions for set-asides and for accepting rated orders for rayon fabrics.

(b) *Definitions.* For the purpose of this schedule:

(1) "Fabric," unless otherwise designated, means a woven fabric 12 inches or more in width.

(2) "Rayon fabric" means any fabric containing less than 25% wool by weight but of which the remaining fibers are more than 50% of synthetic fiber (staple or continuous filament) by weight. For example, a fabric containing 20% wool, 41% rayon, and 39% cotton is rayon.

(3) "Rayon item" means an item of which more than 50% of the fabric yard-

age incorporated in it, exclusive of linings, bindings and trimmings, is made of rayon fabric.

(c) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get rayon fabrics to make the rayon items specified in the preference rating schedule.

(2) Fabrics obtained with CC ratings assigned for any calendar quarter must be used to make an item, the specifications of which, including standards of workmanship and quality, are such, that under Maximum Price Regulations of the Office of Price Administration in effect on June 30, 1946, the item had a maximum price no higher than the "Current Price" specified in the latest Preference Rating Schedule on which that item appears.

(3) [Deleted Apr. 3, 1946.]

(4) A manufacturer who did not manufacture an item in the base period must state his proposed production by size assortment per dozen in the "Remarks" section of Form CPA-3732. If his application is granted, he must comply with these size assortments.

(d) *Set-asides of rayon fabrics to fill rated or certified orders.* (1) Every producer of rayon fabric listed in a Fabric Set-aside Table whether he sells it in the grey or in the finished state or uses it to manufacture civilian items shall set aside during the quarter stated for the purpose shown in Columns III and IV yardages of that fabric equal to at least the percentage shown of the yardage he produced during the preceding quarter or of his estimated production in that quarter, whichever is greater. Beginning with the third quarter of 1946, all set-asides are based on the percentage shown of the yardage produced in the preceding quarter. Any producer who does not deliver the full yardages required during the applicable quarter must deliver in the next quarter a yardage of rayon fabric equal to the undelivered yardage, in addition to the yardage which he is required to deliver in that next quarter.

(2) *Set-asides for civilian apparel.* Only orders accompanied by the proper form as provided in paragraph (h) (3) of Order M-328B for delivery on M-328B CC rated orders may be charged to the set-aside for this purpose in the Fabric Set-aside Tables. No producer need deliver or use to fill these orders more rayon fabric than his set-aside for that fabric.

(3) *Set-asides for piece goods for over-the-counter sale.* Only orders accompanied by the proper Form as listed in paragraph (h) (2) of Order M-328B for over-the-counter piece goods, or by the following certificate, may be charged to the set-aside for this purpose in the Fabric Set-aside Tables:

The undersigned certifies, subject to the criminal penalties of section 35 (a) of the United States Criminal Code, that

In the ----- quarter of 1946 (insert applicable quarter) he will deliver at retail as over-the-counter piece goods rayon fabric in a total yardage at least equal to the yardage he orders for delivery in that quarter on orders bearing this certificate.

In addition the certificate must contain one of the following sentences:

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more than 300 yards of rayon fabric.

or;

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more rayon fabric than 50% of the yardage he purchased for over-the-counter piece goods sale in the first quarter of 1943 (or 1944).

or;

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more rayon fabric than the greatest yardage he purchased for over-the-counter piece goods sales in any quarter of 1945 or 1946.

or (for a veteran)

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more rayon fabric than the yardage he purchased for over-the-counter piece goods sale in his last full quarter before he entered the military service.

(4) When a producer has accepted orders accompanied by the applicable CPA forms to the extent of a set-aside for rayon fabric he may not require any customer to furnish any of these forms as a condition of filling additional orders for that fabric.

(5) Any person giving a certificate under this schedule, including the certificate set forth in paragraph (d) (3) above and the certificates on the applicable CPA forms must use or dispose of fabric he gets with that certificate in accordance with its terms.

(6) *Shorts, seconds, remnants and mill ends.* Shorts, seconds, remnants, and mill ends must be included in total production for the purpose of determining set-asides. Deliveries of shorts, seconds, remnants and mill ends may be credited as deliveries against the set-asides obligations of both producers and finished goods suppliers.

(e) *Delivery by finished goods suppliers.* Finished goods suppliers must comply with the rules stated in paragraph (h) of Order M-328B in accepting and filling orders for fabrics covered by this schedule.

Issued this 11th day of July 1946.

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

NOTE: Rayon Fabric Set-Aside Table No. 1 for the first quarter of 1946, deleted May 16, 1946.

NOTE: Rayon Fabric Set-Aside Table No. II for the second quarter of 1946, deleted July 11, 1946.

RAYON FABRIC SET-ASIDE TABLE NO. III FOR THIRD QUARTER 1946

NOTE: Table added July 11, 1946.

CPA 658C (June 19, 1946)	I Reference No.	II Fabric	III & IV	
			Percentage of production required to be set aside	For ultimate delivery for retail sale as over-the-counter piece goods
56-61 63-71 73-75	1	100% filament rayon fabrics (except marquisettes and except twills or serges, 88 to 140 sley)		
76-79 81-86 93-95	2	All other rayon fabrics (except marquisettes and except twills or serges, 88 to 140 sley)	50	6
			35	6

NOTE: Preference Rating Schedule No. 1 deleted Apr. 3, 1946.

NOTE: Preference Rating Schedule No. 2 deleted May 16, 1946.

NOTE: Preference Rating Schedule No. 3 deleted July 11, 1946.

PREFERENCE RATING SCHEDULE NO. 4—RAYON FABRICS FOR CIVILIAN ITEMS

PROGRAM FOR THE THIRD QUARTER 1946

NOTE: Schedule added July 11, 1946.

Item No.	Description of rayon item	Size range	Base period and current price
1(a)	Street dresses: women's	38-44	\$5.75
1(b)	Street dresses: misses'	10-20	5.75
1(c)	Street dresses: juniors'	9-17	5.75
1(d)	Street dresses: women's, extra sizes	46 and up.	6.75
2	Street dresses: maternity	All sizes	6.75
3	Street dresses: teen-age girls'	10-16	3.75
4	Street dresses: girls'	7-14	3.00
5(a)	Blouses, shirts and waists: women's, misses' and juniors'	9-17, 12-40.	Dozen \$22.50
5(b)	Blouses, shirts and waists: women's, extra sizes	42 and up.	25.50
6	Blouses: teen-age girls'	10-16	16.50
7	Blouses: girls'	7-14	15.75
8(a)*	Slips: women's, misses' and juniors'	9-17, 12-44.	15.75
8(b)*	Slips: extra sizes	46 and up.	18.00
9*	Slips: teen-age girls'	10-16	12.00
10*	Slips: girls'	7-14	10.75
11(a)*	Slips: women's, misses' and juniors'	9-17, 12-44.	17.50
11(b)*	Slips: extra sizes	46 and up.	20.00

*This item must be a full length slip, sold as an individual item and must not be used as a component part of another garment.

Base period production for Item 11 (a) must cover items produced for sale above \$15.75 and not above \$17.50 and for Item 11 (b) above \$18.00 and not above \$20.00.

[F. R. Doc. 46-12043; Filed, July 11, 1946; 11:45 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-85, as Amended July 11, 1946]

KAPOK

The fulfillment of requirements for the defense of the United States has created

a shortage in the supply of kapok 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.

§ 3290.331 *General Conservation Order M-85—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the Civilian Production Administration, as amended from time to time.

(b) *Additional definitions.* For the purposes of this order:

(1) "Kapok" means the fiber or pulp from the pod of the Ceiba or Kapok tree before incorporation into a finished product.

(2) [Deleted May 22, 1944]

(3) "Manufacturer" means any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) *Restrictions on purchase of kapok from the Reconstruction Finance Corporation.* No person may buy or accept delivery of any kapok of Java grades from the Reconstruction Finance Corporation unless specifically authorized in writing by the Civilian Production Administration. Persons wishing to buy kapok from the Reconstruction Finance Corporation must apply by letter to the Textile Division, Civilian Production Administration, Washington 25, D. C., Ref.: M-85. The letter must be filed in duplicate and contain the following information: (1) A complete description of each type of life-saving equipment or ear phone pads which the applicant proposes to manufacture together with a specification number if government specifications are used, (2) the amount of kapok required for each unit, and (3) the total amount of kapok for which authorization is requested. The applicant will be advised by the Reconstruction Finance Corporation if his application is granted, and by the Civilian Production Administration if his application is denied.

(d) *Restrictions on the use of kapok bought from the Reconstruction Finance Corporation.* No manufacturer shall use any kapok of Java grades, bought from the Reconstruction Finance Corporation, except for (1) life vests, life jackets, life collars, and other life-saving equipment, and (2) ear phone pads for immediate or ultimate delivery to the Army, Navy, Maritime Commission or War Shipping Administration.

(e) [Deleted Nov. 13, 1945]

(f) *Restrictions on inventory.* No person may accept title to or accept delivery of any kapok if his inventory will thereby exceed the amount required for continuing his operations at his current rate for a sixty-day period, unless otherwise authorized in writing by the Civilian Production Administration.

(g) [Deleted Nov. 13, 1945]

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from

and stating fully the grounds of the appeal.

(i) *Communications to the Civilian Production Administration.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Textile Division, Civilian Production Administration, Washington 25, D. C., Ref.: M-85.

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

(k) [Deleted Nov. 13, 1945]

Issued this 11th day of July 1946.

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

[F. R. Doc. 46-12035; Filed, July 11, 1946;
11:45 a. m.]

PART 3290—TEXTILE, CLOTHING AND
LEATHER

[Supplementary Order M-317A, as Amended
July 11, 1946]

COTTON FABRIC DISTRIBUTION

§ 3290.116 *Supplementary Order M-317A*—(a) *What this order does.* This order states the special rules for distribution of cotton fabrics, particularly with respect to set-asides for certain purposes, the certificates of use which must be filed with orders in order to obtain set-aside fabrics, and the effect and use of preference ratings. The set-aside percentage figures are shown in the tables at the end of this order.

Definitions

(b) *Definitions.* (1) "Cotton fabric" means any fabric 12" or more in width woven or braided from cotton yarn which contains 50% or more by weight of cotton or cotton waste or any combination of the two. The term includes not only fabrics in the gray and yarn dyed fabrics, original mill or regular finish, but also fabrics which have been bleached, Sanforized, dyed or printed; and includes shorts, seconds, remnants or mill ends. The term does not include blankets or blanketing containing 25% or more by weight of wool; or fabrics (other than blankets or blanketing) containing wool produced on the woolen or worsted system.

(2) "Producer" means any person who weaves for his own account, or has woven for his account, any cotton fabric in the forty-eight States or the District of Columbia. A person who weaves cotton

fabric for the account of another is not a producer of that fabric for the purpose of this order.

(3) "Cotton components for apparel" means cotton fabrics used as components (excluding body fabric) in the manufacture of men's, students', cadets', juniors', boys' and childrens' garments in the following apparel classifications only:

- (i) Suits, wool and other than wool.
- (ii) Separate trousers, other than denim trousers.
- (iii) Separate jackets.
- (iv) Overcoats and topcoats.
- (v) Mackinaws, cossack jackets and other heavy outercoats.
- (vi) Uniforms.
- (vii) Children's snowsuits and legging sets.
- (viii) Knit underwear.
- (ix) Knit outerwear.

NOTE: Subparagraph (5), formerly subparagraph (3), redesignated July 11, 1946.

(4) "Coated fabrics" means cotton fabrics coated, impregnated or otherwise treated with the following coatings, continuous from selvage to selvage, provided that such treatment is not merely a part of the normal operation of bleaching, dyeing, printing or other finishing:

- Clay filled coatings
- Lacquers
- Ethylcellulose
- Nitrocellulose
- Oil coatings
- Oleoresinous coatings
- Paints
- Pyroxylin
- Starch filled coatings
- Varnishes
- Resins, natural or synthetic
- Rubber, natural, synthetic or reclaim

"Coated fabrics" include but are not limited to such products as oil cloth, artificial leather, book binding cloth, Holland cloth and varnished cambric.

(5) "Industrial and agricultural purposes" means any of the following purposes for which cotton fabric may be used, whether directly or as a component in the manufacture of items required for the purpose:

(i) Maintenance, repair, and operating supplies or capital equipment for any manufacturing, extractive (including mining and commercial fishing), agricultural, public utility or public transportation operation, or for any laundry or dry-cleaning establishment (not including items supplied on a return basis by a "linen service" agency or similar organization).

(ii) Medical, surgical, or hospital equipment and supplies (except clothing); and other equipment and supplies (except clothing) required for the protection of public health or safety.

(iii) Work clothing; special occupational and safety clothing and gloves (but not including work gloves, uniforms, or sports equipment).

(iv) Production materials to be used in the manufacture of the following products, or repair parts for those products (excluding retail over-the-counter

or mail order piece goods): vehicles; building materials; construction machinery; mechanical household or office equipment; tires, rubber hose and belts; footwear; friction tape and pressure-sensitive tape; burial caskets; electrical, industrial, agricultural, food processing or transportation equipment; furniture; mattresses; mattress covers; bed pillows; box springs; dual purpose sleeping equipment; gummed tape for cardboard and fibre cartons and corrugated boxes; silica-gel bags; book bindings; and loose-leaf bindings.

(v) However, "industrial and agricultural purposes" does not include the use of chafer fabric for any purpose other than the manufacture of tires or mechanical rubber goods.

Set-Asides

(c) *Set-aside of cotton fabrics for industrial and agricultural purposes.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery only on orders certified for "industrial and agricultural purposes" as defined in paragraph (b) (5) above, an amount computed from column 4 of the attached tables in accordance with paragraph (h) (1) of this order. Cotton fabrics set

aside under this paragraph may not be delivered on orders certified for the making of bags controlled by Order M-221, except when expressly permitted by the attached tables.

Manufacturers ordering cotton fabric for coating may certify their orders for "industrial and agricultural purposes" only if the coated fabric will be used for the purposes stated in paragraph (b) (5) above. Chafer fabrics may be certified for "industrial and agricultural purposes" only when ordered for ultimate use in the manufacture of tires and mechanical rubber goods. Cotton fabrics which are to be sold at retail as piece goods, either over-the-counter or by mail order, may not be certified for "industrial and agricultural purposes", regardless of the ultimate use.

(d) *Set-aside of cotton fabrics for bags under M-221.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery only on orders certified for the manufacture of bags controlled by Order M-221, an amount computed from Column 5 of the attached tables in accordance with paragraph (h) (1) of this order.

(e) *Gray goods minimum ratio in set-asides for industrial, agricultural and bag making purposes.* (1) From the total amount of each group of cotton fabrics having the same reference number which are set aside after March 31, 1946 for "industrial and agricultural purposes" and for bags controlled by Order M-221, the producer shall deliver as gray goods not less than the percentage specified in

the attached tables (column 12) on orders certified for use in the gray or for use in the manufacture of any of the following:

- (i) Abrasives.
- (ii) Automobile head linings.
- (iii) Bags for flour, meal and commercial feed.
- (iv) Box stay tapes.
- (v) Buffing wheels.
- (vi) Filter cloth.
- (vii) Hospital sheeting and supplies.
- (viii) Shoes.
- (ix) Surgical tape, bandages and dressings.
- (x) Varnished cambric for electrical insulation.

(2) Any purchaser may certify that fabrics will be used in the gray if the fabrics are to be starched, napped, or combined or both, but not if the fabrics are to be bleached, dyed, printed, or otherwise finished.

(3) Manufacturers of coated fabrics may certify that the fabrics which they order for coating will be used in the gray only if the fabrics are to be coated without being bleached, dyed, printed, or otherwise finished (except starching, napping or combining).

(f) *Apparel set-asides.* (1) *Set aside of cotton fabrics for M-328B programs.* The provisions of Order M-328B and its schedules and directions provide for set-asides of certain fabrics for apparel and piece goods. The percentages shown for these set-asides in the attached tables (columns 6 and 7) are included only for purposes of explanation and are not controlling.

(2) *Set-aside for cotton components for apparel.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery only on orders certified for use as cotton components for apparel as defined in paragraph (b) (3) above, an amount computed from Column 8 of the attached tables in accordance with paragraph (h) (1) of this order. This set-aside is in addition to the quantities of cotton fabric set-aside for apparel under Order M-328B.

(g) *Exports of cotton fabrics.* (1) *Set-aside for export (other than to Canada).* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery for export (not including export to Canada), an amount computed from Column 9 of the attached tables in accordance with paragraph (h) (1) of this order. Fabrics set aside under this paragraph shall not be delivered on orders for eventual export by the United States Army, Navy, Maritime Commission, War Shipping Administration, American Red Cross, or any U. S. military exchange or service department as defined in Priorities Regulation 17.

(2) *Set aside for export to Canada.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery for export to the Dominion of Canada, an amount computed from Column 10 of the attached tables in accordance with paragraph (h) (1) of this order. Deliveries for export to Canada may not be charged to the set-aside of paragraph (g) (1) above, irrespective of whether there is a percentage specified for Canada in Column 10 of the attached tables.

(3) *Scope of export set-aside.* The export set-asides are for cotton fabrics to be exported in the gray, in the finished state, as piece goods as shorts, seconds, or mill ends (except remnants under 10 yards in length), or in any of the following forms: bedsheets, pillow cases, blankets, towels, diapers, face cloths, table "linen", or clothing.

(4) *Special export rules for wide combed cotton fabrics (Table I).* In calculating export-set-asides of cotton fabrics in the attached Table I the producer may exclude his production of cotton fabrics wider than 42½". However, deliveries on certified export orders of cotton fabrics wider than 42½" may be credited against the producer's export set-aside of cotton fabrics less than 42½" wide within the same reference number in column 1 of the attached Table I (or, in the case of drills, twills and sateens, deliveries on certified export orders of any of these fabrics wider than 42½" may be credited against the producer's export set-aside of any drill, twill or sateen less than 42½" wide).

(5) *Certifying orders for replacement of exported cotton fabrics.* Purchase orders may be certified "for export" under this order when the cotton fabrics (or other items listed in paragraph (g) (3) above) being ordered either will be exported as certified, or else will replace in inventory other cotton fabrics (or items) of like description which have been exported as certified within the previous 90 days.

(h) *General provisions for set-asides.* (1) *Quantities to be set aside and carry-overs from previous quarters.* (i) The total quantity of each cotton fabric subject to set-aside during the third quarter of 1946 for each specified purpose is the sum of the undelivered balance required to be set aside for that purpose during the previous quarters, plus the amount required to be set aside from third quarter production for that purpose.

(ii) Undelivered balances of set-asides from the second quarter of 1946 are to be calculated on the basis of actual production during the second quarter, in accordance with the provisions of this order as amended April 26, 1946.

(iii) Set-asides from production during the third quarter of 1946 shall be determined by applying the required percentages to a figure equal to total produc-

tion during the second quarter of 1946, except in the case of 100% set-asides covered by subparagraph (iv) below. A producer may appeal under paragraph (m) if his third quarter production does not equal the total amount of the required third quarter set-asides based on second quarter production.

(iv) If "100" percent appears in any column from 4 through 10 of the attached tables, the set-aside applies to 100 percent of actual production during the third quarter of 1946.

(v) References to "each cotton fabric" in set-aside provisions refer to cotton fabrics having the same Reference Number in the attached tables. References to "production" include what a producer weaves or has woven for his account, and excludes what he weaves for the account of others.

(2) *Deliveries in excess of required set-asides.* Deliveries in excess of the quantity required to be set aside for any purpose may not be credited against the set-aside for any other purpose, nor against the next quarter's set-aside for the same purpose. The set-aside for each purpose is a minimum required quantity, and does not prevent additional quantities being delivered from production which has not been set aside for other purposes.

(3) *Shorts, seconds, remnants and mill ends.* Shorts, seconds, remnants and mill ends must be included in total production for the purpose of determining set-asides. Deliveries of gray or finished shorts, seconds, remnants and mill ends may be credited as deliveries against set-asides in the same way as other cotton fabrics, except that deliveries of remnants less than 10 yards in length may not be credited against any export set-aside.

(4) *Cotton fabric products.* A producer may charge against the applicable set-aside the cotton fabric which he uses to make cotton fabric products (such as sheets, towels, diapers, etc.), if he delivers the products on orders which meet the terms of the set-aside. However, in the case of export set-asides the permitted products are limited by paragraph (g) (3).

Certificates

(i) *Purchase order certificates for cotton fabrics.*—(1) *When certificate required, and restrictions on use or resale of fabric received on certification.* No producer may deliver cotton fabrics which he is required to set aside under this order except on purchase orders with certificates stating that the fabrics ordered will be used or resold for purposes meeting the set-aside provisions. A person who has obtained cotton fabrics on certification may use them only as certified, and may resell them only on orders similarly certified (this does not apply to the use or resale by a finisher of the shorts, seconds, remnants or mill ends

which result from his normal finishing operations). However, he may resell at retail without certification from the buyer unless he knows or has reason to believe that the buyer will not use the fabric for the certified purpose.

Delivery shall not be made on any order which the seller knows or has reason to believe is falsely certified, or on any uncertified order which is required to be certified, even though the order is rated MM or CC.

The certification requirements of this order do not apply to distribution of cotton fabrics set aside for apparel and piece-goods under M-328B programs. These fabrics must be delivered in accordance with the certification requirements of Order M-328B and its schedules and directions.

(2) *Content and form of certificate.* The purchase order certificate must state the ultimate use of the cotton fabric ordered and in addition must be certified and signed, as follows:

For use or resale for _____ (specify the applicable use listed as "industrial or agricultural purposes" in paragraph (b) (5) above; also, if applicable, add "for use or resale for use in the gray" or "required in the gray for use or resale for use in _____", specifying the applicable product listed in paragraph (e) (1) above)—or

For use or resale for making bags controlled by CPA Order M-221 (if applicable, add "for use in the gray without any finishing")—or

For use or resale for use for making cotton components for apparel under CPA Order M-317A—or

For export (or state that "these cotton fabrics will be exported or will replace in inventory similar cotton fabrics which have been exported within 90 days"; moreover, state also the governing export license number and date of validation, or the United States Treasury Procurement Division contract number and date; or if the export is to Canada, so state and add the Canadian Cotton Administrator's Serial Number and date).

The above statements of use must be certified in the standard form provided in Priorities Regulation 7 (which appeared in this order as amended April 26, 1946), or else must be certified in the following form:

Certified under CPA Order M-317A and subject to penalties of Sec. 35 (a) of U. S. Criminal Code.

(Authorized signature)

(3) *Addition of rating.* If the statement of ultimate use is certified in the special form shown above, the applicable preference rating (if any) and statement of source of rating (required by paragraph (c) of Order M-317) must be certified separately (as provided in Priorities Regulation No. 3). Alternatively, the statement of use, the rating, and the source of rating, may be covered by a single standard certification in the form specified in Priorities Regulation No. 7.

Preference Ratings

(j) *Effect and use of preference ratings—(1) Rated orders for set-aside fabrics.* Orders which are duly certified for any set-aside purpose and also bear preference ratings and the statement of source of rating required by Order M-317, must be accepted and filled from the applicable set-aside in accordance with the provisions of Priorities Regulation No. 1 (without limitation under the rating ceiling of Column 11 of the attached tables, and without being credited against that ceiling). On the other hand, delivery may not be made of any set-aside cotton fabrics on any rated order which is not certified as required by paragraph (1) above.

(2) *Rating ceiling on amounts in excess of set-asides.* No producer need accept or fill rated orders which would cause him to deliver during the third quarter of 1946 more of any cotton fabric on rated orders in excess of total set-asides, than a quantity equal to the percentage specified in the attached tables (Column 11) applied to a figure equal to his total production of that fabric during the second quarter of 1946 (the term "any cotton fabric" refers to any group of fabrics having the same Reference Number in the attached tables). Deliveries on rated certified orders which have been credited against any set-aside may not also be credited against the rating ceiling of this paragraph. On the other hand, deliveries on rated orders which are certified for set-aside purposes may be credited against the rating ceiling of this paragraph if the applicable set-asides were exhausted and the deliveries are not credited against any set-aside.

(3) *Kinds of ratings affected.* Paragraph (j) (1) and (2) above refer to MM and CC rated orders. Orders rated AAA must be accepted and filled regardless of the set-aside or rating ceiling provisions of this order.

(4) *Restriction on serving ratings on another producer.* No producer of cotton fabric shall use any preference rating to obtain cotton fabric from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing on Form CPA-2842, that his own production is insufficient or unsuitable. This does not apply to orders accepted before April 1, 1946.

(5) *Expiration of export ratings.* Preference ratings assigned for the export of cotton fabric expire if they are not applied or extended to an order accepted by a producer within six months of the date the rating was assigned.

(6) *Rated orders for future delivery.* No person is required to accept any rated order for cotton fabrics calling for delivery more than 90 days after the receipt of the order, except from the United States Army, Navy, Maritime Commission, War Shipping Administration, or Veterans Administration.

(7) *Ratings on export licenses for fabricated goods.* Substantially the following form of assignment of preference rating may appear on licenses issued by the Department of Commerce, Office of International Trade, for export of woven cotton fabricated goods (such as clothing).

Pursuant to the official certification set forth below, a CC rating is assigned to the delivery of _____ yards of _____ for incorporation into the fabricated goods authorized for export under this license.

If the holder of the license manufactures the fabricated goods himself he may apply the rating to his purchase order for the necessary cotton fabric. On the other hand, if he buys the goods in the fabricated state he may not apply the rating on his purchase order for the fabricated goods; however, he may authorize his supplier to use the rating to get cotton fabric to make the goods, by furnishing the following certificate with his purchase order for the fabricated goods (filling in the blanks as indicated):

You are hereby authorized to apply a CC preference rating to purchase orders for _____ yards of _____ to make the goods specified in my attached purchase order. The source of this rating is Export License Number _____, date of validation _____.

(Signature of export license holder).

Miscellaneous

(k) *Integrated mills.* Requisitions for intra-company deliveries of cotton fabrics from the producing mill shall be treated as if they were purchase orders, for the purpose of the set-aside and certification requirements and the other provisions of this order.

(l) *Reports.* Each producer of cotton fabrics shall file a report with the Civilian Production Administration on Forms CPA-658B and C at the time and in the manner prescribed in these forms. These reporting requirements have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(m) *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 ground of the appeal.

(n) *Communications.* All reports, appeals and other communications concerning this order shall be addressed to: Civilian Production Administration, Textile Division, Washington 25, D. C. Ref: M-317A.

Issued this 11th day of July 1946.

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

FEDERAL REGISTER, Friday, July 12, 1946

COTTON FABRIC DISTRIBUTION TABLES FOR THIRD QUARTER OF 1946

TABLE I—FINE COTTON GOODS

NOTE: Tables I and II amended in their entirety July 11, 1946.

Ref. No.	Form CPA 658-C (June 14, 1946) item numbers	Fabrics	Minimum percentages for third quarter, 1946 set-asides (see par. (h) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for apparel defined in par. (b) (3)	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
1	2	3	4	5	6	7	8	9	10	11	12
1	1, 2	Airplane and balloon fabrics						2½	1½	5	
2	3-6	Broadcloth (combed)			*60			7½	2½	20	
3	7	Dimities			*25	*25		6½	1½	5	
4	11-18	Lawns and organdies (combed and part combed and carded)			*30	*11		8½	2	5	
5	19-22	Marquissettes (combed and part combed and carded)						3	2	5	
6	23	Oxfords, combed and fine carded (average carded yarns finer than 35s)			*60			4	4	5	
7	24	Piques			*30	*30		4	1	5	
8	25	Pongees						4	1	5	
9	26, 27	Poplins (combed)			*50			7	3	5	
10	28	Sateens (combed and part combed)					10	8½	2½	5	
11	29	Sateens, carded (average yarns finer than 35s), narrow (under 42")					10	11	3	5	
12	32	Shirtings, jacquard, gray-dobby and colored			*60			9	5	5	
13	33, 34	Army twills, 6.0 oz. shirting and 8.2 oz. uniform								100	
14	35	Albert twills						5½	1½	93	
15	37	Gabardines (combed)						8	2	5	
16	35, 38	All other combed twills						4	1	5	
17	39	Twills, carded, (average yarns finer than 35s)					30	8	2	5	
18	42	Voiles				*30		6	2	5	
19	43, 45 and 157 on Form CPA 658-B	Combed and carded cotton-rayon fabrics, chiefly cotton less than 25% rayon and lighter than 3.00 yd.			*60	*12		6½	1½	5	
20	44, 46 and 158-159 on Form CPA 658-B	Combed and carded cotton-rayon fabrics, chiefly cotton—all other less than 51% rayon						6½	1½	5	
21	47	Dotted swiss, carded, undyed yarn			*30	*25		10	2	5	
22	48	Dotted swiss, all other						10	2	5	
23	49	Seersuckers (combed)						10	2	5	
24	50	Seersuckers, fine carded (average yarns finer than 35s)			*10			10	2	5	
25	51	All other combed, part combed and fine carded fabrics (average carded yarns finer than 35s) except seersuckers and dotted swiss						10	2	5	
26		All other combed, part combed and fine carded fabrics not elsewhere specified in distribution table I								10	

TABLE II—CARDED GRAY GOODS

Ref. No.	Form CPA 658-B (June 14, 1946) item numbers	Fabrics	Minimum percentages for third quarter, 1946 set-asides (see par. (h) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for apparel defined in par. (b) (3)	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
1	2	3	4	5	6	7	8	9	10	11	12
27	5-12 on Form CPA-658A	Flat duck (including enameling duck)	40							5	75
28	20 on Form CPA-658A	Hose and belting duck	100								100
29	21 on Form CPA-658A	Filter cloth (duck yarns)	100								100
30	23 on Form CPA-658A	Chafar fabrics	100								100
31	1-8	Osnaburgs	32	55				134	134	2	80
32	12	Soft filled sheetings under 42"	40				5	11	2	5	
33	13	Soft filled sheetings, 42" and wider	60						2	5	
34	14-17, 19	Class A sheetings under 42"	14	55	*6		5	4	4	2	75
35	18, 20	Class A sheetings, 42" and wider	40						4	5	25
36	21	Class B sheetings; 40" 48 x 40-3.25 yd.	7½	55			10	10½	2	2	50
37	22	Class B sheetings; 40" 48 x 40-3.75 yd.	12	55			5	9	3	2	50
38	23	Class B sheetings; 37" 48 x 44-4.00 yd.	12	55			5	9	4	2	50
39	24	Class B sheetings; 40" 44 x 40-4.25 yd.	10	30			10	15	5	5	50
40	25	Class B sheetings; 31" 48 x 44-5.00 yd.	12	55				9	4	2	50
41	26	Class B sheetings; pro rata widths to above under 42"	7½	55			10	10½	2	2	50
42	27	Class B sheetings; pro rata widths to above, 42" and wider	60					15		5	25
43	28	All other Class B sheetings under 42"	7½	55			10	10½	2	2	50
44	29	All other Class B sheetings, 42" and wider	60					15		5	25
45	30-33	Class C sheetings: 36"-64 x 64-3.50 yd.; 36"-60 x 52, 56 x 56-4.00 yd.; 36"-48 x 40, 44 x 40-5.50 yd.; 36"-44 x 40, 40 x 40-6.05 to 6.15 yd.	24	20	*11	*10	5	14	1	2	25
46	34	Class C sheetings: 40"-64 x 64-3.15 yd.	45	20			5	15		2	25
47	35	Class C sheetings: 40"-60 x 52, 56 x 56-3.60 yd.	45	20			5	15		2	25
48	36	Class C sheetings: 40"-56 x 48-4.30 yd.	100								
49	37, 38	Class C sheetings: 40"-44 x 40-5.50 yd., 40"-36 x 40-7.55 yd.	45	20			5	14	1	2	25

See footnotes at end of table.

COTTON FABRIC DISTRIBUTION TABLES FOR THIRD QUARTER OF 1946—Continued

TABLE II—CARDED GRAY GOODS—continued

Ref. No.	Form CPA 658-B (June 14, 1946) item numbers	Fabrics	Minimum percentages for third quarter, 1946 set-asides (see par. (b) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for apparel defined in par. (b) (3)	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
1	2	3	4	5	6	7	8	9	10	11	12
50	39	Class C sheetings: 40 1/2"-74 x 86-2.80 to 2.90 yd. (Mead's cloth).	100								
51	40, 42	All other Class C sheetings under 42"	24	20	*11	*10	5	14	1	2	25
52	41, 43	All other Class C sheetings, 42" and wider	40					12		5	25
53	44-47	Bed sheetings, 42" and wider						11 1/2	2 1/2	5	
54	49	Carded poplins (sheeting yarns)			*25			10	1	5	
55	50	Three leaf herringbone twills (except jeans)			*2			12 1/2	2 1/2	5	
56	51-54	Drills under 42"	30		*2			12 1/2	2	5	30
57	55	Drills, 42" and wider	80						3	2	40
58	56	Jeans (plain and herringbone)	25		*5				13	1	30
59	57	Three leaf pocketing twills (sheeting yarn constructions).					100				
60	58	Three leaf silesia twills (sheeting yarn constructions).					100				
61	59-62	Four leaf twills under 42"			*4			13	1	5	
62	63, 64, 66	Four leaf twills and sateens, 42" and wider	80							2	30
63	65, 67, 68	Sateens under 42"; gabardines (carded); "all other" carded twills and sateens N. E. C.						13	2	5	
64	69	Birdseye diaper cloth						2	1/2	5	
65	71	Plain print cloths: 39" 80 x 80-4.00 yd. and pro rata.	30		*33	*14		5	1	8	
66	72	Plain print cloths: 39" 68 x 64-4.85 yd. and pro rata.	15	(**)	*33	*14	10	8	4	5	
67	73	Plain print cloths: 39" 68 x 72-4.75 yd. and pro rata.	55		*22	*10			1	2	
68	74	Plain print cloths: 38 1/2" 64 x 56-5.50 yd. and pro rata.	15	(**)	*33	*14	10	10	4	5	50
69	75	Plain print cloths: 38 1/2" 64 x 60-5.35 yd. and pro rata.	55		*22	*10			1	2	
70	76	Plain print cloths: 38 1/2" 60 x 48-6.25 yd. and pro rata.	15	(**)	*33	*14	10	9	3	6	50
71	77	All other plain print cloth constructions under 36"	40	(**)			10	13	2	5	25
72A	78	All other plain print cloth constructions 36" and wider, 80 sley and higher (except Ref. No. 72B below).	15	(**)	*33	*14	8	13	2	5	25
72B	78	Plain print cloths: 40" 80 x 84-3.65 yd., 40" 80 x 92-3.50 yd.	40					13	2	5	10
73	79	All other plain print cloth constructions 36" and wider, under 80 sley.	15	(**)	*33	*14	8	13	2	5	50
74	80	Pajama checks						4	1	50	
75	81	Gauze diaper cloth						1 1/2	1	5	
76	82	All other fancy print cloths					20	12	3	5	
77	85-91	Carded broadcloths			*65			12	2	5	
78	92	Carded poplins (print cloth yarns)			*65			9	3	5	
79	93-96	Three leaf twills (print cloth yarns)					100				
80	97-101, 103, 104	Denims (except sport denims), pinstripes, pin-checks, hickory stripes, etc.						7	1	5	
81	102	Sport denims			*80			7	1	2	
82	105-109	Cottonades and suiting coverts, whipcords and Bedford cords.						13	2	5	
83	110	Ginghams, checks and plaids				*60		11	4	2	
84	111, 112	Seersuckers, checks and plaids, stripes			*10			11	4	5	
85	113-117	Colored yarn suitings—all cotton, cotton and rayon.			*15			14	1	5	
86	118-121	Shirting coverts; 36" 3.90 yd. chambrays and colored yarn shirtings.						14	1	5	
87	122	All other chambrays and colored yarn shirtings			*60	*15		13	2	2	
88	123	Bed tickings	75					6	3	2	
89	124	Turkish or terry-woven toweling						9	1	10	
90	125	Huck, damask and Jacquard woven toweling						3	1	10	
91	126	Dish toweling, twill and other plain woven toweling.						7	1	10	
92	128	Outing flannels			*35	*10		11	3	2	
93	129, 130	Work shirt flannels						12 1/2	1 1/2	5	
94	131	Canton flannels (glove and mitten)			*85			1		2	
95	133	Interlining flannels					50	7	1	5	
96	134	Moleskins and suedes						8	7	5	
97	135	All other napped fabrics except blankets						15		5	
98	136	Crib blankets and blanketing						5	1	5	
99	137-139	Blankets and blanketing other than crib, all cotton, cotton and rayon, and containing less than 25% by weight of wool.						13	2	5	
100	142, 143	Bedspread fabrics, woven style						2 1/2	3 1/2	7	
101	146-148	Drapery, upholstery and tapestry fabrics						1 1/4	2 1/4	5	
102	151-153	Corduroys						5 1/2	3 1/2	5	
103	154, 155	Velvets, velveteens, plushes and other pile fabrics.						6	1	5	
104	156	Table damask, covers, cloths and napkins						2 1/2	3 1/2	5	
105	161	Carded oxfords			*75			13	2	10	
106	162	All other carded cotton woven fabrics except carded oxfords.						14	1	5	
107		All other carded cotton woven fabrics reported on Form CPA 658-A or B not elsewhere specified in distribution table II.								10	

*The M-328B program figures in Columns 6 and 7 are included for purposes of explanation and are not controlling, if inconsistent with Order M-328B or its schedules or directions.

**The set-aside of plain print cloths (reference numbers 66, 68, 70, 71, 72A, 73) for industrial and agricultural purposes may also be used to fill orders certified for the manufacturer of bags controlled by Order M-221.

INTERPRETATION 1: Revoked Oct. 1, 1945.

INTERPRETATION 2: Revoked Apr. 1, 1946.

PART 3290—TEXTILE, CLOTHING AND
LEATHER

[Order M-328B, Revocation of Direction 10]

USE OF CC RATINGS IN FIRST QUARTER OF
1946 UNDER SCHEDULE C

Direction 10 to Order M-328B is re-
voked. This revocation does not affect
any liabilities incurred for the violation
of the direction or of actions taken by
the Civilian Production Administration
under the direction.

Issued this 11th day of July 1946.

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

[F. R. Doc. 46-12038; Filed, July 11, 1946;
11:45 a. m.]

PART 3290—TEXTILE, CLOTHING AND
LEATHER

[Conservation Order M-328B, Schedule C, as
Amended July 11, 1946]

SPECIAL PROGRAM FOR COTTON FABRICS FOR
CIVILIAN APPAREL ITEMS

§ 3290.120c *Schedule C to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of civilian apparel made of cotton fabric to get preference ratings for fabric to make the items listed in this schedule. It also establishes set-asides for certain cotton fabrics for these items and for over-the-counter sale as piece goods. Order M-317A contains other provisions for set-asides and for accepting rated orders for cotton fabrics.

(b) *Definitions.* (1) "Fabric", unless otherwise designated, means a woven fabric twelve inches or more in width.

(2) "Cotton fabric" means any fabric containing less than 25% wool by weight, but of which the remaining fibers are 50% or more cotton by weight.

(3) "Cotton item" means an item of which more than 50% of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is cotton fabric.

(c) *Effect of fabric changes.* (1) When a fabric is removed from the fabric column for any item, each manufacturer must immediately cancel or unrate any unfilled orders for that fabric which he placed with ratings assigned under this schedule for that item.

(2) Whenever a fabric construction is added to a Preference Rating Schedule for any item an applicant who is authorized to use an M-328B CC rating to purchase fabric for that item may use the rating to get the new fabric as long as the total yardage of all fabric obtained for that item does not exceed the quantity authorized.

(3) [Deleted Apr. 3, 1946.]

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get the particular cotton fabrics shown in the fabric column of the preference rating schedule to make the cotton items specified.

(2) Fabrics obtained with CC ratings assigned for any calendar quarter must be used to make an item, the specifications of which, including standards of workmanship and quality, are such, that under Maximum Price Regulations of the Office of Price Administration in effect on June 30, 1946, the item had a maximum price no higher than the "current price" specified in the latest preference rating schedule on which that item appears.

Note: Subparagraph (3), formerly subparagraph (4), redesignated July 11, 1946.

(3) Manufacturers who did not manufacture an item in the base period must produce the item in the size assortments listed opposite each item in the size assortment column. Where "normal industry practice" appears, the manufacturer should state his proposed sizes in the remarks section of Form CPA-3732. If his application is granted, he must comply with these size assortments.

(4) Where the description of the item in the third quarter schedule has been revised to eliminate certain styles or types, a manufacturer may use his advance CC ratings only for 70 percent of the yardage used in his actual production (the number of garments cut) in the second quarter of 1946 of the specific type or style of the item included in the Preference Rating Schedule for the third quarter.

(5) [Deleted May 16, 1946.]

(e) *Set-asides of cotton fabrics to fill rated or certified orders.* (1) Every producer of a cotton fabric listed in a Fabric Set-Aside Table whether he sells it in the grey or finished state or uses it to manufacture civilian items shall set aside during the quarter stated for the purpose shown in Columns IV and V yardages of that fabric equal to at least the percentage shown of the yardage he produced during the preceding quarter or of his estimated production in that quarter, whichever is greater. Beginning with the third quarter of 1946 all set-asides are based on the percentage shown of the yardage produced in the preceding quarter. Any producer who does not deliver the full yardages required during the applicable quarter must deliver in the next quarter a yardage of cotton fabric equal to the undelivered yardage, in addition to the yardage which he is required to deliver in that next quarter.

(2) *Set-asides for civilian apparel.* Only orders accompanied by the proper form as provided in paragraph (h) (3) of order M-328B for delivery on M-328B CC rated orders may be charged to the set-aside for this purpose in the Fabric Set-Aside Tables. No producer need deliver or use to fill these orders more of any fabric than his set-aside for that fabric.

(3) *Set-asides for piece goods for over-the-counter sale.* Only orders accompanied by the proper form as listed in paragraph (h) (2) of Order M-328B for over-the-counter piece goods, or by

the following certificate, may be charged to the set-aside for this purpose in the Fabric Set-Aside Tables:

The undersigned certifies, subject to the criminal penalties of section 35 (A) of the United States Criminal Code, that in the ----- quarter of 1946 (insert applicable quarter) he will deliver at retail as over-the-counter piece goods cotton fabric in a total yardage at least equal to the yardage he orders for delivery in that quarter on orders bearing this certificate.

In addition the certificate must contain one of the following sentences:

He will not place orders bearing this certificate calling for delivery in this quarter of 1946 of a total of more than 300 yards of cotton fabric.

OR

He will not place orders bearing this certificate calling for delivery in this quarter of 1946 of a total of more cotton fabric than 50% of the yardage he purchased for over-the-counter piece goods sale in the first quarter of 1943 (or 1944)

OR

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more cotton fabric than the greatest yardage he purchased for over-the-counter piece goods sales in any quarter of 1945 or 1946.

OR (for a veteran)

He will not place orders bearing this certificate calling for delivery in this quarter of a total of more cotton fabric than the yardage he purchased for over-the-counter piece goods sale in his last full quarter before he entered the military service.

(4) When a producer has accepted orders accompanied by applicable CPA forms, to the extent of a set-aside for any fabric, he may not require any customer to furnish any of these forms as a condition of filling additional orders for that fabric.

(5) Any person giving a certificate under this schedule, including the certificate set forth in paragraph (e) (3) above and the certificates on applicable CPA forms, must use or dispose of fabric he gets with that certificate in accordance with its terms.

(6) *Shorts, seconds, remnants and mill ends.* Shorts, seconds, remnants and mill ends must be included in total production for the purpose of determining set-asides. Deliveries of shorts, seconds, remnants and mill ends may be credited as deliveries against the set-aside obligations of both producers and finished goods suppliers.

(f) *Delivery by finished goods suppliers.* Finished goods suppliers must comply with the rules stated in paragraph (h) of Order M-328B in accepting and filling orders for fabrics covered by this schedule.

(g) *Restrictions on sale of student nurses' uniforms.* Student nurses' uniforms manufactured under Preference Rating Schedules Nos. 3, 4 or 5 (items 42 through 47) may be sold only to hospitals or nurses' training schools; or to

persons who furnish substantially the following certification on their purchase orders:

The purchaser represents to the seller and to the Civilian Production Administration that the student nurses' uniforms covered

by this order will be sold only to hospitals or nurses' training schools or for ultimate delivery to such institutions.

The standard certification provided for in Priorities Regulation 7 must not be used instead of the above.

Issued this 11th day of July 1946.

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

NOTE: Cotton Fabric Set-aside Table No. I for the first quarter deleted May 16, 1946.

NOTE: Cotton Fabric Set-Aside Table No. II for the second quarter of 1946 deleted July 11, 1946.

COTTON FABRIC SET-ASIDE TABLE NO. III FOR THIRD QUARTER 1946

NOTE: Table added July 11, 1946.

I Reference No.	II Form CPA-658, Item No. (6-14-46)	III Construction of fabric	IV Percentage of production required	
			For delivery on M-328B CC rated orders*	For delivery for retail sale as over-the-counter piece goods
1	C3-6	Broadcloths combed	**60	0
2	C7	Dimities	25	25
3	C11-18	Lawns and organdies	30	11
4	C23	Oxfords, combed and fine carded	**60	0
5	C24	Piques, combed and fine carded	30	30
6	C25, 27	Poplins, combed	50	0
7	C32	Shirtings, combed (jacquard, grey dobby and colored yarn)	60	0
8	C42	Voiles	0	30
9	C43, 45, B157	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yards per pound	60	12
10	C47	Dotted Swiss, carded undyed yarns	30	25
11	B14-17, 19	Class A sheetings, under 42"	6	0
12	B30-33	Class C sheetings, 36" width	11	10
13	B40, 42	Class C sheetings	11	10
14	B49	Poplins, carded, sheeting yarns	25	0
15	B50	Three-leaf herringbone twills, except jeans	2	0
16	B51-54	Drills, under 42"	2	0
17	B56	Jeans	5	0
18	B59-62	Four-leaf twills under 42"	4	0
19	B71	Print cloth—39" 80 x 80—4.00 yard and pro rata	33	14
20	B72	Print cloth—39" 68 x 64—4.85 yard and pro rata	33	14
21	B73	Print cloth—39" 68 x 72—4.75 yard and pro rata	22	10
22	B74	Print cloth—38 1/2" 64 x 56—5.50 yard and pro rata	33	14
23	B75	Print cloth—38 1/2" 64 x 60—6.35 yard and pro rata	22	10
24	B76	Print cloth—38 1/2" 60 x 48—6.25 yard and pro rata	33	14
25	B78	Print cloth, all other, 36" and wider, 80 sley and higher, except 40" 80 x 84—3.65 yard and 40" 80 x 92—3.50 yd.	33	14
26	B79	Print cloth, all other, 36" and wider under 80 sley	33	14
27	B88-91	Broadcloths, carded, any sley, except colored yarn fabrics	**65	0
28	B92	Poplins, carded, print cloth warp yarns	**65	0
29	B102	Sport denims	80	0
30	B110	Ginghams, carded	0	60
31	B111, 112, C50	Seersuckers, carded	10	0
32	B113-117	Colored yarn suitings, (all cotton and mixtures containing less than 25% wool)	15	0
33	B122	Carded chambrays and shirtings	60	15
34	B128	Guting flannels	35	10
35	B131	Canton flannel (glove and mitten)	85	0
36	B161	Oxfords, carded	**75	0

*CC ratings are assigned under Schedule F for work gloves for some of the fabrics listed in the above table and orders bearing such ratings may be charged to the set-aside in Column IV.

**At least 80% of fabrics set aside under Reference numbers 1, 27 and 28, and 100% of fabrics set aside under Reference Numbers 4 and 36 must be sold or delivered in the grey only to persons who certify in writing that the fabrics will be finished in a manner suitable for incorporation into men's and boys' shirts (not including work or sport shirts) or undershirts and will be sold or delivered by them only to manufacturers who certify they will use these materials to make men's or boys' shirts or undershirts under Schedule C to Order M-328B.

NOTE: Preference Rating Schedule No. 3 deleted May 16, 1946.

NOTE: Preference Rating Schedule No. 4 deleted July 11, 1946.

PREFERENCE RATING SCHEDULE NO. 5—COTTON FABRICS FOR CIVILIAN APPAREL PROGRAM FOR THIRD QUARTER 1946

NOTE: Schedule added July 11, 1946.

Item No.	Description of cotton item	Size range	Size assortment per doz. for other than base period manufacturers	Base period price	Current price	Fabric
1 (a)	Street and house dresses: Women's not including jumpers, pinafores, and wrap-around type dresses.	38 to 44	Normal industry practice	\$24.00	\$25.50	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings.
1 (b)	Street and house dresses: Misses' not including jumpers, pinafores, and wrap-around type dresses.	10 to 20	Normal industry practice	24.00	25.50	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings.
1 (c)	Street and house dresses: Juniors' not including jumpers, pinafores, and wrap-around type dresses.	0 to 17	Normal industry practice	24.00	25.50	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings.
1 (d)	Street and house dresses: Misses', women's, and juniors' not including pinafores.	46 and up and maternity.	Normal industry practice	27.00	33.00	Cotton and spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings.

PREFERENCE RATING SCHEDULE NO. 5—COTTON FABRICS FOR CIVILIAN APPAREL PROGRAM FOR THIRD QUARTER 1946—Continued

Item No.	Description of cotton item	Size range	Size assortment per doz. for other than base period manufacturers	Base period price	Current price	Fabric
2 (a)	Slips: Women's	38 to 44	Normal industry practice	\$8.50	\$9.50	Print cloths, sley of 60 and higher. Broadcloths, carded, not more than 100 sley.
2 (b)	Slips: Women's	46 and up	Normal industry practice	9.75	11.50	Print cloths, sley of 60 and higher. Broadcloths, carded, not more than 100 sley.
3	Nightgowns: Women's	42 and up	Normal industry practice	18.50	20.25	Lawns, not over 96 sley. Outing flannel.
4 (a)	Shirts (carded cotton): Men's not including work shirts and sport shirts.	13½ to 17	Normal industry practice	16.50	18.75	Print cloth, sley of 60 and higher. Poplins, carded, print cloth warp yarns. Broadcloths, carded. Oxfords, carded. Class "C" sheetings. Print cloths.
4 (b)	Shirts (carded cotton): Men's not including work shirts and sport shirts.	17½ and up	Normal industry practice	21.00	25.75	Note: Print cloths less than 64 sley and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may be used for lining fabric. CC ratings may be used for linings only by manufacturers who make their own linings. Poplins, carded, print cloth warp yarns. Broadcloths, carded. Oxfords, carded. Class "C" sheetings. Print cloths.
5 (a)	Shirts (combed cotton): Men's not including work shirts and sport shirts.	13½ to 17	Normal industry practice	24.00	28.50	Note: Print cloths less than 64 sley and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may be used for lining fabric. CC ratings may be used for linings only by manufacturers who make their own linings. Broadcloths, combed, any sley. Shirtings, combed (jacquard, graydobby and colored yarns). Oxfords, combed and fine carded. Class "C" sheetings. Print cloths.
5 (b)	Shirts (combed cotton): Men's not including work shirts and sport shirts.	17½ and up	Normal industry practice	28.50	34.50	Note: Print cloths and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may only be used for lining fabric. CC ratings may be used for linings only by manufacturers who make their own linings. Broadcloths, combed, any sley. Shirtings, combed (jacquard, graydobby and colored yarns). Oxfords, combed and fine carded. Class "C" sheetings. Print cloths.
6 (a)	Undershorts (carded cotton): Men's	28 to 44	Normal industry practice	5.50	6.00	Note: Print cloths and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may only be used for lining fabric. CC ratings may be used for linings only by manufacturers who make their own linings. Poplins, carded, print cloth warp yarns. Broadcloths, carded, any sley. Oxfords, carded.
6 (b)	Undershorts (carded cotton): Men's	46 and up	Normal industry practice	8.00	9.75	Print cloths, sley of 60 and higher. Poplins, carded, print cloth warp yarns. Broadcloths, carded, any sley. Oxfords, carded.
7 (a)	Undershorts (combed cotton): Men's	28 to 44	Normal industry practice	8.50	9.75	Print cloths, sley of 60 and higher. Oxfords, combed and fine carded. Shirtings, combed (jacquard, gray-dobby and colored yarn).
7 (b)	Undershorts (combed cotton): Men's	46 and up	Normal industry practice	10.50	12.50	Oxfords, combed and fine carded. Shirtings, combed (jacquard, gray-dobby and colored yarn).
8	Creepers, rompers	6 mos. to 2 years	6 mos. 1-1½-2; 3-3-3-3	11.00	12.00	Print cloths, sley of 60 to 72. Print cloths, sley of 56 to 65 (plisse). Chambrays, carded.
9	Pajamas: Button-on with or without feet or button-on with extra pants.	1 to 4	{ 1-2-3-4 3-3-3-3 }	12.50	13.50	Print cloths, sley of 56 to 65 (plisse). Outing flannel.
10	Pajamas: 1-piece with or without feet.	2 to 8	{ 2-4-6-8 2-2-4-4 }	12.00	12.75	Print cloths, sley of 60 to 65. Print cloths, sley of 56 to 65 (plisse). Outing flannel.
11	Pajamas: 2-piece jacket type	2 to 8	{ 2-4-6-8 2-2-4-4 }	14.00	15.00	Outing flannel. Print cloths, sley of 56 to 65 (plisse). Print cloths, sley of 60 and higher.
12	Pajamas: 2-piece jacket type	8 to 16	{ 8-10-12-14-16 2-2-3-3-2 }	15.75	17.25	Outing flannel. Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Print cloths, sley of 56 to 65 (plisse).
13	Nightgowns: Infants'	0 to 1	Normal industry practice	4.75	5.25	Lawns not over 96 sley. Outing flannel.
16	Nightgowns	8 to 16	{ 8-10-12-14-16 2-2-3-3-2 }	12.50	13.75	Print cloths, sley of 60 to 65. Lawns, not over 96 sley. Print cloths, sley of 56 to 65 (plisse). Outing flannel.
17	Kimonos: Infants'	0 to 1	Normal industry practice	4.50	5.00	Print cloths, sley of 60 to 65. Print cloths, sley of 56 to 65 (plisse). Outing flannel.
18	Gertrudes: Infants'	0 to 1	Normal industry practice	4.75	5.25	Print cloths, sley of 60 to 65. Lawns, not over 96 sley. Outing flannel.
19	Dresses: Infants'	0 to 1	Even	10.50	11.00	Dimities. Lawns and organdies, not over 96 sley. Print cloths, sley of 80 to 65.
20	Dresses: Toddlers' and children's, not including jumpers, pinafores, and wrap-around type dresses.	{ 1 to 3 3 to 6x }	{ 1-2-3 2-4-6 3-4-5-6-8x 1-2-3-3-3 }	15.75	16.50	Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Fiques, combed and fine carded. Poplins, carded, 100 sley and less. Lawns and organdies, any sley. Chambrays, carded. Dimities. Dotted swiss, carded undyed yarn.

FEDERAL REGISTER, Friday, July 12, 1946

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PREFERENCE RATING SCHEDULE NO. 5—COTTON FABRICS FOR CIVILIAN APPAREL PROGRAM FOR THIRD QUARTER 1946—Continued

Item No.	Description of cotton item	Size range	Size assortment per doz. for other than base period manufacturers	Base period price	Current price	Fabric
21.....	Street dresses: Girls', not including jumpers, pinafores, and wrap-around type dresses.	7 to 14.....	Normal industry practice.....	\$16.50	\$18.00	Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Chambrays, carded. Cotton & spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Class "C" sheetings.
22.....	Street dresses: Teen-age Girls', not including jumpers, pinafores, and wrap-around type dresses.	10 to 16.....	Normal industry practice.....	19.75	21.00	Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Chambrays, carded. Cotton & spun rayon mixtures containing less than 25% by weight of spun rayon and lighter than 3.00 yds. per pound. Class "C" sheetings.
24.....	Slips: Girls' Gertrude type.....	2 to 14.....	(2-4-6-8-10-12-14..... 1-2-2-3-2-1-1.....)	6.75	7.50	Print cloths, sley of 60 and higher. Lawn, not over 96 sley.
26.....	Blouses: Children's.....	2 to 6x.....	Normal industry practice.....	12.00	12.75	Print cloths, sley of 60 and higher. Lawn and organdies, not over 96 sley. Dimities. Dotted swiss, carded undyed yarn. Print cloths, sley of 60 and higher. Dimities.
27.....	Blouses: Girls'.....	7 to 14.....	(7-8-10-12-14..... 2-2-3-3-2.....)	13.50	14.50	Lawn and organdies, not over 96 sley. Dotted swiss, carded undyed yarn. Print cloths, sley of 56 to 65 (plisse). Sport denims.
29.....	Overalls and Coveralls.....	1 to 4 years..... 2 to 8 years.....	(1-2-3-4..... 3-3-3-3..... Normal industry practice.....)	12.00	12.75	Chambrays, carded. Twill (other than 3-leaf). Drills.
30.....	Overalls, Crawler type.....	6 months to 2 years.....	Normal industry practice.....	10.50	11.25	Print cloths, sley of 60 and higher. Print cloths, sley of 56 to 65 (plisse). Poplins, carded, print cloth warp yarns. Broadcloths, carded. Chambrays, carded. Poplins, carded, print cloth warp yarns. Print cloths, sley of 56 to 65 (plisse). Chambrays, carded. Sport denim.
31.....	Wash suits, boys' toddlers.....	1 to 4..... 2 to 8.....	Normal industry practice.....	15.75	16.75	Print cloths, sley of 60 and higher. Lawn, any sley. Piques, combed and fine carded. Dimities. Poplins, carded, sheeting yarns. Twill (other than 3-leaf). Drills.
32.....	Boys' shirts and blouses.....	2 to 10.....	2-4-6-8-10..... 2-2-3-3-2.....	9.00	10.00	Print cloths, any sley. Poplins, carded, print cloth warp yarns. Broadcloths, carded.
33.....	Shirts, Boys'.....	11 to 14½.....	Normal industry practice.....	12.00	13.75	Poplins, carded, print cloth warp yarns. Broadcloths, carded. Print cloths, any sley. Class "C" sheetings.
34.....	Pants: Boys'.....	4 to 10.....	Normal industry practice.....	13.50	14.75	Note: Print cloths less than 64 sley and Class "C" sheetings may not be used as body fabric. Print cloths less than 80 sley and Class "C" sheetings may be used for lining fabric. OC ratings may be used for linings only by manufacturers who make their own linings. Drills. Twill (other than 3-leaf). Gabardines. Colored yarn suitings, (all cotton and mixtures containing less than 25% wool). Poplins, carded, sheeting yarns.
35.....	Undershorts: Boys'.....	6 to 16.....	Normal industry practice.....	4.75	5.25	Poplins, carded, print cloth warp yarns. Broadcloths, carded.
37.....	Wash suits: Boys'. Must be made in full size range of at least 3 to 10.	3 to 12.....	Normal industry practice.....	17.25	18.50	Print cloths, sley of 60 and higher. Poplins, carded, print cloth warp yarns. Broadcloths, carded. Print cloths sley of 60 and higher. Piques, combed and fine carded. Chambrays, carded. Poplins, carded, sheeting yarns. Print cloths, sley of 56 to 65 (plisse). Drills. Twill (other than three-leaf). Sport denim.
38.....	Handkerchiefs: Men's.....			1.25	1.50	Print cloths, sley of 60 and up. Lawn.
39.....	Handkerchiefs: Ladies'.....			1.00	1.25	Print cloths, sley of 60 and up. Lawn.
40.....	Graduate Nurses' Uniforms.....	All sizes.....	Normal industry practice.....			Poplins, combed. Seersucker, carded. Poplins, carded, print cloth warp yarns. Broadcloths, combed. Broadcloths, carded.
41.....	Graduate Nurses' Caps.....	All sizes.....	Normal industry practice.....			Print cloths, sley of 60 or higher (plisse). Lawn, and organdies, any sley. Poplins, carded, print cloth warp yarns. Broadcloths, carded.
42.....	Student Nurses' Uniforms (colored or white).	All sizes.....	Normal industry practice.....			Chambrays, carded. Class "A" sheetings. Jeans. Broadcloths, combed. Poplins, combed. Print cloths, 60 sley or higher (plisse only). Seersucker, carded.
43.....	Student Nurses' Caps.....	All sizes.....	Normal industry practice.....			Lawn and organdies. Poplins, combed. Broadcloths, combed.
44.....	Student Nurses' Collars.....	All sizes.....	Normal industry practice.....			Print cloths, 65 sley or higher. Jeans.
45.....	Student Nurses' Cuffs.....	All sizes.....	Normal industry practice.....			Class "C" sheetings. Print cloth, 65 sley or higher. Jeans.
46.....	Student Nurses' Aprons.....	All sizes.....	Normal industry practice.....			Class "C" sheetings. Class "A" sheetings. Class "C" sheetings.

PREFERENCE RATING SCHEDULE NO. 5—COTTON FABRICS FOR CIVILIAN APPAREL PROGRAM FOR THIRD QUARTER 1946—Continued

Item No.	Description of cotton item	Size range	Size assortment per doz. for other than base period manufacturers	Base period price	Current price	Fabric
47	Student Nurses' Bibs	All sizes	Normal industry practice			Class "A" sheetings. Class "C" sheetings.
48	Gowns for doctors, dentists, internes, orderlies, druggists, and barbers.	All sizes	Normal industry practice			Poplins, carded sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.
49	Suits for doctors, dentists, internes, orderlies, druggists, and barbers.	All sizes	Normal industry practice			Poplins, carded, sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.
50	Coats for doctors, dentists, internes, orderlies, druggists, and barbers.	All sizes	Normal industry practice			Poplins, carded sheeting yarns. Drills. Class "A" sheetings. Twills, herringbone. Twills, 4-leaf.
51	Coats and apron sets for bakers, butchers, fish-handlers, dairy workers, cooks, waiters, slaughterhouse workers, and other commercial food handlers and processors.	All sizes	Normal industry practice			Poplins, carded sheeting yarns. Drills. Twills, herringbone. Class "A" sheetings. Twills, 4-leaf.
52	Pants for bakers, butchers, fish handlers, dairy workers, cooks, waiters, slaughterhouse workers, and other commercial food handlers and processors.	All sizes	Normal industry practice			Poplins, carded sheeting yarns. Drills. Twills, herringbone. Class "A" sheetings. Twills, 4-leaf.
53	Uniform dresses or gowns for hospital patients and workers, commercial food handlers and processing employees and beauticians.	All sizes	Normal industry practice			Class "A" sheetings. Poplins, carded sheeting yarns. Print cloths, sley of 60 and higher. Chambrays, carded. Class "C" sheetings. Jeans.

[F. R. Doc. 46-12041; Filed, July 11, 1946; 11:44 a. m.]

PART 3293—CHEMICALS

[Limitation Order L-354, as Amended July 11, 1946]

LEAD CHEMICALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lead and lead chemicals, both imported and domestic, for defense, for private account and for export; and the following order is deemed necessary and appropriate to the public interest and to promote the national defense:

§ 3293.657 *Limitation Order L-354—(a) Definitions.* For the purposes of this order:

(1) "Lead" means metallic lead or the lead content of the lead chemicals defined below in paragraphs (a) (2) through (a) (22) of this order.

(2) "Metallic lead" means the metal having the symbol pb.

(3) "Lead acetate" means the lead chemical or compound having the approximate chemical formula $Pb(C_2H_3O_2)_2$ $2 Pb(OH)_2$ (Basic acetate) or $Pb(C_2H_3O_2)_2 \cdot 3H_2O$ (Normal acetate).

(4) "Lead antimonate" means that lead chemical or compound having the approximate chemical formula $Pb_3(SbO_4)_2$.

(5) "Lead dioxide" means that lead chemical or compound having the approximate chemical formula PbO_2 .

(6) "Lead chloride" means that lead chemical or compound having the approximate chemical formula $PbCl_2$.

(7) "Lead nitrate" means that lead chemical or compound having the approximate chemical formula $Pb(NO_3)_2$, except lead nitrate produced for use in chrome pigment.

(8) "Lead silicate (Mono)" means that lead chemical or compound having the approximate chemical formula $PbO \cdot SiO_2$.

(9) "Lead silicate (di)" means that lead chemical or compound having the

approximate chemical formula $PbO \cdot 2SiO_2$.

(10) "Litharge" means that lead chemical or compound having the approximate chemical formula PbO except "litharge" produced for use in batteries, lead arsenate, lead arsenite, and chrome pigments.

(11) "Red lead" means that lead chemical or compound having the approximate chemical formula Pb_3O_4 , except "Red lead" produced for use in batteries, lead arsenate and lead arsenite.

(12) "White lead" means either basic carbonate of white lead or basic sulphate of white lead as defined in this order.

(13) "Basic carbonate of white lead" means that lead chemical or compound having the approximate chemical formula $2PbCO_3 \cdot Pb(OH)_2$, except basic carbonate of white lead produced for use in chrome pigments.

(14) "Basic sulphate of white lead" means that lead chemical or compound having the approximate chemical formula $2PbSO_4 \cdot PbO$.

(15) "Lead chrome pigments" means chrome yellow, chrome orange, chrome green and molybdate chrome orange as defined below.

(16) "Chrome yellow" and "chrome orange" mean the pigments which are reaction precipitates consisting of normal or basic lead chromates or mixtures of these with or without other insoluble compounds of lead. Color Index 1270.¹

(17) "Chrome green" means the pigment consisting of a precipitated mixture of chrome yellow. Color index 1270¹—and iron blue. Color Index 1288.¹

(18) "Molybdate chrome orange" means a mixed crystal containing lead chromate, lead molybdate, and lead sulphate with or without other insoluble compounds of lead.

¹ Society of Dyers and Colourists "Colour Index", Bradford, Yorkshire, January, 1924.

(19) "Sodium plumbite" means that lead chemical or compound having the approximate chemical formula Na_2PbO_2 .

(20) "Lead arsenate" means the lead chemical or compound produced for use as an agricultural insecticide and includes all arsenical lead salts.

(21) "Lead arsenite" means that lead chemical or compound having the approximate chemical formula $Pb(AsO_2)_2$.

(b) *Restrictions on production of lead chemicals.* (1) No person shall put into process in any calendar quarter for the production of the lead chemicals specified in paragraphs (a) (3) through (14) and (a) (19) an aggregate quantity of lead in excess of 38½% of the aggregate quantity of lead he put into process for the production of these lead chemicals during the first six months of 1944, or 5,000 pounds, whichever is the greater.

(2) No person shall put into process in any calendar quarter for the production of lead chrome pigments an aggregate quantity of lead in excess of 77 per cent of the aggregate quantity of lead he put into process for the production of lead chrome pigments during the first three months of 1946 or 1,000 pounds, whichever is greater.

(c) *Restrictions on production of insecticides.* No person shall put into process in any calendar quarter for production of insecticides an aggregate quantity of lead in excess of 45% aggregate quantity of lead he put into process for the production of insecticides during the first six months of 1944 or 1,000 pounds, whichever is greater. However, during the period July 15 through September 30, 1946 no person shall put into process any lead for the production of insecticides unless he is specifically authorized in writing by the Civilian Production Administration. Any person who desires to process lead for insecti-

cides during this period must apply by letter in duplicate addressed to the Civilian Production Administration, Chemicals Division, Washington 25, D. C. Ref.: L-354, and should state the amount of lead required by the applicant for the production of insecticides during such period and the amount so used between July 1, 1946 and July 15, 1946.

(d) *Method of computing lead content of lead chemicals.* This order limits the amount of lead which a person may put into process in any calendar quarter for the production of certain products to a percentage of the lead which he put into process during the first six months of 1944. In order to determine this percentage of lead in lead chemicals, during the base period, the following table should be used:

Pounds of lead per 100 pounds of lead chemicals	Pounds of lead per 100 pounds of lead chemicals
Lead acetate (basic).....	60
Lead acetate (normal).....	55
Lead antimonate.....	63
Lead arsenate.....	60
Lead arsenite.....	50
Lead chloride.....	75
Lead dioxide.....	87
Lead nitrate.....	63
Lead silicate (mono).....	80
Lead silicate (di).....	61
Litharge.....	93
Red lead.....	91
Basic carbonate of white lead.....	80
Basic sulphate of white lead.....	75
Sodium plumbite.....	73

(e) *Inventory restrictions.* Lead chemicals appear in Table 1 of Priorities Regulation 32. Inventories of these chemicals are subject to all provisions of that regulation.

(f) *Applications for quotas for lead chemicals.* Any person who does not have a quota for putting lead into process for the production of lead chemicals and who wishes to use more than 5,000 pounds of lead a quarter for lead chemicals other than chrome pigments or 1,000 pounds of lead a quarter for chrome pigments, may apply for a quota by filing a letter with the Civilian Production Administration, Chemicals Division, Washington 25, D. C. Ref.: L-354. The letter should state in addition to any other pertinent information what lead chemicals the applicant wishes to make, what facilities he has for this purpose and the amount of lead he will need for this purpose per quarter. A quota will be assigned to him on an equitable basis.

(g) *Miscellaneous provisions—(1) Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the Civilian Production Administration, as amended from time to time.

(2) *Appeals.* Any appeals from the provisions of this order shall be made by filing with the Civilian Production Administration, Chemicals Division, Washington 25, D. C.; Ref.: L-354, a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Violations.* Any person who willfully violates any provision of this order

or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

(4) *Communications to Civilian Production Administration.* Communications concerning this order, shall, unless otherwise directed, be addressed to: Civilian Production Administration, Chemicals Division, Washington 25, D. C.; Ref.: L-354.

Issued this 11th day of July 1946.

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

[F. R. Doc. 46-12034; Filed, July 11, 1946; 11:45 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule F, as Amended, July 11, 1946]

SPECIAL PROGRAM FOR WORK GLOVES

§ 3290.120f *Schedule F to Order M-328B—(a) Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of work gloves to get preference ratings for fabric to make the items listed in this schedule.

(b) *Definitions.* For the purpose of this schedule:

(1) "Work gloves" means any gloves or mittens of the types and meeting the specifications listed in Schedules A and B of Order M-375 and designed for wear by men, women or children while engaged in their occupations, and customarily sold as work gloves.

(c) *Special rule for components.* A work glove manufacturer who manufactures his own cuffing materials may apply for the basic fabrics. Such applications must show that the materials applied for will be used by the applicant in the manufacture of his own components and that such components are not sold as such, but are used as components on gloves of his own manufacture. Manufacturers not producing their own cuffing materials and components must show in the Remarks Section of Form CPA-3732 the quantity of basic fabrics which will be required to manufacture

the cuffs which they will need to purchase, together with a statement of the suppliers from whom he expects to purchase such cuffs. Persons producing cuffing materials and components for manufacturers of work gloves under this schedule who need priorities assistance to obtain the fabrics for such cuffing materials and components are governed by the provisions of Priorities Regulation 28A.

(d) *Style provisions for base period manufacturers.* Base period manufacturers who are granted ratings under this schedule must make (subject to Order M-375) each style of work glove that they made in the base period under the following rule: The production of each style of each item made in any quarter must not vary more or less than 10 percent from the proportion of that style of work glove to the total quantity of all styles of work gloves made in the base period. This rule does not apply to hot mill and 2-thumb husking gloves and mittens, which may be made to the full extent of a manufacturer's capacity. These styles should also be excluded in making the computations stated above for other styles.

(e) *Special inventory rule.* Manufacturers who use ratings assigned under this schedule are subject to the inventory provisions of paragraph (f) (4) of Order M-328B except that a 60-day inventory limit applies instead of a 45-day one.

(f) *M-328B rules apply to use of ratings for delivery of materials.* (1) As explained in paragraph (g) (1) of Order M-328B any work glove manufacturer placing a rated order under this schedule must use the proper Rating Extension Form shown in that paragraph.

(2) Schedule C to M-328B establishes set-asides for canton flannel and print cloth and the rules in that schedule and in paragraph (h) of M-328B explain how delivery of those materials must be made for orders bearing M-328B CC ratings, including ratings assigned under this schedule.

Issued this 11th day of July 1946.

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

NOTE: Schedule amended in its entirety July 11, 1946.

Item No.	Item column	Fabric column
1	Canton flannel gloves and mittens (not including hot mill gloves, and husking gloves or mittens).	Canton flannel, glove and mitten, white, brown and colored stripe. Flannel, lining. Ticking, 6½ oz. to 8 oz. Osaburg. Sheeting, medium, Class C. Twill (other than 3-leaf). Sheeting, soft-filled. Print cloth, less than 80 sley. Drill. Knit tubing.
2	Canton flannel, hot mill gloves.....	Same as Item No. 1.
3	Canton flannel, two-thumb husking gloves and mittens.....	Canton flannel, glove and mitten. Knit tubing.
4	Leather combination gloves and mittens.....	Same as Item No. 1.
5	Jersey gloves and mittens.....	Knit jersey, 8-9-10½ oz. and 13 oz. weights. Lining, 5½ and 6 oz. Knit tubing.

[F. R. Doc. 46-12042; Filed, July 11, 1946; 11:45 a. m.]

Chapter XI—Office of Price Administration
PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 2, Amdt. 3 to Supp. 1]
LIVESTOCK SLAUGHTER

Table 1 in Supplement 1 to Control Order 2 is amended by adding paragraph (c) to read as follows:

(c) For quota periods beginning on or after June 24, 1946.

Cattle.....	Unlimited.
Calves.....	Unlimited.
Hogs.....	Unlimited.

This amendment shall become effective July 10, 1946.

Issued this 10th day of July 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-12005; Filed, July 10, 1946;
3:52 p. m.]

Chapter XXIII—War Assets Administration

[Reg. 3, Order 104]

PART 8303—DISPOSITIONS OF SURPLUS PROPERTY IN RURAL AREAS AND TO FARMERS

ALLOCATION OF SIX-TO-TEN-HORSEPOWER GASOLINE ENGINES TO SOUTHERN STATES COOPERATIVE

Pursuant to § 8303.4 and in reliance upon the certificate of the Director of the Materials and Equipment Branch of the Production and Marketing Administration, under authority of the Secretary of Agriculture as successor to the War Food Administrator, that farm production is impaired or threatened to be impaired in Maryland and Delaware by a shortage of six-to-ten-horsepower gasoline engines needed by the Southern States Cooperative in order to establish portable blower elevator facilities for handling grain, it is hereby ordered, That:

The War Assets Administration, as disposal agency, shall allocate for disposal 10 six-to-ten-horsepower gasoline engines and shall without regard to the requirements of Part 8302³ take immediate steps to dispose of such engines to the Southern States Cooperative, Richmond, Virginia.

This order shall become effective July 3, 1946.

E. B. GREGORY,
Administrator.

JULY 3, 1946.

[F. R. Doc. 46-12046; Filed, July 11, 1946;
11:30 a. m.]

Chapter XXIV—Department of State

PART 8401—DISPOSITION OF SURPLUS PROPERTY LOCATED IN THE PACIFIC INSULAR POSSESSIONS

Whereas Executive Order 9689 dated January 31, 1946, transfers to the Secre-

tary of State and the Department of State all functions of the Surplus Property Administrator and the Surplus Property Administration which relate to surplus property located in the Pacific insular possessions, and,

Whereas the Surplus Property Act of 1944 as amended establishes certain policies and procedures to be followed in dispositions in such possessions,

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

- Sec.
- | | |
|---------|--|
| 8401.1 | Title and scope. |
| 8401.2 | Definitions. |
| 8401.3 | Applicability of regulations governing foreign disposals. |
| 8401.4 | Inconsistent regulations. |
| 8401.5 | Disposal of vessels. |
| 8401.6 | Dispositions to governmental agencies and non-profit institutions. |
| 8401.7 | Restriction on credit. |
| 8401.8 | Preference for veterans. |
| 8401.9 | Applicability of anti-trust laws. |
| 8401.10 | Disposal of surplus real property. |
| 8401.11 | Importations into the United States. |

AUTHORITY: §§ 8401.1 to 8401.11, inclusive, issued under 58 Stat. 765, 50 U.S.C. App. Sup. 1611; Public Law 181, 79th Congress.

§ 8401.1 *Title and scope.* This part, to be known as Special Regulation 1 and entitled "Regulation for Disposition of Surplus Property Located in the Pacific Insular Possessions," shall govern all dispositions of surplus property located in the Pacific insular possessions except as otherwise specified in § 8401.5.

§ 8401.2 *Definitions.*—(a) *Terms defined in the Act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944, shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Pacific insular possessions" means island possessions of the United States located in the Pacific area but does not include the territory of Hawaii, the Aleutian Islands, or other insular possessions constituting part of or contiguous to the territory of Alaska, the Philippine Islands, or leased military bases.

(2) "Preferred use" shall include (i) personal use in the ordinary sense and (ii) use by a veteran of surplus property in a business, professional, or agricultural enterprise in which more than 50% of the invested capital or net income thereof is owned by or accrues to a veteran or veterans provided that such enterprise does not at the date of purchase of surplus property have more than five hundred employees. Such preferred use shall extend to one initial stock of property to be resold with or without processing or fabrication in the regular course of business, the size of such initial stock being within reasonable limits commensurate with the enterprise concerned and in commercial lots appropriate to the level of trade.

(3) "Foreign area" means any area outside of the continental United States, its territories and possessions. For the purpose of administering the Surplus Property Act and regulations thereunder, the Panama Canal Zone, the Philippine Islands and all military bases

leased to the United States by foreign governments shall be considered foreign areas.

§ 8401.3 *Applicability of regulations governing foreign disposals.* Regulations governing the disposal of surplus property located in foreign areas shall be applicable to disposals of property located in the Pacific insular possessions except to the extent they are inconsistent herewith. Such regulations are supplemented hereby.

NOTE: For regulations governing the disposal of surplus property located in foreign areas, see Part 8308 of this title.

§ 8401.4 *Inconsistent regulations.* Any domestic regulations heretofore applicable to the disposition of surplus property located in the Pacific insular possessions are hereby superseded for those areas.

§ 8401.5 *Disposals of vessels.* The United States Maritime Commission in accordance with section 10 (b) of the Surplus Property Act, has determined that vessels located in the Pacific insular possessions which are less than 1500 gross tons and that Landing Ship Tanks (LST's described in Navy Department Publication "ONI 226—Allied Landing Craft and Ships") regardless of gross tonnage are not merchant vessels or capable of conversion to merchant use. The Department of State is hereby designated as the disposal agency for such vessels located in the Pacific insular possessions which are declared surplus. The United States Maritime Commission remains the sole disposal agency for all other vessels which that Commission determines to be merchant vessels or capable of conversion to merchant use.

§ 8401.6 *Dispositions to governmental agencies and non-profit institutions.* (a) Dispositions to Governmental agencies and to tax-supported and non-profit institutions shall be made in accordance with the policies specified in section 13 of the Surplus Property Act. When surplus property is offered for sale on Pacific insular possessions, in the absence of special circumstances it will not be feasible for the Field Commissioner to notify Governmental agencies and tax-supported and non-profit institutions which do not have representatives on the particular Pacific insular possession on which such offer is made. In special cases when, because of the quantity or type of surplus property, the Field Commissioner determines that such property would be especially desirable to such Governmental agencies and institutions located outside of the particular Pacific insular possession, the Field Commissioner will notify the Foreign Liquidation Commissioner in Washington, D. C., of the availability of such surplus property and the Foreign Liquidation Commissioner will give notice to all interested agencies and institutions.

(b) No airport, harbor, port terminal (including necessary operating equipment), power transmission line (and right of way acquired for its construction) or surplus real property as defined in section 23 of the Surplus Property Act shall be disposed of to any purchaser other than Governmental agencies lo-

³ 11 F.R. 4666.

⁴ 10 F.R. 5325, 12266.

⁵ Reg. 2 (11 F.R. 5125, 6237, 6545).

cated on the particular Pacific insular possession where such property is situated unless the Governmental agencies specified in section 13 of the Surplus Property Act waive their right to acquire such surplus property by notification in writing to the Field Commissioner for that Pacific insular possession.

§ 8401.7 *Restriction on credit.* Credit under the Surplus Property Act shall not be extended for a period longer than three years in connection with the disposal of raw materials, consumer goods, and small tools, hardware and non-assembled articles which may be used in the manufacture of more than one type of product.

§ 8401.8 *Preferences for veterans.* It is the policy of the United States Government to encourage and facilitate sales of surplus property to veterans. The Field Commissioners for the Pacific insular possessions are directed to the extent that veterans' requirements exist to set aside or otherwise make available for reasonable periods of time appropriate types and quantities of surplus property for exclusive disposal to veterans for preferred use. Each Commissioner shall be responsible for the equitable disposition of such surplus property among claimant veterans, and shall from time to time publicize as widely as practicable information as to the types and quantities of such surplus property which has or will become available for exclusive disposal to veterans. The Field Commissioner shall prescribe a reasonable time of not less than fifteen days after public notice during which property offered to veterans shall be held for exclusive disposal to them. Disposals to veterans shall have, with relation to such set-aside surplus property, priority over all other disposals provided for in the Surplus Property Act. In selecting types of surplus property to be set aside for disposal in accordance with the provisions of this section, Commissioners shall give due consideration to the availability of adequate facilities for and the cost of the distribution of such surplus property and are not required to establish retail stores. Commissioners shall cooperate with the War and Navy Departments so that wherever possible arrangements for the benefit of veterans are made for the grouping of purchases. Veterans shall be given a priority for the purchase of surplus property for preferred use (other than surplus property specifically set aside for them) second only to the priority for purchases of Governmental agencies established by section 12 of the Surplus Property Act.

§ 8401.9 *Applicability of anti-trust laws.* Whenever Field Commissioners shall begin negotiations for the disposition to private interests of a plant or plants or other property, which cost the Government \$1,000,000 or more, or of patents, processes, techniques or inventions, irrespective of cost, they shall promptly notify the Foreign Liquidation Commissioner in Washington, D. C., who will notify the Attorney General of the proposed disposition and the probable terms or conditions thereof.

§ 8401.10 *Disposal of surplus real property.* In connection with the dis-

posal of surplus real property as specified in section 23 of the Surplus Property Act, Field Commissioners are directed to comply with Part 8305 of this title (Surplus Property Administration Regulation 5).

§ 8401.11 *Importations into the United States.* Surplus property located in any Pacific insular possession may be imported by the purchaser into the continental United States or any territories and possessions thereof since such importations are not subject to the restrictions on imports of surplus property contained in section 33 of the Surplus Property Act.

This regulation shall become effective July 10, 1946.

[SEAL]

DEAN ACHESON,
Acting Secretary of State.

JULY 1, 1946.

[F. R. Doc. 46-11976; Filed, July 10, 1946;
11:38 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 110-C]

PART 4—BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

LICENSE TERM FOR INTERNATIONAL BROADCAST STATIONS

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

The Commission having under consideration Order No. 110-B adopted March 20, 1946, providing for the extension of the licenses of international broadcast stations;

It is hereby ordered, That the license term for every international broadcast station presently licensed shall end at the earlier of the following dates: (a) October 1, 1946, or (b) the first day on which its operations are not controlled, by agreement or otherwise, by the State Department, Office of International Information and Cultural Affairs, or other governmental agency supervising the operation of international broadcasting.

It is further ordered, That the portion of § 4.3 of the rules and regulations which established for international broadcast stations a normal license term of one year is hereby suspended until further order of the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11978; Filed, July 10, 1946;
2:37 p. m.]

[Order 130-H]

PART 12—AMATEUR RADIO SERVICES

FREQUENCY BANDS

JUNE 28, 1946.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 28th day of June 1946;

Whereas, by Order No. 130-A, dated November 14, 1945, as amended by Order No. 130-B, dated January 16, 1946, and as further amended by Order No. 130-C, dated February 20, 1946, and as further amended by Order No. 130-D, dated March 13, 1946, and as further amended by Order No. 130-E, dated March 29, 1946, and as further amended by Order No. 130-G, dated May 9, 1946, the Commission made available for amateur station operation certain frequency bands; and

Whereas, the frequency bands 7150 to 7300 Kc. and 14100 to 14300 Kc. are now available for amateur station operation; and

Whereas, it is desirable to authorize A0 emission on certain bands previously made available and to change the frequencies on which type A3 emission may be used in certain bands previously made available;

It is hereby ordered, That the second ordering clause of Order No. 130-A, as amended by Orders Nos. 130-B, 130-C, 130-D, 130-E and 130-G, be and it is hereby further amended to read as follows:

2. (a) The following frequency bands are available for use for amateur station operation, subject to the limitations and restrictions set forth herein:

(1) 3500 to 4000 Kc., using type A1 emission, and, on frequencies 3850 to 4000 Kc., type A3 emission, subject to the restriction that A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges. Use of this band is restricted to amateur stations within the continental limits of the United States, the Territory of Alaska, Puerto Rico, and the Virgin Islands.

(2) 7150 to 7300 Kc., using type A1 emission.

(3) 14100 to 14300 Kc., using type A1 emission, and, on frequencies 14200 to 14300 Kc., type A3 emission, subject to the restriction that A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges.

(4) 27.185 to 27.455 Mc., using types A0, A1, A2, A3 and A4 emissions, and also special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). This band is subject to use also for operation of scientific, industrial and medical apparatus.

(5) 28.0 to 29.7 Mc., using type A1 emission.

(6) 28.5 to 29.7 Mc., using type A3 emission.

(7) 29.0 to 29.7 Mc., using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(8) 50.0 to 54.0 Mc., using types A1, A2, A3 and A4 emissions and, on frequen-

cies 52.5 to 54.0 Mcs., special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(9) 144 to 148 Mc., using types A0, A1, A2, A3 and A4 emissions and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). The portion of this band between 146.5 and 148 Mc. shall not be used, however, by any amateur station located within 50 miles of Washington, D. C., Seattle, Washington, or Honolulu, T. H.

(10) 235 to 240 Mc., using types A0, A1, A2, A3 and A4 emissions and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(11) 420 to 430 Mc., using types A0, A1, A2, A3, A4 and A5 emissions, and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts.

(12) 1215 to 1295 Mc., 2300 to 2450 Mc., 5250 to 5650 Mc., 10,000 to 10,500 Mc., 21,000 to 22,000 Mc., and on any frequency or frequencies above 30,000 Mc., using on these frequencies types A0, A1, A2, A3, A4 and A5 emissions, special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emissions.

(b) No frequencies other than those assigned in this order shall be used for amateur operation.

This order shall become effective 3 a. m. eastern standard time, July 1, 1946.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R., Doc. 46-11979; Filed, July 10, 1946;
2:37 p. m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6529]

CHARLES C. CARLSON (WJBW)

ORDER DESIGNATING APPLICATION FOR FURTHER HEARING ON STATED ISSUES

In re application of Charles C. Carlson (WJBW) for renewal of license, Docket No. 6529; File No. B3-R-444.

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

The Commission having under consideration the application of Charles C. Carlson for renewal of license of Station WJBW, New Orleans, Louisiana; and

It appearing that heretofore a hearing was held on said renewal application

at New Orleans, Louisiana, on November 8, 9 and 10, 1943, and at Washington, D. C., on December 30, 1943; and

It appearing further that, since the date of said hearing, numerous additional official notices of alleged violations of the Commission's Rules have been served upon the applicant;

It is ordered, That the said application for renewal of the license of Radio Station WJBW involved in Docket No. 6529, be, and the same is hereby, designated for further hearing upon the following additional issues:

1. To determine the technical and financial qualifications of the applicant to continue operation of the station.

2. To determine the nature and character of the program service rendered and proposed to be rendered by applicant.

3. To determine whether Station WJBW complied with the orders of the Third Fighter Command to report the receipt of unscheduled radio silence test signals transmitted by the key broadcast station on January 12, 1944, as required by the Order of the Southern Defense Command.

4. To determine whether Station WJBW was operated at any time from 12:00 m. to 6:00 a. m., on March 1, 1944, without authority from the Third Fighter Command, as required by the Order of the Southern Defense Command.

5. To determine whether on September 1, 1944:

(a) The following spare tubes were on hand: 1 Type 45; 1 Type RK 45; 1 Type 80, as required by § 3.46 of the rules and Standards of Good Engineering Practice 12 E;

(b) The antenna was lighted in accordance with the specifications attached to the station license, as required by § 3.45 (d) of the rules;

(c) Suitable facilities for the welfare and comfort of the operators were provided, as required by § 3.46 (d) of the Commission's rules and the Standards of Good Engineering Practice 12 D (2).

6. To determine whether the Civil Aeronautics Administration was notified of tower light failures and/or the resumption of illumination, as required by § 3.404 (c) of the rules, on the following dates:

Failure	Resumption
February 27, 1944.....	February 27, 1944.
March 29, 1944.....	March 29, 1944.
August 16, 1944.....	Still out on September 1, 1944.

7. To determine whether the station's operating log showed that the tower was lighted during the night of July 19-20, 1944; and, if not, whether the Civil Aeronautics Administration was so notified, as required by §§ 3.45 (d) and 3.404 (c) of the rules.

8. To determine whether the station's operating log indicated the duration of interruption to the carrier wave at 2:04 p. m., July 29, 1944, as required by § 3.404 (b) of the rules.

9. To determine whether, on or about September 2, 1944, February 24, 1945, February 25, 1945, and March 17, 1945, the station's transmitter was placed in

operation by a person or persons not authorized to do so, in violation of § 13.61 of the Commission's rules, as modified by Commission Order 91 C.

10. To determine whether on November 5, 1944, at 9:30 p. m., 9:47 p. m., 10:00 p. m., and 10:30 p. m., e. w. t., the operating frequency of the station was maintained within 20 cycles of the assigned frequency, as required by § 3.59 of the Commission's rules.

11. To determine whether from 8:30 p. m., October 26, 1944, until 2:00 p. m., on October 27, 1944, the frequency monitor of the station failed to function, properly in accordance with § 3.60 of the rules.

12. To determine whether, on November 1, 1944, January 3, 1945, and January 4, 1945, the transmitter tubes of the station were changed by a person or persons not authorized to do so, in violation of § 13.61 of the Commission's rules, as modified by Commission Order 91 C.

13. To determine whether during the period November 10 to December 19, 1944, the antenna tower of the station was lighted in accordance with the specifications attached to the station license, as required by § 3.45 (d) of the rules.

14. To determine whether, during the years 1944 and 1945, the station's tower lights and associated equipment were inspected quarterly and the condition thereof noted in the operating log, as required by § 3.404 (c) of the rules.

15. To determine whether the applicant replied to an official notice of the Commission, dated March 30, 1945, in accordance with § 1.391 of the rules.

16. To determine whether on September 12, 1945:

(a) Instruments having a potential to ground greater than 1,000 volts were adequately protected, as required by § 3.46 (b) of the Commission's rules and Standards of Good Engineering Practice 12 B (4).

(b) The 110 volt power supply to a portion of the transmitter was obtained by a flexible line passing in the open from the transmitter to an unprotected wall receptacle and plug near the floor, contrary to Commission's § 3.46 (b) and the Standards of Good Engineering Practice 12 C.

(c) The 110 volt power supply to the limiter amplifier was obtained by a flexible line passing in the open from the transmitter to an unprotected wall plug near the floor, contrary to Commission's § 3.46 (b) and the Standards of Good Engineering Practice 12 C.

(d) The speech input circuit was a flexible line in the open between a telephone box on the wall and the back of the limiter amplifier, contrary to Commission's § 3.46 (b) and the Standards of Good Engineering Practice 12 C.

(e) Suitable facilities were provided for the operator's welfare and comfort, as required by § 3.46 (d) of the Commission's rules and the Standards of Good Engineering Practice 12 D (2).

17. To determine whether the Civil Aeronautics Administration was notified of the station's tower light failure from April 25 to August 1, 1945, and of subsequent correction thereof, as required by § 3.404 (c) of the Commission's rules.

18. To determine whether, on October 8, 1945, at 11:00 a. m., 1:15 a. m. and 1:30 a. m., e. s. t., the operating frequency of the station was maintained within 20 cycles of the assigned frequency, as required by § 3.59 of the Commission's rules.

19. To determine whether, on October 11, 1945, at 12:30 a. m., 12:45 a. m., 1:00 a. m., 1:15 a. m., and 1:30 a. m., e. s. t., the operating frequency of the station was maintained within 20 cycles of the assigned frequency, as required by § 3.59 of the rules.

20. To determine whether on January 21, 1946:

(a) The required indicating instruments in the power amplifier stage of the station's equipment, were in proper operating condition, in accordance with § 3.58 of the rules.

(b) The modulation monitor of the station's equipment was in proper operating condition, in accordance with § 3.55 (b) of the rules.

(c) The station's radiation characteristics were changed as a result of the construction of two large metal garages within 20 and 40 feet, respectively, of the antenna, and by reason thereof, a new determination of the antenna resistance was made, as required by § 3.51 (c) of the rules.

(d) Suitable facilities for the operator's welfare and comfort were provided, as required by § 3.46 (d) of the Commission's rules and Standards of Good Engineering Practice 12 D (2).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11985; Filed, July 10, 1946; 2:35 p. m.]

[Docket Nos. 6370, 7254-7256, 7259, 7260, 7264, 7265]

HUGHES TOOL CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR FURTHER HEARING

In re applications of Hughes Tool Company, Los Angeles, California, Docket No. 6370, File No. B5-PCT-17; Earle C. Anthony, Inc., Los Angeles, California, Docket No. 7254, File No. B5-MPCT-12; Don Lee Broadcasting System, Hollywood, California, Docket No. 7255, File No. B5-MPCT-23; National Broadcasting Co., Inc., Los Angeles, California, Docket No. 7256, File No. B5-PCT-24; American Broadcasting Co., Inc., Los Angeles, California, Docket No. 7259, File No. B5-PCT-81; The Times-Mirror Company, Los Angeles, California, Docket No. 7260, File No. B5-PCT-92; Television Productions, Inc., Hollywood, California, Docket No. 7264, File No. B5-PCT-160; Dorothy S. Thackrey, Los Angeles, California, Docket No. 7265, File No. B5-PCT-165; for television construction permit.

The Commission having under consideration the request of Hughes Tool Company and of Don Lee Broadcasting System that the further hearing in the above entitled cause for the purpose of receiving the testimony of Howard

Hughes and Thomas Lee be held in Los Angeles, California;

It is ordered, this 26th day of June 1946, That the request be granted and that further hearing in the above entitled cause be held on July 24, 1946, at 10 a. m., before Commissioner Wakefield, in Los Angeles, California.

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

[F. R. Doc. 46-11984; Filed, July 10, 1946; 2:35 p. m.]

[Docket No. 6606]

ROCHESTER BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Rochester Broadcasting Corporation, Rochester, New York, For Construction Permit; File No. B1-P-3593.

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

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on the frequency 1280 kc, with 5 KW power, unlimited time, using directional antenna day and night, at Rochester, New York;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Veterans Broadcasting Company, Inc. (File No. B1-P-4826; Docket No. 7660 requesting a construction permit for a new standard broadcast station to operate on the frequency 1280 kc, with 1 KW power, daytime only, at Rochester, New York, upon 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 may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

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

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and regulations of good engineering practice concerning standard broadcast stations.

6. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11999; Filed, July 10, 1946; 2:38 p. m.]

[Docket No. 6734]

INDEPENDENT BROADCASTING CO.

AMENDED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of: Independent Broadcasting Company, Des Moines, Iowa, for construction permit. Docket No. 6734; File No. B4-P-3770.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of March 1946;

The Commission having under consideration the application of Independent Broadcasting Company (File No. B4-P-3770; Docket No. 6734) for a construction permit for a new standard broadcast station to be operated on the frequency 940 kc, with 10 kw power, daytime only, at Des Moines, Iowa;

It is ordered, That the application of Independent Broadcasting Company be and it is hereby designated for hearing in a consolidated proceeding with the application of University of Minnesota (KUOM) (File No. B4-P-4547) for a construction permit requesting a cancellation of its present time-sharing agreement with Station WCAL of St. Olaf College, Northfield, Minnesota, and a change of frequency to 940 kc with 5 kw power day, and 250 w power night at Minneapolis, Minnesota, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, 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 Station KMA, Shenandoah, Iowa, or with any other existing or proposed broadcast service, with particular reference to Station KUOM, operating as proposed, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

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

It is further ordered, That the May Broadcasting Company (KMA), Shenandoah, Iowa, be, and it is hereby made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11986; Filed, July 10, 1946;
2:35 p. m.]

[Docket No. 6839]

COAST VENTURA CO.

ORDER GRANTING LEAVE TO ADDUCE FURTHER EVIDENCE

In re application of Coast Ventura Company, Ventura, California, for construction permit. Docket No. 6839; File No. B5-P-3725.

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

The Commission having under consideration a petition filed April 23, 1946, by Coast Ventura Company, Ventura, California, requesting leave to amend its above-entitled application for construction permit (File No. B5-P-3725; Docket No. 6839), so as to show the transfer of all of the stock held by David H. Cannon to other stockholders in the corporation; show Mr. Cannon's complete withdrawal from the corporation; and to make other changes as follows:

a. Change paragraphs 2 and 3 of the application to show new address of applicant;

b. Change paragraphs 8 and 12 to show the withdrawal of David H. Cannon from the applicant corporation and to show revised information on the stockholders and the stock held by them;

c. Change paragraph 14 to show revised information on other radio interests of applicant;

d. Change paragraph 15 to show revised information on other business interests of applicant;

e. Change paragraph 36 by striking any reference to David H. Cannon, and to show the addition of Exhibits E and S to the application;

as more particularly appears from the amendment filed simultaneously with the petition; and the opposition thereto filed April 26, 1946, by Ventura Broadcasters, Inc., Ventura, California; and

It appearing, that the above-entitled application was designated for hearing by the Commission in a consolidated proceeding with the application of Ventura Broadcasters, Inc., Ventura, California (Docket No. 6840), and the hearing on non-engineering phases of said applications was held in Ventura, California, on January 28 and 29, 1946; and that the

record in said cases is open for further hearing on engineering phases and no date has as yet been scheduled for said further hearing;

It is ordered, (1) That the petition for leave to amend be, and it is hereby, granted; (2) that the said amendment filed simultaneously with the petition covering the matters hereinabove described be, and it is hereby, accepted; and (3) that at said further hearing on the above-entitled applications of Coast Ventura Company (Docket No. 6839) and Ventura Broadcasters, Inc. (Docket No. 6840), the applicant Coast Ventura Company, in addition to the evidence on engineering phases of its said application, be, and it is hereby, granted leave to adduce further evidence on the non-engineering phases of its said application, only as said evidence relates to the matters in the above-described amendment to its said application.

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

[F. R. Doc. 46-11987; Filed, July 10, 1946;
2:35 p. m.]

[Docket No. 7123]

DISCONTINUANCE, REDUCTION AND IMPAIRMENT OF SERVICES

ORDER POSTPONING ORAL ARGUMENT

In the matter of rules relating to section 214 of the Communications Act of 1934, as amended; discontinuance, reduction and impairment. Docket No. 7123.

It is ordered, this 27th day of June, 1946, that the oral argument now scheduled herein for July 2, 1946, be, and it is hereby postponed to the 17th day of July 1946, at the same time and place as heretofore fixed.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11981; Filed, July 10, 1946;
2:35 p. m.]

[Docket No. 7455]

UNIVERSITY OF MINNESOTA (KUOM)
AMENDED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of University of Minnesota (KUOM), Minneapolis, Minnesota, for construction permit. Docket No. 7455; File No. B4-P-4547.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March 1946;

The Commission having under consideration the application of University of Minnesota (KUOM) (Filed No. B4-P-4547) for a construction permit requesting a cancellation of its present time-sharing agreement with Station WCAL of St. Olaf College, Northfield, Minnesota, and a change of frequency to 940 kc, with 5 kw power, day, and 250 watts power, night, at Minneapolis, Minnesota:

It is ordered, That the application of University of Minnesota (KUOM) be, and it is hereby designated for hearing in a consolidated proceeding with the application of Independent Broadcasting Company (File No. B4-P-3770; Docket No. 6734) for a construction permit for a new standard broadcast station to be operated on the frequency 940 kc, with 10 kw power, daytime only, at Des Moines, Iowa, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate Station KUOM as proposed.

2. To determine the areas and populations which would gain or lose primary service through the operation of Station KUOM as proposed 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 proposed operation of Station KUOM 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 Station KUOM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

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 May Broadcasting Company (KMA), Shenandoah, Iowa, be, and it is hereby made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11988; Filed, July 10, 1946;
2:36 p. m.]

[Docket No. 7532]

ST. OLAF COLLEGE (WCAL)

AMENDED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of St. Olaf College (WCAL), Northfield, Minnesota, for modification of license. Docket No. 7532; File No. B4-ML-1229.

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 application of St. Olaf College (File No. B4-ML-1229, Docket No. 7532), licensee of Station WCAL, now operating on the frequency 770 kc, 5 kw, time sharing with Station KUOM of the University of Minnesota, Minneapolis,

Minnesota, for a modification of license to change hours of operation to daytime;

It appearing, that the Commission on March 20, 1946 designated for hearing in a consolidated proceeding the applications of University of Minnesota (KUOM), (File No. B4-P-4547, Docket No. 7455) requesting a construction permit to cancel its present time sharing agreement and a change of frequency to 940 kc with 5 kw power day and 250 watts power night at Minneapolis, Minnesota, and the application of Independent Broadcasting Company (File No. B4-P-3770, Docket No. 6734) for a construction permit for a new standard broadcast station to be operated on the frequency 940 kc with 10 kw power, daytime only, at Des Moines, Iowa;

It is ordered, That the application of St. Olaf College (WCAL), be, and it is hereby, designated for hearing in the above consolidated proceeding upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant to operate Station WCAL as proposed.

2. To determine the areas and populations which would gain or lose primary service from the operation of Station WCAL as proposed, 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 such service would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of WCAL, as proposed, 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 operation of WCAL, as proposed, 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.

It is further ordered, That the bills of particulars heretofore issued in connection with the applications of University of Minnesota (KUOM) (File No. B4-P-4547, Docket No. 7455) and Independent Broadcasting Company (B4-P-3770, Docket No. 6734) be, and the same are hereby, amended to include the application of St. Olaf College (WCAL) (File No. B4-ML-1229, Docket No. 7532).

It is further ordered, That the May Broadcasting Company (KMA), Shenandoah, Iowa, be, and it is hereby made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11989; Filed, July 10, 1946; 2:36 p. m.]

[Docket No. 7614]

DORRANCE D. RODERICK and RODERICK
BROADCASTING CORP. (KROD)

NOTICE OF HEARING

In re application of Dorrance D. Roderick (Assignor), Roderick Broadcasting Corporation (Assignee) (KROD). Date filed, January 15, 1946; for voluntary assignment of license; class of service, standard broadcast; class of station, standard broadcast; location, El Paso, Texas, operating assignment specified: frequency, 600 kc; power, 500 w night, 1 kw day; hours of operation, unlimited. Docket No. 7614; File No. B3-AL-520.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the proposed assignee, including its capitalization and securities to be issued.

2. To obtain full information concerning the arrangements under which KROD and its properties would be assigned to the assignee, including the consideration to be received by the assignor therefor.

3. To determine the type and character of programs now being rendered by KROD and the effect thereon of the proposed assignment.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.384 of the Commission's rules of practice and procedure. Persons other than the applicant herein, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

Applicants' address is as follows:

Dorrance D. Roderick, Wyoming and Walnut Streets, El Paso, Texas.
Roderick Broadcasting Corporation (same address).

Dated at Washington, D. C., July 2, 1946.

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

[F. R. Doc. 46-11993; Filed, July 10, 1946; 2:37 p. m.]

[Docket No. 7651]

ILLMO BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Illmo Broadcasting Corporation, Quincy, Illinois, for construction permit. Docket No. 7651; File No. B4-P-4460.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of June 1946;

The Commission having under consideration a petition filed April 29, 1946, by the Missouri Broadcasting Corporation (WIL), St. Louis, Missouri, request-

ing that the Commission reconsider its action of April 10, 1946, granting without hearing the above entitled application of Illmo Broadcasting Corporation; that after such reconsideration the said grant be set aside and the said application be designated for hearing; and that the petitioner, Missouri Broadcasting Corporation be made a party intervenor to the proceeding;

It is ordered, That the said petition of Missouri Broadcasting Corporation be, and it is hereby, granted; that the aforesaid action of the Commission on April 10, 1946, granting without hearing the said application of Illmo Broadcasting Corporation be, and it is hereby, set aside; that the said application be, and it is hereby, designated for hearing; and that, the petitioner, Missouri Broadcasting Corporation (WIL), St. Louis, Missouri, be, and it is hereby, made a party intervenor to the proceeding.

It is further ordered, That the hearing on the aforesaid application of Illmo Broadcasting Corporation be upon the following issues:

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

2. To determine whether the operation of the proposed station would involve objectionable interference with the service of any existing broadcast station, particularly with reference to stations KFJB, Marshalltown, Iowa, WIL, St. Louis, Missouri, and WJBC, Bloomington, Illinois, 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.

3. To determine whether the operation of the proposed station would involve objectionable interference with the service of a new station at Moline, Illinois, to be operated by the Moline Broadcasting Company, whose application for a construction permit requesting the frequency 1230 kilocycles, 250 watts power, unlimited time (File No. B4-P-3678) was granted April 10, 1946, 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.

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

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11990; Filed, July 10, 1946; 2:38 p. m.]

[Docket No. 7654]

METEOROLOGICAL TELEGRAMS

ORDER INSTITUTING INVESTIGATION AND SETTING FORTH HEARING DATE ON INCREASED CHARGES

In the matter of increased charges for meteorological telegrams. Docket No. 7654.

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

It appearing, that Globe Wireless Limited, has filed revised tariff schedules effective July 9, 1946, stating new regulations resulting in increased charges for certain meteorological telegrams subject to the Communications Act of 1934, as amended; said tariff schedules being designated as follows:

GLOBE WIRELESS LIMITED

Tariff F. C. C. No. 23.
First Revised Page No. 21.

It further appearing, that said tariff schedules effect increased charges for telegraph communications in interstate and foreign commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules, insofar as they provide for new regulations resulting in increased charges for Meteorological telegrams should be postponed pending hearing and decision on the lawfulness of such new regulations resulting in such increased charges;

It is ordered, That the Commission, upon its own motion, without formal pleading, shall enter upon a hearing concerning the lawfulness of the new regulations contained in the above-cited tariff schedules, insofar as they provide for increased charges for meteorological telegrams;

It is further ordered, That the operation of the above-cited tariff schedules, insofar as they provide for new regulations resulting in increased charges for and in connection with meteorological telegrams, be suspended; that the use of the new regulations resulting in such increased charges be deferred until October 9, 1946, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in such regulations or charges or in the regulations or charges sought to be altered, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted, into the lawfulness of the rates, charges, classifications, regulations, practices and services of Globe Wireless Limited, for and in connection with meteorological telegraph message service subject to the Communications Act of 1934, as amended;

It is further ordered, That in the event a decision as to the lawfulness of the regulations herein suspended has not been made during the suspension period, and said regulations have gone into effect, all of the carriers subject to the Commission's jurisdiction participating in the service provided under the tariff provisions herein suspended shall until

further order of the Commission, each keep account of all amounts charged, collected or received by reason of any increase in charges resulting from the use of such regulations; that each such carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and each such carrier shall file with this Commission a report on or before the 10th day of each calendar month, commencing November 10, 1946, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that the carriers subject to the Commission's jurisdiction which are parties to such tariff schedules, namely, Globe Wireless, Ltd., The Western Union Telegraph Company and the Mutual Telephone Company of Honolulu, T. H., be, and they are hereby, each made a party respondent to this proceeding; and that copies hereof be served upon each such party respondent;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 22d day of July 1946, beginning at 10:00 a. m., at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 46-11982; Filed, July 10, 1946;
2:36 p. m.]

[Docket No. 7655]

JAMES A. NOE (KNOE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of James A. Noe (KNOE), Monroe, Louisiana, for modification of construction permit. File No. B3-MP-1839; Docket No. 7655.

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

The Commission having under consideration the application of James A. Noe (KNOE) for modification of construction permit (File No. B3-MP-1839) to change frequency from 1230 kilocycles to 1390 kilocycles and to increase power from 250 watts to 5 kilowatts, using directional antenna at night;

It is ordered, That the application be designated for hearing on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate Station KNOE as proposed.

2. To determine the areas and populations which would gain or lose primary service through the operation of Station KNOE as proposed, and what other broadcast services are available to those areas and populations.

3. To determine whether the operation of KNOE as proposed would involve objectionable interference with the service of stations WTJS, Jackson, Tennes-

see, and KELD, El Dorado, Arkansas, or any other existing stations; the nature and extent of any such interference, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of KNOE as proposed would involve objectionable interference with the service of stations proposed in any pending applications, the nature and extent of any such interference, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of KNOE as proposed would involve objectionable interference with a proposed Class III broadcast station, as defined in the North American Regional Broadcasting Agreement, to be operated at Monclova, Coahuila, Mexico, on 1390 kilocycles, with 500 watts power, and the nature and extent of any such interference.

6. To determine whether the operation of KNOE as proposed would involve objectionable interference with Stations XEM, Chihuahua, Chihuahua, Mexico, and CMBG, Havana, Cuba, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of any such interference.

7. To determine whether the installation and operation of the proposed transmitter at its proposed location would be in compliance with the Commission's rules and Standards of Good Engineering Practice, with particular reference to the population within the 250 mv/m contour.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 46-11982; Filed, July 10, 1946;
2:37 p. m.]

[Docket No. 7656]

BEATRICE COBB

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Beatrice Cobb, Morganton, North Carolina, for construction permit. Docket No. 7656; File No. B3-P-4821.

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

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1490 kc, with 250 watts power, unlimited time, at Morganton, North Carolina;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Nathan J. Cooper (File No. B3-P-4789; Docket No. 7657) for a construction permit for a new standard broadcast station to operate on the frequency 1490 kc, with 250 watts power, unlimited time, at Morganton, North Carolina, upon the following issues:

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

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

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

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

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

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 60-11995; Filed, July 10, 1946;
2:38 p. m.]

[Docket No. 7657]

NATHAN J. COOPER

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Nathan J. Cooper, Morganton, North Carolina, for construction permit. Docket No. 7657; File No. B3-P-4789.

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

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1490 kc., with 250 watts power, unlimited time, at Morganton, North Carolina;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Beatrice Cobb (File No. B3-P-4821; Docket No. 7656) for a construction permit for a new standard broadcast station to operate on the frequency 1490 kc, with 250 watts power, unlimited time, at Morganton, North Carolina, upon the following issues:

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

2. To determine the areas and populations which may be expected to gain primary service from the operation of the

proposed station and the character of other broadcast service available to those areas and populations.

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

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

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

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11996; Filed, July 10, 1946;
2:38 p. m.]

[Docket No. 7658]

RALPH D. EPPERSON

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Ralph D. Epperson, Mount Airy, North Carolina, for construction permit. Docket No. 7658; File No. B3-P-4795.

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

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 800 kc, with 250 watts power, daytime only, at Mount Airy, North Carolina;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of John T. Cashion and Doris B. Brown, d/b as Wilkes Broadcasting Co. (File No. B3-P-4862; Docket No. 7659) for a construction permit for a new standard broadcast station to operate on the frequency 810 kc, with 1 kw power, daytime only, at North Wilkesboro, North Carolina, upon the following issues:

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

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

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

requirements of the populations and areas proposed to be served.

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

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

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11997; Filed, July 10, 1946;
2:38 p. m.]

[Docket No. 7659]

WILKES BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of John T. Cashion and Doris B. Brown, d/b as Wilkes Broadcasting Company, North Wilkesboro, North Carolina, for construction permit. Docket No. 7659; File No. B3-P-4862.

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

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 810 kc, with 1 kw power, daytime only, at North Wilkesboro, North Carolina;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Ralph D. Epperson (File No. B3-P-4795, Docket No. 7658) for a construction permit for a new standard broadcast station to operate on the frequency 810 kc, with 250 watts power, daytime only, at Mount Airy, North Carolina, upon the following issues:

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

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

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any

existing or proposed broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11998; Filed, July 10, 1946;
2:38 p. m.]

[Docket No. 7660]

VETERANS BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Veterans Broadcasting Company, Inc. Rochester, New York, for construction permit. Docket No. 7660; File No. B1-P-4826.

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

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on the frequency 1280 kc, with 1 kw power, daytime only, at Rochester, New York;

It is ordered. That the said application be, and it is hereby designated for hearing in a consolidated proceeding with the application of Rochester Broadcasting Corporation (File No. B1-P-3593; Docket No. 6606), requesting a construction permit for a new standard broadcast station to operate on the frequency 1280 kc, with 5 kw power, using a directional antenna day and night, at Rochester, New York, upon 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 may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

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

other broadcast service to such areas and populations.

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

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-12000; Filed, July 10, 1946;
2:39 p. m.]

[Docket No. 7661]

McHENRY TICHENOR

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of McHenry Tichenor, Boulder, Colorado, for construction permit. Docket No. 7661; File No. B5-P-4804.

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

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 watts power, unlimited time, at Boulder, Colorado;

It is ordered. That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Gifford Phillips (File No. B5-P-4834) requesting the same facilities at Denver, Colorado, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Gifford Phillips (File No. B5-P-4834) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-12001; Filed, July 10, 1946;
2:39 p. m.]

[Docket No. 7662]

GIFFORD PHILLIPS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Gifford Phillips, Denver, Colorado, for construction permit. Docket No. 7662; File No. B5-P-4834.

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

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1450 kc., with 250-w. power, unlimited time, at Denver, Colorado;

It is ordered. That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of McHenry Tichenor (File No. B5-P-4804) requesting the same facilities at Boulder, Colorado, upon the following issues:

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

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of McHenry Tichenor (File No. B5-P-4804) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the

Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-12002; Filed, July 10, 1946;
2:39 p. m.]

[Docket No. 7663]

KVOX BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of KVOX Broadcasting Company (KVOX), Moorhead, Minnesota, for construction permit. Docket No. 7663; File No. B4-P-4895.

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

The Commission having under consideration the above-entitled application requesting a construction permit to change the frequency of station KVOX from 1340 kc to 790 kc, increase power from 250 w to 5 kw, install a new transmitter, change the transmitter location, and install a directional antenna for nighttime use, to operate unlimited time at Moorhead, Minnesota;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Northern States Broadcasting Company (File No. B4-P-4527) requesting a construction permit for a new standard broadcast station to operate on 790 kc, with 5 kw power, unlimited time, employing a directional antenna for nighttime use, at Fargo, North Dakota, upon the following issues:

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

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

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

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

5. To determine whether the operation of station KVOX as proposed would involve objectionable interference with the services proposed in the pending application of Northern States Broadcasting Company (File No. B4-P-4527), or in any other pending applications for broadcast

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

6. To determine whether the installation and operations of station KVOX as proposed would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-12003; Filed, July 10, 1946;
2:39 p. m.]

[Docket No. 7664]

NORTHERN STATES BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Northern States Broadcasting Company, Fargo, North Dakota, for construction permit. Docket No. 7664; File No. B4-P-4527.

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

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 790 kc, with 5 kw power, employing a directional antenna for nighttime use, unlimited time, at Fargo, North Dakota;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of KVOX Broadcasting Company (KVOX) (File No. B4-P-4895) requesting a construction permit to change the frequency of station KVOX from 1340 kc, increase power from 250 w to 5 kw, install a new transmitter, change the transmitter location, and install a directional antenna for nighttime use, to operate unlimited time, at Moorhead, Minnesota, upon 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 may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operation of the proposed station would involve objectionable interference with any ex-

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of KVOX Broadcasting Company (KVOX) (File No. B4-P-4895) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-12004; Filed, July 10, 1946;
2:40 p. m.]

[Docket No. 7665]

BOARD OF MISSIONS AND CHURCH EXTENSION OF METHODIST CHURCH

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Board of Missions and Church Extension of the Methodist Church, New York City, New York, for construction permit. Docket No. 7665; File No. B1-PH-1008.

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

The Commission having under consideration the above-entitled application for construction permit for a new FM Class B broadcast station in New York, New York.

It is ordered, That the above entitled application be designated for hearing to be consolidated with the hearings on the applications of WBNX Broadcasting Company, Inc., et al. (Docket Nos. 6013, 6175, 6177, 6182 and 7217-7234 inclusive), for construction permits for new FM Class B stations in the New York, New York area, upon the following issues:

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

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in

this consolidated proceeding should be granted.

It is further ordered, That the order heretofore issued in the consolidated proceedings for Docket Nos. 6013, 6175, 6177, 6182 and 7217-7234 inclusive be, and it is hereby amended to include the application of Board of Missions and Church Extension of the Methodist Church, New York, New York, (File No. B1-PH-1008).

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-11983; Filed, July 10, 1946;
2:36 p. m.]

[Docket No. 7666]

HOMER P. RAINEY

ORDER DESIGNATING PETITION FOR HEARING

In re petition of Homer P. Rainey, Docket No. 7666.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1946:

The Commission having under consideration a petition filed (July 1, 1946) by Homer P. Rainey requesting an immediate hearing with respect to the operation of Station WOAI, San Antonio, Texas; Station WBAP, Fort Worth, Texas; Station WFAA, Dallas, Texas; and Station KPRC, Houston, Texas; these stations comprising the Texas Quality Network; and

It appearing, that the petition alleges that:

(a) Petitioner is a legally qualified candidate for the office of Governor of Texas on the Democratic ticket for the primary election which is scheduled for July 27, 1946;

(b) The four above-mentioned stations comprise the Texas Quality Network, and by virtue of their operating assignments these stations collectively serve the four largest cities in Texas, the most substantial rural areas in the state, and more effectively cover the State of Texas than any other combination of stations;

(c) That petitioner, in the course of his campaign, has requested the four above-mentioned stations to afford him broadcast time during which he would discuss the political issues involved in the election and his qualifications;

(d) In response to this request, petitioner has been advised by each of the stations that they have agreed among themselves and that the Texas Quality Network has also agreed that (a) no broadcast time would be sold to any candidate before June 11, (b) that only thirty minutes of time would be available to each candidate for a state office for the entire period between June 11 and July 13, and (c) that between July 13 and July 27 (which is the primary date)—a period of only 12 radio days before the election—time would be prorated in an indefinite manner among the various candidates in accordance with their written requests to the stations;

(e) In further explanation of this restrictive policy petitioner was advised that the thirty minutes available between June 11 and July 13 could not be broken into several segments but must be used at one time;

(f) Three of the four above-mentioned licensees publish daily newspapers in the State of Texas, and these newspapers have taken positions in opposition to petitioner;

(g) Prior to this year the licensees of the above-mentioned stations have afforded ample opportunity to candidates to appear and present their views on the air;

(h) By virtue of the restrictive agreement entered into by the above-mentioned stations these licensees have failed to exercise their individual responsibility by entering into a collusive agreement and have substituted the judgment of the Texas Quality Network, in violation of both the letter and spirit of the Communications Act as expressed in sections 301, 310, 313 and 315; Now, therefore, it is ordered:

(1) That the petition of Homer P. Rainey be, and it is hereby, designated for hearing on July 10, 1946, at an hour and place in the State of Texas to be designated, for the purpose of affording petitioner an opportunity to present evidence in support of the allegations of his petition; affording the licensee of the above-mentioned stations an opportunity to present evidence in their behalf with respect to such allegations; and affording all other qualified candidates for the office of Governor of Texas an opportunity to present evidence with respect to this matter;

(2) That, pursuant to the provisions of 308 (b) and 312 (a) of the Communications Act of 1934, as amended, Southland Industries, Incorporated (WOAI), San Antonio, Texas; A. H. Belo Corporation (WFAA), Dallas, Texas; Carter Publications, Incorporated (WBAP), Fort Worth, Texas; and Houston Printing Company (KPRC), Houston, Texas, shall, and are hereby, directed to file with the Commission on the 10th day of July, 1946, at the opening of the hearing hereby ordered, statements of fact concerning the operation of their stations WOAI, WFAA, WBAP, and KPRC, with particular reference to the allegations of the petition of Homer P. Rainey;

(3) That copies of this order shall be served by registered mail on the licensees of the stations named and upon all qualified candidates for the office of Governor of Texas.

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

[F. R. Doc. 46-11991; Filed, July 10, 1946;
2:37 p. m.]

CLEAR CHANNELS

NOTICE OF APPLICATIONS

JUNE 21, 1946.

The Federal Communications Commission in its public notice, dated February 5, 1946, stated that with respect

to applications proposing operation daytime only or limited time on the frequencies listed under § 3.25 (a) of its rules, the Commission has been concerned with the possibility that a grant of a large number of such applications would further complicate the problems that are involved in the clear channel hearing, but that when no conflict with the resolution of the general problems that are in issue in the clear channel hearing can be foreseen, additional daytime assignments on United States 1-A clear channels may be made before conclusion of that hearing.

Further consideration of the problems involved in making Class II station assignments on 1-A frequencies has resulted in a decision to adopt the following procedure: (1) The Commission will withhold action on all applications involving use of 1-A frequencies, daytime or limited time, where the proposed station is more than 750 miles from the dominant 1-A station using a non-directional antenna on the frequency requested or is outside the 0.5 mv/m 50% sky-wave contour of the dominant class 1-A station using a directional antenna on the frequency requested. (2) The Commission will consider on their individual merits applications involving use of 1-A channels, daytime or limited time, where the proposed station is 750 miles or less from the dominant 1-A station using a non-directional antenna on the frequency requested or is within the 0.5 mv/m 50% skywave contour of the dominant class 1-A station using a directional antenna on the frequency requested. Applications in this category will not at this time be granted limited time, but will be considered and may be conditionally granted for daytime operation only.

Applications filed with the Commission which come within the first category above will be placed in the Commission's pending file and held without further action until conclusion of the proceedings in the clear channel hearing, Docket No. 6741. After the conclusion of the clear channel hearing, suitable notice will be afforded all interested persons and a period will be provided in which to file competing applications.

Applications in direct conflict with § 3.25 or § 3.22 of the Commission's rules with respect to time of operation, power limitation or frequencies will, as set forth in the Commission's Public Notice of February 5, 1946, be dismissed without prejudice.

Pursuant to the policy stated above, the Commission on June 13, 1946, placed the following applications in the pending files until after the conclusion of the clear channel hearing (Docket No. 6741):

Oklahoma Agricultural and Mechanical College, Stillwater, Okla., 760 kc 10 KW, Day (B3-P-4748).

WLBG, Inc., Columbia, S. C., 820 kc, 250 watts, D (B3-P-4587).

Tom S. Whitehead, Brenham, Tex., 890 kc, 250 watts, D (B3-P-4704).

Howdy Folks Broadcasters, Tulsa, Okla., 1100 kc, 5 KW, Day (B3-P-4593).

Southwest Iowa Broadcasting Co., Creston, Iowa, 750 kc, 1 KW, D (B4-P-4683).

Arthur H. Groghan, Santa Monica, Calif., 750 kc, 1 KW, L-WSB (B5-P-4236).

Donnelly C. Reeves, Hanford, Calif., 870 kc, 250 w. D (B5-P-4423).

Radio Broadcasting Association, Houston, Tex., 1180 kc, 250 w. D (B3-P-4563).
 Scenic City Broadcasting Co., Middleton, R. I., 1200 kc, 250 w. L-WOAI (B1-P-)
 C. Mervin Dobyns, San Bernardino, Calif., 1180 kc, 1 KW, D (B5-P-4689).
 Southern Calif. Broadcasting Co., Monterey Park, Calif., 830 kc, 5 KW, D (B5-P-3710; Dock. 6737).
 Bay Cities Radio Corp., Santa Monica, Calif., 890 kc, 1 KW, D (B5-P-4481).
 Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y., 1200 kc, 1 KW, L-WOAI (B1-P-3879).
 Times Star Publishing Co., Alameda, Calif., 1210 kc, 1 KW, D (B5-P-4418).

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

[F. R. Doc. 46-11980; Filed, July 10, 1946;
 2:37 p. m.]

AM STATION WCAU AND ASSOCIATED WCAU FM STATION¹

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on July 1, 1946, there was filed with it an application (B2-AL-547) for its consent under section 310 (b) of the Communications Act (47 U. S. C. A. 310) to the proposed assignment of licenses of standard broadcast station WCAU and WCAU FM station, Philadelphia, Pa. from WCAU Broadcasting Company to Philadelphia Record Company, Broad and Wood Sts., Philadelphia 1, Pa. The proposal to assign said licenses is based upon an agreement of May 21, 1946, between the stockholders of WCAU Broadcasting Company and Philadelphia Record Company, pursuant to which the former agreed to sell to the latter all the outstanding 1000 shares of common voting stock of said WCAU Broadcasting Company for a purchase price of \$6,000 a share, or an aggregate sum of \$6,000,000. Of this amount \$100,000 has been paid upon execution of the agreement and the balance of the purchase price is to be paid at the time of closing, fixed by the agreement as not later than 30 days from date of Commission approval. Upon completion of the arrangements WCAU Broadcasting Company will be dissolved and its properties and assets transferred to the purchasing company to which said licenses will be assigned. Further details concerning the proposal may be found with the application and associated papers which are on file with the Commission.

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

¹ Section 1.364, Part I, Rules of practice and procedure.

terest is involved. Thereafter, on October 3, 1945, the Commission also gave public notice (10 F.R.12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, such applications would be deferred unless applicants desired to follow the procedure proposed in the Crosley decision, and supplement their applications so as to come within the framework of the announced procedure including the provision for public notices. Pursuant thereto the Commission was advised on July 1, 1946, that beginning July 3, 1946, notice would be inserted in the Philadelphia Record, a newspaper of general circulation in Philadelphia, Pa., of the proposed acquisition of licensee's stock and the subsequent assignment of the licenses and acquisition of licensee's properties and assets as indicated herein.

In accordance with the procedure proposed in the Crosley decision and that announced in the Commission's release no action will be had upon the instant application for a period of 60 days from July 3, 1946, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contracts. (Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b)).

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

[F. R. Doc. 46-11994; Filed, July 10, 1946;
 2:38 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-741]

KANSAS POWER AND LIGHT Co.

NOTICE OF APPLICATION

JULY 9, 1946.

Notice is hereby given that on June 24, 1946, The Kansas Power and Light Company (applicant), a Kansas corporation, having its principal place of business at 808 Kansas Avenue, Topeka, Kansas, made application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon and remove as part of its utility system certain facilities used in maintaining connections with the Kansas-Nebraska Natural Gas Company, Cities Service Gas Company, and Northern Natural Gas Company, and to terminate and cease making deliveries of natural gas to the said named companies in accordance with the terms of contracts which have either expired or subject to cancellation upon notice within the terms thereof, as will be hereafter more fully described and referred to.

The facilities proposed to be abandoned and removed by the applicant consist of: (1) disconnection of its connection with Kansas-Nebraska Natural Gas Company, located in the SW corner of Section 8, Township 1, Range 2 West, Republic County, Kansas, and removal of meter setting; (2) disconnection of connection with Cities Service Gas Company,

near Hutchinson, Kansas, and removal of meter setting; (3) disconnection of connection with Northern Natural Gas Company near Clifton Compressor Station, at Clifton, Kansas, and removal of meter setting.

Applicant states in its application that prior to April 17, 1946, it was delivering and selling natural gas to Kansas-Nebraska Natural Gas Company under a contract which by its terms expired on said date; that prior to May 23, 1946, applicant was delivering and selling natural gas to Cities Service Gas Company under a contract subject to cancellation on notice as provided therein, and in accordance therewith, notice of cancellation was given and the contract terminated on May 23, 1946, since which date no deliveries have been made or gas sold thereunder; that at the present time applicant is delivering natural gas to Northern Natural Gas Company under contract proposed to be cancelled by mutual agreement, to take effect upon the removal of applicant's facilities, referred to hereinabove.

Applicant further states, as of January 1, 1946, it served 49,617 consumers within the State of Kansas and annually distributes and sells approximately 19 billion cubic feet of gas. That said sales are exclusive of deliveries of natural gas heretofore made to Kansas-Nebraska Natural Gas Company, Cities Service Gas Company and Northern Natural Gas Company which deliveries amounted to approximately 5 billion cubic feet annually. Applicant estimates that its present reserves are adequate to supply its needs for approximately ten years if the abandonments herein set forth are effected. Applicant submits that all of its available reserves are necessary to supply customers within its own system and that deliveries to other systems are not necessary for the needs of those systems but would simply result in a depletion of applicant's reserves and in its ability to serve its own customers.

Applicant estimates that the total over-all capital cost of the proposed project will not exceed \$500.

Any interested State Commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, as amended, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of the applicant should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of this publication, a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
 Secretary.

[F. R. Doc. 46-12048; Filed, July 11, 1946;
 12:01 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 543]

UNLOADING OF SHEET ALUMINUM AT WICHITA, KANS.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of July A. D. 1946.

It appearing, that car Southern 148803 containing sheet aluminum at Wichita, Kansas, on the Atchison, Topeka and Santa Fe Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Sheet aluminum at Wichita, Kansas, be unloaded. (a) The Atchison, Topeka and Santa Fe Railway Company, its agents or employees, shall unload forthwith car Southern 148803 containing sheet aluminum now on hand at Wichita, Kansas, consigned to Material Distributors, Inc., Wichita, Kan.

(b) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2)).

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction shall be served upon the Atchison, Topeka and Santa Fe Railway Company, and upon the Association of American Railroads, Car Service Division, as Agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.[F. R. Doc. 46-12032; Filed, July 11, 1946;
11:33 a. m.]

[S. O. 544]

UNLOADING OF MACHINERY AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of July A. D. 1946.

It appearing, that car GTW 587446 containing saw mill machinery at New Orleans, Louisiana, on the New Orleans and Northeastern Railroad Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the

opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Machinery at New Orleans, Louisiana, be unloaded. (a) The New Orleans and Northeastern Railroad Company, its agents or employees, shall unload forthwith car GTW 587446 loaded with saw mill machinery now on hand at New Orleans, Louisiana for export, consigned to George M. Leininger.

(b) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2)).

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction shall be served upon the New Orleans and Northeastern Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.[F. R. Doc. 46-12033; Filed, July 11, 1946;
11:33 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region II Order G-51 Under RMPR 122,
Amdt. 5]

SOLID FUELS IN CAMBERIA AND BLAIR COUNTIES, PA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-51 is amended in the following respects:

1. Paragraph (d) (1) and (d) (2) are amended by revising the "direct-delivery" and "yard" sales prices for coke and bituminous coal to read as follows:

(1) *Sales on a "direct-delivery" basis by dealers and by bituminous coal producers.* For sales of coal of the kinds and sizes, and in the quantities specified:

Kind and size of coal	Per net ton	Per net ½ ton	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
BEEHIVE OVEN COKE					
Connellsville district.....	\$11.60	\$6.30			\$0.70
	Underground mines		Strip mines ¹		
BITUMINOUS COAL					
<i>Producing District 1</i>					
Screened "Cannel coal", size group 1, truck shipped coal, price classification "A" ²	\$7.52	\$4.25	\$6.60	\$3.80	.50
Lump, size group 1, rail shipped coal, price classification "F"	6.87	3.95	5.95	3.50	.45
Lump, size group 1, truck shipped coal, from the Forks Coal Mining Co. at its Hughes No. 11 mine, mine index No. 219	6.87	3.95	5.95	3.50	.45
Nut or pea, size group 2, rail and truck shipped coal, from A, B, C, C', D, and E seams:					
(a) Treated.....	6.02	3.95	6.00	3.50	.45
(b) Untreated.....	6.72	3.85	5.80	3.40	.45
Run-of-mine, size group 3, rail shipped coal, price classification "D" through "G"	6.32	3.65	5.40	3.20	.45
Run-of-mine, size group 3, truck shipped coal, from the A, B, C, C', D, and E seams	6.32	3.65	5.40	3.20	.45
¾" slack, size group 5, rail shipped coal, price classification "D"	6.32	3.65	5.40	3.20	.45
<i>Producing District 2</i>					
Run-of-mine, size group 6, rail shipped coal, price classification "D"	6.71	3.85			.45
Run-of-mine, size group 6, truck shipped coal, from Allegheny and Westmoreland Counties, Pa.	6.71	3.85			.45
<i>Producing District 3</i>					
Egg, size group 2, rail shipped coal, price classification "J"	6.63	3.80			.45

¹ On all strip mine coals from District No. 1 when prepared and blended by order, the maximum prices shall be the prices provided for underground mines in this schedule and when cleaned and prepared by order, the maximum prices shall be thirty-five cents per net ton less than the price provided for underground mines in this schedule.

On all strip mine coals from District No. 2 when cleaned and prepared by order, the maximum prices shall be twenty-six cents per net ton less than the prices provided for underground mines in this schedule.

On single ton deliveries of bituminous coal, the foregoing per net ton prices may be increased by 50¢ per net ton.

Maximum authorized service charges remain unchanged.

(2) "Yard" sales by dealers.² For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton	Per net ton	Per 100 lbs. for sales of less than ½ ton
		Strip mines ¹	
BEEHIVE OVEN COKE			
CConnellsville District.....	\$11.00		\$0.65
BITUMINOUS COAL			
Producing District 1			
Screened "cannel" coal, size group 1, truck shipped coal, price classification "A".....	\$6.92	\$5.00	.45
Lump, size group 1, rail shipped coal, price classification "D" through "F".....	6.27	5.35	.40
Lump, size group 1, truck shipped coal from the Forks Coal Mining Co. at its Hughes No. 11 mine, mine index No. 219.....	6.27	5.35	.40
Nut or pea, size group 2, rail or truck shipped coal, from A, B, C, C', D, and E seams:			
(a) Treated.....	6.32	5.40	.40
(b) Untreated.....	6.12	5.20	.40
Run-of-mine, size group 3, rail shipped coal, price classification "E" through "G".....	5.72	4.80	.40
Run-of-mine, size group 3, truck shipped coal, from A, B, C, C', D, and E seams.....	5.72	4.80	.40
¾" slack, size group 5, rail shipped coal, price classification "D".....	5.72	4.80	.40
Producing District 2			
Run-of-mine, size group 6, rail shipped coal, price classification "D".....	6.11		.40
Run-of-mine, size group 6, truck shipped coal, from Allegheny and Westmoreland Counties, Pa.....	6.11		.40
Producing District 3			
Egg, size group 2, rail shipped coal, price classification "J".....	6.03		.40

¹ On all strip mine coals from District No. 1 when prepared and blended by order, the maximum prices shall be the prices provided for underground mines in this schedule and when cleaned and prepared by order, the maximum prices shall be thirty-five cents per net ton less than the price provided for underground mines in this schedule.

² Producers' "yard" sales are not governed by this order.

On "yard sales" to persons other than resellers, you may add 10¢ per net ton on the kinds specified in the above schedule of prices for "yard sales".

2. Paragraph (e) (1) and (e) (2) are amended by revising the "direct-delivery" and "yard" sales prices to read as follows:

(1) Sales on a "direct-delivery" basis by dealers and by bituminous coal producers. For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Underground mines		Strip mines ¹		Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
	Per net ton	Per net ½ ton	Per net ton	Per net ½ ton	
BITUMINOUS COAL					
Producing District 1					
Nut, size group 1, rail shipped coal, price classification "A".....	\$7.57	\$4.30	\$6.65	\$3.85	\$0.50
Pea, size group 2, rail shipped coal, price classification "A".....	7.42	4.20	6.50	3.75	.50
Run-of-mine, size group 3, truck shipped coal, Little Pittsburgh and A, B, C, C', D, and E seams.....	5.92	3.45	5.00	3.00	.45

Maximum authorized service charges remain unchanged.

(2) "Yard" sales by dealers.² For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Underground mines—per net ton for sales of ½ ton or more	Strip mines—per net ton for sales of ½ ton or more	Per 100 lbs. for sales of less than ½ ton
	BITUMINOUS COAL		
Producing district 1			
Nut, size group 1, rail shipped coal, price classification "A".....	\$6.32	\$5.40	\$0.40
Pea, size group 2, rail shipped coal, price classification "A".....	6.17	5.25	.40
Run-of-mine, size group 3, truck shipped coal, Little Pittsburgh and A, B, C, C', D, and E seams.....	5.32	4.40	.35

¹ On all strip mine coals from District No. 1 when prepared and blended by order, the maximum prices shall be the prices provided for underground mines in this schedule and when cleaned and prepared by order, the maximum prices shall be thirty-five cents per net ton less than the price provided for underground mines in this schedule.

² Producers' "yard" sales are not governed by this order.

On "yard sales" to persons other than resellers, you may add 10¢ per net ton on the kinds specified in the above schedule of prices for "Yard Sales".

This Amendment No. 5 to Order No. G-51 shall become effective June 21, 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 25th day of June 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-11924; Filed, July 9, 1946; 4:24 p. m.]

[Springfield Order G-1 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN SPRINGFIELD, ILL., AREA

An accompanying opinion has been filed with the Division of the Federal Register. The Appendix to Order No. G-1 is amended by deleting all of the items and the maximum prices for Metal Lath, Asphalt Roofing and Asphalt Shingles, and substituting therefor the following corrected maximum prices:

Item and unit of sale	Maximum price
Metal lath, 2.5-lb. C. A. painted diamond mesh, sq. yd.....	\$0.27½
Metal lath, 3.4-lb. C. A. painted diamond mesh, sq. yd.....	.33½
Asphalt roofing, 90-lb. mineral surface, roll.....	2.90
Asphalt shingles, 210-lb. (3 in 1) thickbutt, square.....	6.90

This Amendment No. 1 becomes effective June 29, 1946.

Issued this 24th day of June 1946.

GEORGE C. BOSEN,
Acting District Director.

[F. R. Doc. 46-11940; Filed, July 9, 1946; 4:28 p. m.]

[Springfield Order G-2 Under Gen. Order 68, Amdt. 3]

HARD BUILDING MATERIALS IN DECATUR, ILL., AREA

An accompanying opinion has been filed with the Division of the Federal Register. The Appendix to Order No. G-2 is amended by deleting all of the items and the maximum prices for Metal Lath, and Fiber Insulation Board, Asphalt Sheathing, and substituting therefor the following corrected maximum prices:

Item and unit of sale	Maximum price
Metal lath, 2.5-lb. C. A. painted diamond mesh, sq. yd.....	\$0.28
Metal lath, 3.4-lb. 3/8 C. A. high rib painted, sq. yd.....	.39
Metal lath, 3.4-lb. C. A. painted diamond mesh, sq. yd.....	.32
Fiber insulation board asphalt sheathing 2½" x 4", M sq. ft.....	66.50

This Amendment No. 3 becomes effective June 29, 1946.

Issued this 24th day of June 1946.

GEORGE C. BOSEN,
Acting District Director.

[F. R. Doc. 46-11939; Filed, July 9, 1946; 4:28 p. m.]

[Region II Order G-56 Under RMPR 122, Amdt. 4]

SOLID FUELS IN PENNSYLVANIA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Order No. G-56 is amended in the following respects:

1. Paragraph (d) (1) and (d) (2) are amended by revising the schedule of prices for By-Product Coke and Disco to read as follows:

(1) Sales on a "direct-delivery" basis. For sales of solid fuels of the kinds and sizes, and in the quantities specified.

Kind and size of fuel	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ¼ ton
By-product coke:				
Stove, nut.....	\$13.00	\$7.00	\$3.75	\$0.85
Pea.....	12.75	6.90	3.70	.85
Disc:				
Furnace.....	13.70	7.35	3.95	.90
Stove.....	12.90	6.95	3.70	.85

Discounts and service charges remain the same.

(2) "Yard sales." For sales of solid fuels of the kinds and sizes, and in the quantities specified.

Kind and size of fuel	Per net ton for sales of ½ ton or more to—		Per 100 lbs. for sales of 100 lbs. or more, but less than ¼ ton
	Dealers	Consumers	
By-product coke:			
Stove, nut.....	\$11.40	\$11.75	\$0.72
Pea.....	11.15	11.50	.72
Disc:			
Furnace.....	12.10	12.45	.78
Stove.....	11.30	11.65	.73

Discounts remain the same.

2. Paragraph (e) (1) and (e) (2) are amended by revising the schedule of prices for bituminous coal to read as follows:

(1) Sales on a "direct-delivery" basis. For sales of solid fuels of the kinds and sizes, and in the quantities specified.

Kind and size of fuel	Per net ton	Per net ½ ton
High volatile bituminous coal from district No. 2 (western Pennsylvania):		
Lump and egg, size group Nos. 1 and 2 (over 2") from subdistricts 3, 7, and 9:		
(a) From underground mines, price classification A-D.....	\$9.56	\$5.30
(b) From strip mines, in price classification L.....	7.99	4.50
Stoker, size group No. 5, (double-screened, top size 2" and under):		
(a) From underground mines, subdistricts 8, 9, price classification A-C.....	8.71	4.85
(b) From Mine Index 115, the Kincaid Mine of the Butler Consolidated Coal Co.....	8.27	4.65
High volatile bituminous coal from district No. 4 (Ohio)—Ohio No. 8 freight origin district—from underground mines: Lump and egg, size group No. 2.....	8.78	4.90
High volatile bituminous coal from district No. 6 (West Virginia panhandle):		
Lump, size group no. 2.....	8.68	4.85
Stoker, size groups 4, 5, 6.....	8.18	4.60
Low volatile bituminous coal from district No. 7 (southern West Virginia and northwestern and central Virginia):		
Egg, size group 2, price classification B-D.....	12.63	6.80
Stove, size group 3, price classification A.....	11.88	6.45
Nut, size group 4, price classification A.....	10.83	5.90
Pea-Stoker, size group 5, price classification A.....	10.78	5.90
Low volatile bituminous coal from district No. 8 (eastern Kentucky, southwestern West Virginia, western Virginia, northern Tennessee, and North Carolina): Egg, size group 2, price classification B-C.....	11.51	6.25

Discounts and service charges remain the same.

(2) "Yard sales." For sales of solid fuels of the kinds and sizes, and in the quantities specified.

Kind and size of fuel	Per net ton for sales of ½ ton or more to—	
	Dealers	Consumers
High volatile bituminous coal from district No. 2 (western Pennsylvania):		
Lump and egg, size group Nos. 1 and 2 (over 2") from subdistricts 3, 7, and 9:		
(a) From underground mines, price classification A-D.....	\$7.96	\$8.31
(b) From strip mines, price classification L.....	6.39	6.74
Stoker, size group No. 5 (double-screened, top size 2" and under):		
(a) From underground mines, subdistricts 8, 9, price classification A-C.....	7.11	7.46
(b) From mine index 115, the Kincaid mine of the Butler Consolidated Coal Co.....	6.67	7.02
High volatile bituminous coal from district No. 4 (Ohio)—Ohio No. 8 freight origin district—from underground mines: Lump and egg, size group No. 2.....	7.18	7.53
High volatile bituminous coal from district No. 6 (West Virginia Panhandle):		
Lump, size group No. 2.....	7.08	7.43
Stoker, size groups 4, 5, 6.....	6.58	6.93
Low volatile bituminous coal from district No. 7 (southern West Virginia and northwestern and central Virginia):		
Egg, size group 2, price classification B-D.....	11.03	11.38
Stove, size group 3, price classification A.....	10.28	10.63
Nut, size group 4, price classification A.....	9.23	9.58
Pea—Stoker, size group 5, price classification A.....	9.18	9.53
Low volatile bituminous coal from district No. 8 (eastern Kentucky, southwestern West Virginia, western Virginia, northern Tennessee, and North Carolina): Egg, size group 2, price classification B-C.....	9.91	10.26

3. Paragraph (e) is amended by adding a new subparagraph (4) immediately after subparagraph (3), to read as follows:

(4) The maximum prices for coals from strip mines in District No. 2 which have been cleaned and prepared by order, shall be 26 cents per net ton less than the prices established by this schedule for Bituminous coals from underground mines. The maximum prices for coals from strip mines in District No. 4 that have been prepared and blended by order shall be the maximum prices established by this schedule for underground mine coal.

4. Paragraph (q) (14) is amended to read as follows:

(14) "Underground mine coal" means coal that is taken entirely from underground seams from which the overburden is not removed, and does not include coal from a mine which takes coal from the ground by the stripping method.

This Amendment No. 4 to Order No. G-56 shall become effective June 21, 1946.

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

Issued this 25th day of June 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-11923; Filed, July 9, 1946; 4:24 p. m.]

[Region II Order G-63 Under RMPR 122, Amdt. 3]

SOLID FUELS IN WASHINGTON, FREDERICK AND MONTGOMERY COUNTIES, MD.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-63 is amended in the following respects:

1. Paragraph (d) (1) and (d) (2), are amended to read as follows:

(1) Sales on a "direct-delivery" basis. For sales of bituminous coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ¼ ton)
Low volatile bituminous coal from district No. 1 (underground mines):			
Lump or egg (size group I, Price Classification "A" to "E" inclusive).....	\$10.27	\$5.40	\$0.65
Run-of-mine (size group 3, price classification "D" to "H" inclusive).....	9.67	5.10	.60
Nut and slack (size groups 4 or 5).....	9.67	5.10	.60
High volatile bituminous coal from district No. 3, Run-of-mine (size group 5).....	8.73	4.60	.60
Low volatile bituminous coal from district No. 7: Stove (size group 3, price classification "A"-"D").....	11.53	6.00	.70
Nut (size group 4, price classification "A"-"E").....	10.53	5.50	.65
Pea (size group 5, price classification "A").....	10.08	5.30	.65

Discounts and service charges remain the same.

(2) "Yard sales." For sales of bituminous coal of the kinds and sizes and in the quantities specified.

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. (for sales of 100 lbs. or more but less than ¼ ton)
Low volatile bituminous coal from district No. 1 (underground mines):		
Lump or egg (size group I, price classification "A" to "E" incl.).....	\$9.42	\$0.90
Run-of-mine (size group 3, price classification "D" to "H" incl.).....	8.82	.35
Nut and slack (size groups 4 or 5).....	8.82	.55
High volatile bituminous coal from district 3: Run-of-mine (size group 5).....	7.88	.55
Low volatile bituminous coal from district No. 7: Stove (size group 3, price classification "A"-"D").....	10.68	.65
Nut (size group 4, price classification "A"-"E").....	9.68	.60
Pea (size group 5, price classification "A").....	9.23	.60

On "yard sales" to persons other than resellers, you may add 10¢ per net ton on the kinds specified in the above schedule of prices for "yard sales".

Discounts remain the same.

2. Paragraph (e) (1) and (e) (2) are amended to read as follows:

(1) Sales on a "direct delivery" basis. For sales of bituminous coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
Low volatile bituminous coal from district No. 1 (underground mines): Lump or egg (size group 1, price classification "D" to "E" incl.)	\$9.77	\$5.40	\$0.65
Run-of-mine (size group 3, price classification "D")	9.32	5.15	.60
Low volatile bituminous coal from district No. 7: Stove (size group 3, price classification "A")	11.03	6.00	.70
Pea (size group 5, price classification "A")	9.73	5.35	.65

Service charges remain the same.

(2) "Yard sales". For sales of bituminous coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
Low volatile bituminous coal from district No. 1 (underground mines): Lump or egg (size group 1, price classification "D" to "E" incl.)	\$8.67	\$0.60
Run-of-mine (size group 3, price classification "D")	8.22	.55
Low volatile bituminous coal from district No. 7: Stove (size group 3, price classification "A")	9.93	.65
Pea (size group 5, price classification "A")	8.63	.60

On "yard sales" to persons other than resellers, you may add 10¢ per net ton on the kinds specified in the above schedule of prices for "yard sales".

3. Paragraph (f) (1) and (f) (2) are amended to read as follows:

(1) Sales on a "direct-delivery" basis. For sales of bituminous coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
Low volatile bituminous coal from district No. 1 (underground mines): Lump or egg (size group 1, price classification "E" to "H")	\$9.07	\$4.80	\$0.60
Run-of-mine (size group 3, price classification "D" to "H" incl.)	8.27	4.40	.55
High volatile bituminous coal from district No. 3: Stoker (size group 4, price classification "D" to "F" incl.)	7.93	4.20	.55
Low volatile bituminous coal from district No. 7: Egg (size group 2)	10.48	5.50	.65
Stove (size group 3)	10.13	5.30	.65
Nut (size group 4)	9.38	4.95	.60
Pea (size group 5)	9.03	4.75	.60
Run-of-mine (size group 6)	9.18	4.85	.60

Service charges remain the same.

(2) "Yard sales". For sales of bituminous coal of the kinds and sizes, and in the quantities specified.

TO DEALERS AND TO CONSUMERS

Kind and size of coal	Per net ton for sales of ½ ton or more		Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)
	To dealers for resale	To consumers	
Low volatile bituminous coal from district No. 1 (underground mines): Lump or egg (size group 1, price classification "E" to "H" inclusive)	\$7.97	\$8.32	\$0.55
Run-of-mine (size group 3, price classification "D" to "H" inclusive)	7.17	7.52	.50
High volatile bituminous coal from district No. 3: Stoker (size group 4, price classification "D" to "F" inclusive)	6.83	7.18	.55
Low volatile bituminous coal from district No. 7: Egg (size group 2)	9.38	9.73	.60
Stove (size group 3)	9.03	9.38	.60
Nut (size group 4)	8.28	8.63	.55
Pea (size group 5)	7.93	8.28	.55
Run-of-mine (size group 6)	8.08	8.43	.55

This Amendment No. 3 to Order No. G-63 shall become effective June 21, 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 25th day of June 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-11922; Filed, July 9, 1946; 4:23 p. m.]

[Region II 2d Rev. Order G-75 Under RMPR 122]

SOLID FUELS IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122; It is ordered:

(a) Dealers making sales of Pennsylvania Anthracite to persons other than resellers, subject to the area dollars-and-cents orders as amended, listed in paragraph (c) of this order, may add to the maximum per net ton prices set forth in the schedules covering "delivered" and "yard" sales of the orders or amendments thereto listed in paragraph (c) of this order, the following amounts for the sizes specified:

Size:	Per net ton
Broken, Egg, Stove, nut	\$1.40
Pea	1.25
Buckwheat	.90
Rice	.75
Barley	.65
Buckwheat No. 4	.50
Screenings	.85

(b) Dealers making sales of Pennsylvania Anthracite to resellers subject to the area dollars-and-cents orders as amended, listed in paragraph (c) of this order, may add to the maximum per net ton prices set forth in the schedules covering "yard sales" of the orders or amendments thereto listed in paragraph (c) of this order, the following amounts for the sizes specified:

Size:	Per net ton
Broken, Egg, Stove, Nut	\$1.30
Pea	1.15
Buckwheat	.80
Rice	.65
Barley	.55
Screenings	.75

(c) Area dollars-and-cents orders as amended subject to additions set out in paragraph (a) on "delivered" and "yard" sales and paragraph (b) on "yard sales".

- Amdt. No. 2 to 2nd Rev. Order No. G-1.
- Amdt. No. 3 to Rev. Order No. G-7
- Amdt. No. 2 to Rev. Order No. G-8.
- Amdt. No. 2 to Order No. G-9.
- Amdt. No. 2 to Rev. Order No. G-11.
- Amdt. No. 3 to Rev. Order No. G-11.
- Amdt. No. 2 to Rev. Order No. G-12.
- Amdt. No. 3 to Rev. Order No. G-12.
- Amdt. No. 4 to Rev. Order No. G-13.
- Amdt. No. 3 to Rev. Order No. G-14.
- Amdt. No. 2 to Rev. Order No. G-16.
- Amdt. No. 2 to Rev. Order No. G-17.
- Amdt. No. 2 to Order No. G-20.
- Amdt. No. 6 to Rev. Order No. G-19.
- Amdt. No. 2 to Order No. G-22.
- Amdt. No. 3 to Order No. G-24.
- Amdt. No. 2 to Order No. G-29.
- Amdt. No. 2 to Order No. G-32.
- Amdt. No. 2 to Order No. G-35.
- Amdt. No. 2 to Order No. G-36.
- Amdt. No. 2 to Order No. G-37.
- Amdt. No. 4 to Order No. G-37.
- Amdt. No. 2 to Order No. G-38.
- Amdt. No. 1 to Order No. G-39.
- Amdt. No. 1 to Order No. G-40.
- Amdt. No. 1 to Order No. G-42.
- Amdt. No. 2 to Order No. G-44.
- Amdt. No. 3 to Order No. G-45.
- Amdt. No. 1 to Order No. G-46.
- Amdt. No. 1 to Order No. G-49.
- Amdt. No. 4 to Order No. 50.
- Amdt. No. 3 to Order No. G-51.
- Amdt. No. 4 to Order No. G-52.
- Order No. G-56.
- Amdt. No. 1 to Order No. G-59.
- Amdt. No. 1 to Order No. G-61.
- Amdt. No. 1 to Order No. G-66.
- Order No. G-67.
- Order No. G-69.

(d) Where sales are made in quantities of less than one ton, the additions permitted by this order shall be proportionate.

(e) Discounts which are required to be given or service charges which are permitted to be made in connection with sales or deliveries, under any of the orders listed in paragraph (c) of this order, remain in full force and effect.

(f) Effect of Second Revised Order No. G-75 on Revised Order No. G-75 as originally issued. Revised Order No. G-75 under Revised Maximum Price Regulation No. 122 as issued on April 1, 1946 is hereby revoked in full as of the effective date of this second revised order.

This Second Revised Order No. G-75 shall become effective June 25, 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 26th day of June 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-11929; Filed, July 9, 1946; 4:25 p. m.]

[Region II Rev. Order G-64 Under RMPR 122, Amdt. 2]

SOLID FUELS IN ALLEGHENY COUNTY, PA.

For the reasons set forth in an opinion issued simultaneously herewith, and un-

der the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and under § 1340.209 of Maximum Price Regulation No. 120, Revised Order No. G-64 is amended in the following respects:

1. Paragraph (d) (1) and (d) (2) are amended by revising the schedules of prices to read as follows:

(1) Sales on a "direct-delivery" basis by dealers and bituminous coal producers. For sales of underground mine bituminous coal from District 2 of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton
All single screened lump coals larger than 2" and all double screened egg coals with bottom size larger than 2", including 4" lump and 4" x 6" egg	\$7.11
All lump coal larger than 1 1/4" but not exceeding 2" bottom size, including 2" lump	6.96
All double screened coal with a bottom size larger than 1 1/4" but not over 2", and a top size larger than 2", including 4" x 2" egg	6.76
All double-screened coal with a top size 2" and smaller, including stoker and stove	6.76
Mine run (straight mine run, all mine run resultants larger than 2" and any mine run altered by the removal of any intermediate size)	6.31
Nut and slack (screenings larger than 1 1/4" but not exceeding 2" top size)	5.71
Slack (screenings top size not exceeding 1 1/4")	5.56

Discounts and service charges remain the same.

(2) "Yard sales" by dealers¹. For sales of underground mine bituminous coal from District 2 of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton
All single-screened lump coals larger than 2" and all doubled screened egg coals with bottom size larger than 2" including 4" lump and 4" x 6" egg	\$6.01
All lump coal larger than 1 1/4" but not exceeding 2" bottom size, including 2" lump	5.86
All double screened coal with a bottom size larger than 1 1/4" but not over 2", and a top size larger than 2", including 4" x 2" egg	5.66
All double screened coal with top size 2" and smaller, including stoker and stove	5.66
Mine run (straight mine run, all mine run resultants larger than 2" and any mine run altered by the removal of any intermediate size)	5.31
Nut and slack (screenings larger than 1 1/4" but not exceeding 2" top size)	4.86
Slack (screenings top size not exceeding 1 1/4")	4.71

¹ Producers' "yard sales" not governed by this order.

On "yard sales" to persons other than resellers, you may add 10¢ per net ton on the kinds specified in the above schedule of prices for "yard sales".

2. Paragraph (d) (4) is amended to read as follows:

(4) The specified maximum prices established by this Schedule I for "direct delivery" sales and "yard" sales are for sales of "underground mine coal" only.

The maximum prices for "strip mine coal" which has been cleaned and prepared by order, shall be twenty-six cents per net ton less and the maximum prices for "strip mine coal" which does not meet the above requirements (raw strip coal) shall be seventy-one cents per net ton less than the prices established by this Schedule I for "direct delivery" sales and "yard" sales.

3. Paragraph (p) (18) is amended to read as follows:

(18) "Underground mine coal" means coal that is taken entirely from underground seams from which the overburden is not removed, and does not include coal from a mine which takes coal from the ground by the stripping method.

This Amendment No. 2 to Revised Order No. G-64 shall become effective June 21, 1946.

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

Issued this 25th day of June 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-11921; Filed, July 9, 1946; 4:23 p. m.]

[Region IV Order G-19 Under RMPR 251]

PLUMBING SERVICES AND INSTALLED PLUMBING AND HEATING FIXTURES AND MATERIALS IN UPPER EAST TENNESSEE AREA

For the reasons set forth in the accompanying opinion and under the authority conferred upon the Regional Administrator for Region IV of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, It is ordered:

1. This adopting order establishes dollars-and-cents ceiling prices for plumbing services and installed plumbing and heating fixtures and materials which ceiling prices are set forth in the Appendix following section 3.

2. This order covers ceiling prices for plumbing services and installed plumbing and heating fixtures and materials in the Upper East Tennessee area as follows: Bristol and Kingsport, Tennessee and the County of Sullivan; Johnson City, Tennessee and the County of Washington; Erwin, Tennessee and the County of Unicoi; Elizabethton, Tennessee and the County of Carter; Greeneville, Tennessee and the County of Greene; and Rogersville, Tennessee and the County of Hawkins.

3. All the provisions of Order No. G-2 (Basic Order No. 1) for Region IV, under Section 9 of Revised Maximum Price Regulation 251, are adopted in this order and are just as much a part of this order as if included herein. If Regional Order No. G-2 (Basic Order No. 1) under Section 9 of Revised Maximum Price Regulation 251 is amended in any respect, all the provisions as amended shall likewise, without further action, be a part of this order.

APPENDIX

Maximum prices of plumbing and heating and sale of installed fixtures and materials. The maximum amount which may be charged for plumbing and allied services customarily performed on premises in this area by plumbing and heating contractors shall be the "maximum hourly service rates" as provided in sub-paragraph (a) below, plus the prices of plumbing fixtures, materials, and sub-contracted work as set forth in sub-paragraphs (b) and (c) below.

(a) The maximum hourly service rate. The maximum hourly service charge for labor involved shall be determined as follows:

Maximum Hourly Service Rate Straight Time Charge

Legal wages paid journeymen, apprentices, helpers or laborers:	
\$0.49-\$0.69 inclusive	\$0.75
\$0.70-\$0.84 inclusive	1.00
\$0.85-\$1.04 inclusive	1.25
\$1.05-\$1.44 inclusive	1.75
\$1.45-\$1.64 inclusive	2.25
\$1.65-\$1.84 inclusive	2.50
\$1.85-\$2.14 inclusive	2.75

(b) Maximum prices of installed plumbing and heating fixtures and materials—fixtures. The maximum amount which may be charged for any fixtures involved in the process of repairing or installing, as defined in the Basic Order, shall not exceed the invoiced cost, plus actual transportation charges paid, plus a markup of not more than thirty-five percent (35%) on cost. On any fixture marked with a label containing the legal OPA retail ceiling price, the seller must use this price in lieu of the 35% markup on cost. Materials: The maximum amount which may be charged for any materials involved in the process of repairing or installing as defined in the Basic Order, shall not exceed the seller's cost, plus a markup of not more than forty percent (40%) on cost. The maximum amount for any "plumbing specialty" priced at less than \$1.00 shall not exceed the invoiced cost plus a markup not to exceed 100%. Prices of items thus priced may be rounded to the nearest five cents (5¢).

(c) Maximum prices of sub-contracted work. The maximum amount which may be charged for any necessary sub-contracted work, such as sheet metal work, pipe covering, plastering, painting, electrical work, etc., incidental to the installation or repair of plumbing and heating, shall not exceed the actual cost of such sub-contracted work, plus a markup not in excess of 15% of cost.

This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective June 26, 1946.

Issued June 14, 1946.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 46-11933; Filed, July 9, 1946; 4:27 p. m.]

[Little Rock Order G-4 Under Gen. Order 68]

BUILDING MATERIALS IN OUACHITA AND UNION COUNTIES, ARKANSAS

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, it is hereby ordered:

SECTION I. What this order does. This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A of this order when such sales are made in the geographical area comprising Ouachita and Union Counties, Arkansas.

SEC. II. Definition of retail sale. The term "retail sale" as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

SEC. III. Maximum prices. Maximum prices for commodities subject to this order are those set forth in Appendix A, which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

SEC. IV. The relation of this order to other regulations. The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities covered by this order.

SEC. V. Sales. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

SEC. VI. Invoices and notification. Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in free delivery zone, or delivered outside free delivery zone.
6. If delivery is made outside the seller's free delivery zone, the amount of any delivery charges made stated separately on the invoice.
7. A statement of cash discounts allowed for prompt payment.
8. A separate statement of any amount added for the extension of credit.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

SEC. VII. Addition of increase in supplier's prices prohibited. The maximum prices set out by this order may not be increased by a dealer to reflect

increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the District Director.

SEC. VIII. What this order prohibits. Regardless of any obligation no person shall:

1. Sell, or in the course of trade or business buy, building materials at higher prices than the maximum prices set by this order; but less than the maximum prices may at any time be charged, paid or offered.

2. Obtain higher than maximum prices by:

(i) Making a charge for delivery of building material items delivered within the free delivery zone hereinafter defined;

(ii) Making a charge for delivery outside the free delivery zone in excess of that permitted by this order;

(iii) Making a charge higher than this order authorizes for the extension of credit;

(iv) Failure to give the discounts required by this order for prompt payment;

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the building materials requested by him; or

(vi) Using any other device by which a higher than maximum price is obtained directly or indirectly.

SEC. IX. Enforcement. 1. Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

2. Persons who have any evidence of any violation of this order are urged to communicate with the Little Rock District Office of the Office of Price Administration.

SEC. X. Building materials not covered by this order. There are building materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable maximum price regulation. Sellers who are in doubt as to the regulation applicable to such building materials should consult the Little Rock District Office of the Office of Price Administration.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 1, 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 at Little Rock, Arkansas, this 31st day of May, 1946.

ROBERT P. HALL,
District Director.

APPENDIX A—MAXIMUM PRICES FOR RETAIL SALES OF SPECIFIED BUILDING MATERIALS WHEN MADE IN OUACHITA AND UNION COUNTIES, ARKANSAS

Name of item and unit	Maximum prices for sales f. o. b. plant, store or delivered within free delivery zone
Asbestos-cement roofing shingles:	
Economy cut, colors other than green, 100 sq. ft.	\$10.50
Economy cut, green, 100 sq. ft.	11.00
Asbestos-cement siding:	
12" x 24" or 27", white, plain, 100 sq. ft.	10.50
12" x 24" or 27", white, glazed, 100 sq. ft.	10.95
12" x 24" or 27", colors, 100 sq. ft.	8.60
Asbestos-cement wallboard: 1/8" flexboard, sq. ft.	.15
Asphalt roofing:	
90-lb. mineral surface, roll 1 sq.	2.90
Smooth surface 45-lb., roll 1 sq.	1.80
Smooth surface 55-lb., roll 1 sq.	2.30
Smooth surface 65-lb., roll 1 sq.	2.55
Asphalt shingles:	
210-lb. (3 in 1) thickbutt, 100 sq. ft.	6.12
167-lb. hexagon, 100 sq. ft.	4.85
Asphalt or tarred felt:	
15-lb., roll 4 sq.	2.55
30-lb., roll 2 sq.	2.55
Brick:	
Fire, 9" straight, super duty, each	.10
Fire, 9" straight, heavy duty, each	.095
Fire, 9" straight, standard, each	.09
Ceiling tile:	
12" x 12", sq. ft.	.075
16" x 32", sq. ft.	.07
Cement:	
Ever-set, liquid, 100 lb.	5.75
Keene's, 100 lb.	2.55
Portland, standard, paper bag, 94-lb. bag	.90
Portland, quick setting, cloth bag, 94-lb. bag	1.15
Portland, white, standard, paper bag, 94-lb. bag	3.05
Clay drain tile:	
4", 1. ft.	.125
6", 1. ft.	.189
Deadening felt:	
3/4-lb., 450 sq. ft. roll	3.50
1-lb., 450 sq. ft. roll	3.75
Fibre insulation board:	
3/4" standard lath and board, M sq. ft.	45.00
1/2" standard lath and board, M sq. ft.	55.00
2 3/32" asphalt sheathing, M sq. ft.	65.00
Fire clay, powder, paper bag, 100-lb. bag	1.50
Flue lining:	
4 1/2" x 9", 1. ft.	.315
9" x 9", 1. ft.	.415
4 1/2" x 13, 1. ft.	.465
9" x 13", 1. ft.	.63
13" x 13", 1. ft.	.7875
9" x 18", 1. ft.	.8375
13" x 18", 1. ft.	1.0375
18" x 18", 1. ft.	1.3375
Gypsum sheathing:	
1/2", plain, M sq. ft.	45.00
1/2", treated, M sq. ft.	47.50
Gypsum wallboard:	
1/4", M sq. ft.	40.00
3/8", M sq. ft.	50.00
1/2", M sq. ft.	55.00
Insulating plank, M sq. ft.	75.00
Lime:	
Finishing, paper bag, 50-lb. bag	1.00
Mason's hydrated, paper bag, 10-lb. bag	.25
Mason's hydrated, paper bag, 40-lb. bag	.65
Mason's hydrated, paper bag, 50-lb. bag	.75

APPENDIX A—MAXIMUM PRICES FOR RETAIL SALES OF SPECIFIED BUILDING MATERIALS WHEN MADE IN OUACHITA AND UNION COUNTIES, ARKANSAS—Continued

Maximum prices for sales f. o. b. plant, store or delivered within free delivery zone

Name of item and unit	livery zone	
Masonry mortar, paper sack, 65-lb. bag		\$0.75
Metal lath:		
2.2-lb. painted diamond mesh, sq. yd.		.26
2.2-lb. galvanized, sq. yd.		.29
2.5-lb. painted diamond mesh, sq. yd.		.29
2.5-lb. galvanized, sq. yd.		.32
3.4-lb. painted diamond mesh, sq. yd.		.315
3.4-lb. galvanized, sq. yd.		.345
2.5-lb. copper bearing, sq. yd.		.30
3.4-lb. copper bearing, sq. yd.		.325
2.75-lb. flat rib painted, sq. yd.		.365
3.4-lb. 3/8" high rib, painted, sq. yd.		.385
3.4-lb. 3/8" high rib, copper bearing, sq. yd.		.395
3.4-lb. 3/8" high rib, galvanized, sq. yd.		.415
Corner bead, expanded type, M lin. ft.		50.00
Corner bead, wing type, M lin. ft.		50.00
Perfatape, 250' roll, roll		3.75
Plaster:		
Hardwall, paper bag, 100-lb. bag		1.25
Gauging, paper bag, 100-lb. bag		2.00
Moulding, paper bag, 100-lb. bag		2.00
Bonding, paper bag, 100-lb. bag		2.00
Plastic firebrick, clay, 100 lbs.		4.90
Rolled brick corners, 1. ft.		.16
Rolled brick siding, 100 sq. ft.		4.00
Rolled brick soldier course, 100 sq. ft.		4.00
Roofing asphalt:		
12 1/2 lbs.		.30
25 lbs.		.60
50 lbs.		1.15
100 lbs.		1.80
Screen wire cloth, 18" x 14":		
Black, 100 sq. ft.		4.25
Galvanized, 100 sq. ft.		5.00
Sewer pipe, vitrified clay:		
4", 1. ft.		.24
6", 1. ft.		.355
8", 1. ft.		.50
10", 1. ft.		.725
12", 1. ft.		.98
Slater's felt, 6 lbs., 500 ft. roll		1.25
Steel-Tex:		
Exterior, sq. yd.		.40
Interior, sq. yd.		.35
Synthetic wallboard, hard density:		
1/2" tempered, sq. ft.		.12
1/2" untempered, sq. ft.		.10
1/2" scored, tempered, sq. ft.		.15
Thermal insulation:		
Blankets, paper backed, 2" thick, M sq. ft.		55.00
Batts, paper backed, 4" thick, M sq. ft.		75.00
Vitrified clay wall coping:		
9", 1. ft.		.35
13", 1. ft.		.42

The following provisions are applicable to all sales of building material items covered by this Appendix A.

1. *Terms of sale.* Maximum prices hereinabove established are subject to the following discounts:

(a) Sellers who were in business in March 1942 shall maintain all customary discounts and allowances, such as cash discounts, county discounts, contractors' discounts and discounts for pick-up by the customer, which they had in effect during March 1942 for each quantity and type of sale made.

(b) For sellers who were not in business during March 1942 the same customary discounts and allowances which their most

closely competitive seller who was in business during March 1942 is required to make under the provisions of this order.

2. *Additions for the extension of credit.* The following additions to the maximum prices hereinabove established may be made for the extension of credit beyond thirty (30) days.

(a) Sellers who were in business during March 1942 are permitted to add to prices established hereinabove for the extension of credit beyond a period of thirty (30) days the same additions that they had in effect during March 1942 for the same type and quantity of sale. If no extra charges were made for the extension of credit during March 1942 none may be added.

(b) Sellers who were not in business during March, 1942 are permitted to make the same charge for the extension of credit which their most closely competitive seller is permitted to make under the provisions of this order.

3. *"Free delivery zone"*, as used in this order, for all sellers located in Ouachita and Union Counties, Arkansas, shall include all points within a radius of ten miles of the place from which delivery is made.

4. *Additions for delivery outside the free delivery zone.* Where delivery is made outside the free delivery zone but within the area described herein, maximum prices hereinabove listed may be increased, by a delivery charge not in excess of \$0.20 per mile; *Provided, however,* That the mileage is computed on the basis of the nearest actual highway mileage from the point to which delivery is made to the nearest point located within the free delivery zone herein defined. No charge may be made for return trip.

[F. R. Doc. 46-11934; Filed, July 9, 1946; 4:27 p. m.]

[Region IV Order G-20 Under RMPR 251]

PLUMBING SERVICES AND INSTALLED PLUMBING AND HEATING FIXTURES AND MATERIALS IN COLUMBIA, S. C., AND RICHLAND AND LEXINGTON COUNTIES, S. C.

For the reasons set forth in the accompanying opinion and under the authority conferred upon the Regional Administrator for Region IV of the Office of Price Administration by section 9 of Revised Maximum Price Regulation 251; *It is ordered:*

1. This adopting order establishes dollars-and-cents ceiling prices for plumbing services and installed plumbing and heating fixtures and materials which ceiling prices are set forth in the Appendix following Section 3.

2. This order covers ceiling prices for plumbing services and installed plumbing and heating fixtures and materials in the City of Columbia, S. C., and Richland and Lexington Counties, S. C.

3. All the provisions of Order No. G-2 (Basic Order No. 1) for Region IV under Section 9 of Revised Maximum Price Regulation 251, are adopted in this order and are just as much a part of this order as if included herein. If Regional Order No. G-2 (Basic Order No. 1) under Section 9 of Revised Maximum Price Regulation 251 is amended in any respect, all the provisions as amended shall likewise, without further action, be a part of this order.

APPENDIX

Maximum prices of plumbing and heating services and sale of installed fixtures and materials. The maximum amount which

may be charged for plumbing and allied services customarily performed in this area by plumbing and heating contractors shall be the "maximum hourly service rates" as provided in sub-paragraph (a) below, plus the maximum prices of plumbing fixtures, and materials as set forth in sub-paragraphs (b), and (c) below:

(a) *Maximum hourly service charge.* The maximum hourly labor charge for plumbing services shall be the straight time hourly rate set forth in Column A or the legal wages paid per hour multiplied by the markup in Column B, whichever is lower, together with any applicable overtime:

Types of labor services	Maximum hourly service rates	
	Column A	Column B ¹
	Straight time charges per hr.	Markup factor of legal wage rates paid
Master plumbers.....	\$3.25	\$1.99
Journeymen plumbers....	3.25	1.99
Apprentice plumbers.....	1.25	1.45
Helpers and laborers.....	1.00	1.45

¹ In calculating the Hourly Service Rate per hour in Column B, the resulting figure may be rounded to the nearest 25¢.

In no instance, however, shall the resulting figure be in excess of the amount in Column A.

(b) *Maximum prices of plumbing and heating fixtures and materials—fixtures.* The maximum amount which may be charged for any fixtures involved in the process of repair or installation, as defined in the Basic Order, shall not exceed the invoiced cost f. o. b. the contractor's warehouse, plus a markup not in excess of 40% on cost. On any fixture marked with a label containing the legal O. P. A. retail ceiling price, the seller must use this price in lieu of the 40% markup on cost.

Materials. The maximum amount which may be charged for any materials involved in the process of repairing or installing, as defined in the Basic Order, shall not exceed the invoiced cost f. o. b. the contractor's warehouse, plus a markup not in excess of 60% on cost. The maximum amount for any "plumbing specialty" priced at less than \$1.00 shall not exceed invoiced cost plus a markup not to exceed 100%. Prices of items thus priced may be rounded to the nearest five cents (5¢).

(c) *Maximum prices of sub-contracted work.* The maximum amount which may be charged for any necessary sub-contracted work such as sheet metal work, pipe covering, plastering, painting, and electrical work, incidental to the installation or repair of plumbing and heating shall not exceed the actual cost of such sub-contracted work plus a markup not in excess of 33 1/3% on cost.

This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective June 26, 1946.

Issued June 14, 1946.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 46-11932; Filed, July 9, 1946; 4:26 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register July 5, 1946.

Region III

Cincinnati Order 12-F, Amendment 18, covering fresh fruits and vegetables in Franklin county, Ohio. Filed 11:22 a. m.

Cincinnati Order 16-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Ohio. Filed 11:23 a. m.

Cincinnati Order 17-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Ohio. Filed 11:23 a. m.

Cincinnati Order 19-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Ohio. Filed 11:23 a. m.

Cincinnati Orders 3-D and 4-D, Amendment 1, covering butter and cheese in certain counties in Ohio and Kentucky. Filed 11:23 a. m.

Cincinnati Orders 5-D and 6-D, Amendment 1, covering butter and cheese in certain counties in Ohio. Filed 11:23 a. m.

Region V

San Antonio Order 8-F, Amendment 50, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 11:37 a. m.

San Antonio Order 9-F, Amendment 38, covering fresh fruits and vegetables in Culberson, El Paso, Hudspeth and Presidio counties, Texas. Filed 11:37 a. m.

San Antonio Order 11-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Texas. Filed 11:38 a. m.

San Antonio Order 12-F, Amendment 7, covering fresh fruits and vegetables in Travis county, Texas. Filed 11:38 a. m.

San Antonio Orders 6-C and 3-O, Amendments 29 and 30, covering poultry and eggs in Bexar county, Texas. Filed 11:38 a. m.

Wichita Order 13-F, Amendment 33, covering fresh fruits and vegetables in Sedgwick county, Kansas. Filed 11:39 a. m.

Wichita Order 14-F, Amendment 33, covering fresh fruits and vegetables in certain counties in Kansas. Filed 11:39 a. m.

Wichita Order 15-F, Amendment 33, covering fresh fruits and vegetables in certain counties in Kansas. Filed 11:39 a. m.

Wichita Order 16-F, Amendment 33, covering fresh fruits and vegetables in Reno county, Kansas. Filed 11:39 a. m.

Wichita Order 17-F, Amendment 33, covering fresh fruits and vegetables in Shawnee county, Kansas. Filed 11:39 a. m.

Region VI

Fargo Orders 3-D and 4-D, Amendment 1, covering butter and cheese in the State of North Dakota and certain counties in Minnesota. Filed 11:24 a. m.

Fargo Order 8-F, Amendment 2, covering fresh fruits and vegetables in certain counties in North Dakota and Minnesota. Filed 11:36 a. m.

Milwaukee Order 2-O, Amendment 2, covering eggs in Milwaukee county, Wisconsin. Filed 11:25 a. m.

Milwaukee Order 7, Amendment 6, covering dry groceries in Milwaukee county,

and the cities of Racine and Kenosha, Wisconsin. Filed 11:24 a. m.

Milwaukee Order 14, Amendment 4, covering dry groceries in certain areas in Wisconsin. Filed 11:24 a. m.

Milwaukee Order 33, Amendment 3, covering dry groceries in certain counties in Wisconsin. Filed 11:25 a. m.

Milwaukee Orders 1-D and 2-D, Amendment 2, covering butter and cheese in certain counties in Wisconsin. Filed 11:25 a. m.

Milwaukee Order 6-W, Amendment 4, covering dry groceries in certain areas in Wisconsin. Filed 11:25 a. m.

Milwaukee Order 7-W, Amendment 6, covering dry groceries in Milwaukee county and cities of Racine and Kenosha, Wisconsin. Filed 11:26 a. m.

Omaha Order 15-F, Amendment 24, covering fresh fruits and vegetables in certain counties in Nebraska and the city of Council Bluffs, Iowa. Filed 11:36 a. m.

Omaha Order 16-F, Amendment 24, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 11:37 a. m.

Omaha Order 17-F, Amendment 24, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 11:37 a. m.

Peoria Order 13, Amendment 4, covering dry groceries in all counties in the State of Illinois. Filed 11:20 a. m.

Peoria Order 21, Amendment 4, covering dry groceries in certain counties in Illinois. Filed 11:19 a. m.

Peoria Order 4-W, Amendment 4, covering dry groceries in certain counties in Illinois. Filed 11:19 a. m.

Twin Cities Order 3-F, Amendment 39, covering fresh fruits and vegetables in cities of Duluth and Proctor, Minnesota and the city of Superior and town of Superior, Wisconsin. Filed 11:19 a. m.

Twin Cities Order 7-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 11:20 a. m.

Twin Cities Order 8-F, Amendment 22, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 11:20 a. m.

Twin Cities Order 3-O, Amendment 8, covering eggs in certain areas in Minnesota. Filed 11:27 a. m.

Region VII

Denver Order 4-F, Amendments 48 and 49, covering fresh fruits and vegetables in the Denver area. Filed 11:27 and 11:26 a. m.

Denver Order 5-F, Amendments 48 and 49, covering fresh fruits and vegetables in the Pueblo area. Filed 11:27 a. m.

Denver Order 6-F, Amendments 48 and 49, covering fresh fruits and vegetables in Colorado Springs and Manitou area. Filed 11:19 and 11:27 a. m.

Denver Order 7-F, Amendments 48 and 49, covering fresh fruits and vegetables in the Boulder, Fort Collins, Greeley area. Filed 11:19 and 11:27 a. m.

Denver Order 8-F, Amendments 17 and 18, covering fresh fruits and vegetables in the Trinidad area. Filed 11:26 and 11:37 a. m.

Denver Order 9-F, Amendments 11 and 12, covering fresh fruits and vegetables in the Grand Junction area. Filed 11:26 and 11:37 a. m.

Denver Order 10-F, Amendments 2 and 3, covering fresh fruits and vegetables in the Fort Morgan Sterling Akron area. Filed 11:26 and 11:37 a. m.

Region VIII

Nevada Order 11-F, Amendment 20-C, covering fresh fruits and vegetables in Reno and Sparks, Nevada. Filed 11:22 a. m.

Nevada Order 15-F, Amendment 20-C, covering fresh fruits and vegetables in certain counties in Nevada. Filed 11:22 a. m.

Nevada Order 8-O, Amendments 21 and 12, covering eggs in certain counties in Nevada. Filed 11:22 a. m.

Nevada Orders 10-O and 11-O, Amendments 21 and 12, covering eggs in Elko, Eureka, Lincoln and White Pine counties, Nevada. Filed 11:22 a. m.

Nevada Orders 12-O and 13-O, Amendments 21 and 12, covering eggs in Clark county. Filed 11:22 a. m.

Nevada Orders 18-O and 19-O, Amendments 6 and 7, covering eggs in Arizona except Coconino and Mohave counties. Filed 11:30 and 11:31 a. m.

Portland Order 31, Amendments 3 and 4, covering dry groceries in counties of Jackson, Josephine, Klamath and Lake, Oregon. Filed 11:32 a. m.

Portland Order 32, Amendments 3 and 4, covering dry groceries in certain counties in Oregon. Filed 11:32 a. m.

Portland Order 33, Amendments 3 and 4, covering dry groceries in the Southwestern Washington and Northwestern Oregon area. Filed 11:33 a. m.

Portland Order 34, Amendments 3 and 4, covering dry groceries in certain areas in Oregon. Filed 11:33 a. m.

Portland Order 35, Amendments 3 and 4, covering dry groceries in certain counties in Oregon. Filed 11:33 a. m.

Portland Order 36, Amendment 1, covering dry groceries in the Eastern Oregon area. Filed 11:37 a. m.

Portland Order 4-W, Amendments 3 and 4, covering dry groceries in the Southwestern Washington and Northwestern Oregon area. Filed 11:34 a. m.

Portland Order 5-W, Amendments 3 and 4, covering dry groceries in certain areas in Oregon. Filed 11:35 a. m.

Portland Order 6-W, Amendments 3 and 4, covering dry groceries in certain counties in Oregon. Filed 11:36 a. m.

Portland Order 7-W, Amendments 1 and 2, covering dry groceries in the Eastern Oregon area. Filed 11:36 a. m. and 11:31 a. m.

San Francisco Order 28, Amendment 7, covering dry groceries in certain counties in California. Filed 11:30 a. m.

San Francisco Order 39, Amendment 6, covering dry groceries in certain areas in California. Filed 11:30 a. m.

San Francisco Order 44, Amendment 6, covering dry groceries in certain cities in California. Filed 11:32 a. m.

San Francisco Order 20, Amendment 10, covering dry groceries. Filed 11:24 a. m.

San Francisco Orders 24 and 28, Amendments 7 and 6, covering dry groceries. Filed 11:27 and 11:28 a. m.

San Francisco Orders 38 and 39, Amendments 7 and 5, covering dry groceries. Filed 11:28 a. m.

San Francisco Orders 40 and 44, Amendment 5, covering dry groceries. Filed 11:28 and 11:29 a. m.

San Francisco Orders 45 and 46, Amendments 4 and 3, covering dry groceries. Filed 11:29 a. m.

San Francisco Orders 47 and 49, Amendments 6 and 4, covering dry groceries. Filed 11:29 a. m.

San Francisco Orders 50 and 51, Amendment 1, covering dry groceries. Filed 11:29 and 11:30 a. m.

Seattle Order 16-F, Amendment 46, covering fresh fruits and vegetables in Seattle, Tacoma and Bremerton, Washington. Filed 11:20 a. m.

Seattle Order 17-F, Amendment 42, covering fresh fruits and vegetables in Bellingham and Everett, Washington. Filed 11:21 a. m.

Seattle Order 18-F, Amendment 43, covering fresh fruits and vegetables in Olympia, Aberdeen, Hoquiam, Centralia and Chehalis, Washington. Filed 11:21 a. m.

Seattle Order 19-F, Amendment 40, covering fresh fruits and vegetables in Yakima, Wenatchee, East Wenatchee, Washington. Filed 11:21 a. m.

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

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-12006; Filed, July 10, 1946;
3:52 p. m.]

[Region III Order G-30 Under SO 142]

THOMPSON ELECTRIC CO. ET AL.
ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 2 of Supplementary Order No. 142 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This Order No. G-30 under section 2 of Supplementary Order No. 142 provides for an adjustment of the maximum prices of all industrial lighting equipment, parts and accessories, covered by Revised Maximum Price Regulation No. 136, manufactured by the Thompson Electric Company of Cleveland, Ohio (hereinafter referred to as the manufacturer), and for an adjustment of the maximum prices of resellers of the items covered by this order.

(b) *Manufacturer's adjusted maximum prices.* (1) The adjusted maximum prices for sales by the manufacturer of all items of industrial lighting equipment, parts of accessories manufactured by it and covered by Revised Maximum Price Regulation No. 136 shall be its maximum net prices in effect immediately preceding the effective date of this order, to each class of purchaser, increased by 25.3%.

(2) The manufacturer shall maintain, on all sales hereby affected, all cash and

quantity discounts, allowances and other price differentials which it had in effect immediately prior to the effective date of this order.

(c) *Resellers' adjusted maximum prices.* (1) Any reseller of products for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual dollars and cents amount of increase in his net invoiced costs resulting from the adjustment granted the manufacturer by this order.

(2) Reseller's maximum prices adjusted under this order are subject to each reseller's discounts, allowances, and other price differentials for sales to each class of purchaser.

(d) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the products covered by this order, a notice of the adjustment granted by this order. Such notice shall be substantially as follows:

Order No. G-30 under section 2 of Supplementary Order No. 142 provides a certain specified percentage increase in the maximum net prices of all types of industrial lighting equipment, parts, and accessories manufactured by the Thompson Electric Company of Cleveland, Ohio, and covered by Revised Maximum Price Regulation No. 136. Resellers may add to their maximum prices in effect, immediately prior to the effective date of this order, to each class of purchaser, the actual dollars-and-cents amount of any increase in their net invoiced cost, resulting from the adjustment granted the manufacturer by this order. Such adjustment is subject to all customary discounts and allowances.

(e) *Revocation and amendment.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 18, 1946.

Issued June 18, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11926; Filed, July 9, 1946;
4:24 p. m.]

[Region II Order G-71 Under RMPR 122,
Amdt. 2]

SOLID FUELS IN PENNSYLVANIA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-71 is amended in the following respects:

1. Paragraph (d) (1) and (d) (2) are amended by revising the schedules of prices to read as follows:

(1) *Sales on a "direct-delivery" basis.* For sales of underground mine bituminous coal of the kinds, sizes and in the quantities specified.

Kind and size of coal	Per net ton	Per net 1/4 ton
<i>District No. 2—Except Mine Index No. 242</i>		
All single screened lump coals 4" and larger (size group 1, price classification "A")	\$8.11	\$4.55
All single screened lump coals with bottom size 2" and smaller, and all double-screened coals with a bottom size 2" and smaller, and top size larger than 2" (including 2 x 6" and 2 x 4" egg) (size groups 3 and 4, price classification "A", "B", and "C")	7.86	4.45
All double-screened, nut, pea and stoker coals with a top size not exceeding 2" (size group 5, price classification "A", "B", and "C")	7.66	4.35
<i>District No. 2—Mine Index No. 242 (Wildwood Mine)</i>		
All single screened 5" lump coals (size group 1, price classification "E")	7.36	4.20
All double-screened egg coals with bottom size larger than 2" including 2 x 3 stove (size group 1, price classification "E")	7.21	4.10
All double-screened nut, pea and stoker coals with a top size not exceeding 2" (size group 5, price classification "D")	7.06	4.05
<i>District No. 4—Seam 8—Subdistrict 1 and District 6—Seam 8—Price Classification "C"</i>		
All single screened lump coals 4" and larger (Pittsburgh B)	7.76	4.40
All lump coal smaller than 4" but larger than 1 1/4" and all double-screened coal bottom size larger than 1 1/4" but not exceeding 2" (Pittsburgh B)	7.47	4.25

Discounts and service charges remain the same.

(2) *"Yard sales"*. For sales of underground mine bituminous coal of the kinds, sizes and in the quantities specified.

Kind and size of coal	Per net ton	Per 100 lbs. (for sales of 100 lbs. or more but less than 1/4 ton)
<i>District No. 2—Except Mine Index No. 242</i>		
All single screened lump coals 4" and larger (size group 1, price classification "A")	\$6.51	\$4.45
All single screened lump coals with bottom size 2" and smaller, and all double-screened coals with a bottom size of 2" and smaller, and top size larger than 2" (including 2 x 6" and 2 x 4" egg) (size groups 3 and 4, price classification "A", "B", and "C")	6.66	4.45
All double-screened nut, pea and stoker coals with a top size not exceeding 2" (size group 5, price classification "A", "B", and "C")	6.46	4.40
<i>District No. 2—Mine Index No. 242 (Wildwood Mine)</i>		
All single screened 5" lump coals (size group 1, price classification "E")	6.01	4.40
All double-screened egg coals with bottom size larger than 2" (including 2 x 3" stove) (size group 1, price classification "E")	5.86	4.40
All double-screened nut, pea and stoker coals with a top size not exceeding 2" (size group 5, price classification "D")	5.71	4.40
<i>District No. 4, Seam 8, Subdistrict 1 and District No. 6, Seam 8, Price Classification "C"</i>		
All single screened lump coals 4" and larger (Pittsburgh B)	6.66	4.45
All lump coal smaller than 4" but larger than 1 1/4" and all double-screened coal bottom size larger than 1 1/4" but not exceeding 2" (Pittsburgh B)	6.37	4.40

On "yard sales" to persons other than resellers, you may add 10c per net ton on the kinds specified in the above schedule of prices for "yard sales".

2. Paragraph (d) is amended by adding a new subparagraph (5) immediately after subparagraph (4) to read as follows:

(5) The maximum prices for coals from strip mines in District No. 2 which have been cleaned and prepared by order, shall be 26 cents per net ton less than the prices established by this schedule from Bituminous coals from underground mines. The maximum prices for coals from strip mines in District No. 4 that have been prepared and blended by order shall be the maximum prices established by this schedule for underground mine coal.

3. Paragraph (p) (10) is amended to read as follows:

(10) "Underground mine coal" means coal that is taken entirely from underground seams from which the overburden is not removed, and does not include coal from a mine which takes coal from the ground by the stripping method.

This Amendment No. 2 to Order No. G-71 shall become effective June 21, 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 25th day of June 1946

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-11920; Filed, July 9, 1946; 4:23 p. m.]

[Region II Order G-37 Under RMPR 122, Amdt. 7]

SOLID FUELS IN NEW YORK

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, It is ordered:

1. Paragraphs (j) (1) and (j) (2) are amended to read as follows:

(1) Sales on a "direct-delivery" basis. For sales of anthracite of the sizes and in the quantities specified.

Size	Per net ton	Per net ½ ton	Per net ¼ ton	Per 100 lbs. (for sales of 100 lbs. or more, but less than ¼ ton)
Broken, egg, stove, nut.....	\$16.60	\$8.60	\$4.50	\$0.97
Pea.....	14.40	7.50	3.95	.86
Buckwheat.....	12.00	6.30	3.35	-----
Rice.....	10.95	5.80	3.10	-----
Barley.....	9.80	5.10	2.75	-----
Screenings.....	5.00	-----	-----	-----

(2) "Yard sales". For sales of anthracite of the sizes and in the quantities specified.

Size	To dealers (per net ton)	To consumers			Per 100 lbs. (for sales of 100 lbs. or more, but less than ¼ ton)
		Per net ton	Per net ½ ton	Per net ¼ ton	
Broken, egg stove, nut.....	\$13.95	\$15.00	\$7.80	\$4.10	\$0.87
Pea.....	11.70	12.80	6.70	3.55	.76
Buckwheat.....	9.35	10.40	5.50	2.95	-----
Rice.....	8.25	9.35	5.00	2.70	-----
Barley.....	6.90	8.00	4.30	2.35	-----
Screenings.....	4.50	4.60	-----	-----	-----

NOTE: Discounts and service charges remain unchanged.

This Amendment No. 7 to Order No. G-37 shall become effective June 25, 1946.

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

Issued this 25th day of June 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-11930; Filed, July 9, 1946; 4:25 p. m.]

[Region III Order G-31 Under SO 142]

JACKSON ELECTRICAL INSTRUMENT CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 2 of Supplementary Order No. 142 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This order No. G-31 under section 2 of Supplementary Order No. 142 provides for an adjustment of the maximum prices of all radio testing instruments, covered by Revised Maximum Price Regulation No. 136, manufactured by The Jackson Electrical Instrument Company of Dayton, Ohio, hereinafter referred to as the manufacturer. The maximum prices for sales by the manufacturer and for sales by resellers are adjusted herein.

(b) *Manufacturer's adjusted maximum prices.* (1) The manufacturer is hereby authorized to increase its list prices in effect on May 1, 1946 by 33 1/3% for all its sales of radio testing instruments manufactured by it.

(2) The manufacturer shall maintain, on all sales hereby affected, all discounts, allowances and other price differentials which it had in effect immediately prior to the effective date of this order.

(c) *Resellers' adjusted maximum prices.* (1) Any reseller of products for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual percentage amount of increase in his net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(2) Resellers' maximum prices adjusted under this paragraph are subject to each reseller's discounts, allowances and other price differentials for sales to each class of purchaser.

(d) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the products covered by this order a notice of the adjustment authorized by this order. Such notice shall contain substantially the following:

Order No. G-31 under section 2 of Supplementary Order No. 142 provides for a certain specified percentage increase in the list prices of all radio testing instruments manufactured by The Jackson Electrical Instrument Company of Dayton, Ohio, and covered by Revised Maximum Price Regulation No. 136. Resellers may add to their maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual percentage amount of increase in their net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(e) *Revocation and amendment.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 17, 1946.

Issued June 17, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11925; Filed, July 9, 1946; 4:24 p. m.]

[Region III Order G-29 Under SO 142]

WEL-EVER PISTON RING CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 2 of Supplementary Order No. 142 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This Order No. G-29 under section 2 of Supplementary Order No. 142 provides for an adjustment of the maximum prices of all piston rings, covered by Maximum Price Regulation No. 452, manufactured by the Wel-Ever Piston Ring Company of Toledo, Ohio, hereinafter referred to as the manufacturer.

(b) *Manufacturer's adjusted maximum prices.* (1) The adjusted maximum prices for sales by the manufacturer of all piston rings manufactured by it shall be its maximum net prices in effect immediately prior to the effective date of this order, to each class of purchaser, increased by 30%.

(2) The manufacturer shall maintain, on all sales hereby affected, all cash and quantity discounts, allowances and other price differentials which it had in effect immediately prior to the effective date of this order.

(c) *Resellers' adjusted maximum prices.* (1) Any reseller of products for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to the effective date of this order to each class of purchaser the actual dollars and cents amount of increase in his net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(2) Resellers' maximum prices adjusted under this paragraph are subject

to each reseller's discounts, allowances and other price differentials for sales to each class of purchaser.

(d) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the products covered by this order, a notice of the adjustment authorized by this order. Such notice shall contain substantially the following:

Order No. G-29 under section 2 of Supplementary Order No. 142 provides a certain specified percentage increase in the maximum net prices of all piston ring covered by Maximum Price Regulation No. 452 manufactured by the Wel-Ever Piston Ring Company of Toledo, Ohio. Resellers may add to their maximum prices in effect immediately prior to the effective date of this order to each class of purchaser, the actual dollars and cents amount of increase in their net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(e) *Revocation and amendment.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 18, 1946.

Issued June 18, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11927; Filed, July 9, 1946;
4:25 p. m.]

[Springfield Order G-4 Under Gen. Order 68,
Amdt. 2]

HARD BUILDING MATERIALS IN DANVILLE, ILL., AREA

An accompanying opinion has been filed with the Division of the Federal Register. The Appendix to Order No. G-4 is amended by deleting all of the items and maximum prices for Metal Lath, Asphalt Roofing and Asphalt Shingles, and substituting therefor the following corrected maximum prices:

Item and unit of sale	Maximum price
Metal lath, 2.5-lb. C. A. painted diamond mesh, sq. yd.	\$0.29
Metal lath, 3.4-lb. C. A. painted diamond mesh, sq. yd.	.35
Asphalt roofing, 90 lb. mineral surface, roll	2.65
Asphalt shingles, 210 lb. (3 in 1) thickbutt, sq.	6.90

This Amendment No. 2 becomes effective June 29, 1946.

Issued this 24th day of June 1946.

GEORGE C. BOSEN,
Acting District Director.

[F. R. Doc. 46-11938; Filed, July 9, 1946;
4:28 p. m.]

[Springfield Order G-6 Under Gen. Order 68,
Amdt. 1]

HARD BUILDING MATERIALS IN THE MORGAN COUNTY, ILL., AREA

An accompanying opinion has been filed with the Division of the Federal Register. The Appendix to Order No. G-6 is

amended by deleting all of the items and the maximum prices for Metal Lath, Asphalt Roofing, Asphalt or Tarred Felt Roofing, Asphalt Shingles and Fibre Insulation Board, Asphalt Sheathing, and substituting therefor the following corrected maximum prices:

Item and unit of sale	Maximum price
Metal lath, 2.5-lb. C. A. painted diamond mesh, sq. yd.	\$0.29
Asphalt roofing, 90-lb. mineral surface, roll	2.65
Asphalt or tarred felt roofing, 15-lb., roll	2.65
Asphalt or tarred felt roofing, 30-lb., roll	2.65
Asphalt shingles, 165-lb. hexagon, sq.	4.95
Fiber insulation board, asphalt sheathing $2\frac{3}{4}$ " M sq. ft.	70.75

This Amendment No. 1 becomes effective June 29, 1946.

Issued this 24th day of June 1946.

GEORGE C. BOSEN,
Acting District Director.

[F. R. Doc. 46-11937; Filed, July 9, 1946;
4:28 p. m.]

[Springfield Order G-8 Under Gen. Order 68,
Amdt. 1]

HARD BUILDING MATERIALS IN ILLINOIS

An accompanying opinion has been filed with the Division of the Federal Register. The Appendix to Order No. G-8 is amended by deleting all of the items and the maximum prices for Asphalt Roofing, Asphalt or Tarred Felt Roofing, Asphalt Shingles and Asphalt Sheathing, and substituting therefor the following corrected maximum prices:

Item and unit of sale	Maximum price
Asphalt roofing, 90-lb. mineral surface, roll	\$2.65
Asphalt or tarred felt roofing 15-lb., roll	2.65
Asphalt or tarred felt roofing 30-lb., roll	2.65
Asphalt shingles, 165-lb. hexagon, sq.	4.90
Asphalt sheathing, $2\frac{3}{4}$ " M sq. ft.	69.00

This Amendment No. 1 becomes effective June 29, 1946.

Issued this 24th day of June 1946.

GEORGE C. BOSEN,
Acting District Director.

[F. R. Doc. 46-11936; Filed, July 9, 1946;
4:27 p. m.]

[Springfield Order G-9 Under Gen. Order 68,
Amdt. 1]

HARD BUILDING MATERIALS IN ST. CLAIR, MADISON, MONROE, AND RANDOLPH COUN- TIES, ILL., AREA

Accompanying opinion has been filed with the Division of the Federal Register. The Appendix to Order No. G-9 is amended by deleting all of the items and the maximum prices for Asphalt Roofing, Asphalt or Tarred Felt, Asphalt Shingles, and substituting therefor the following corrected maximum prices:

Item and unit of sale	Maximum price
Asphalt roofing, 90-lb. mineral surface, roll	\$2.65
Asphalt tarred felt, 15-lb., roll	2.70
Asphalt tarred felt, 30-lb., roll	2.70
Asphalt shingles, 210-lb. (3 in 1) thickbutt, sq.	6.55
Asphalt shingles, 165-lb. hexagon, sq.	5.00

This Amendment No. 1 becomes effective June 29, 1946.

Issued this 24th day of June 1946.

GEORGE C. BOSEN,
Acting District Director.

[F. R. Doc. 46-11935; Filed, July 9, 1946;
4:27 p. m.]

SECURITIES AND EXCHANGE COM- MISSION.

[File No. 70-1282]

SOUTHERN CALIFORNIA WATER CO.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION

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

Southern California Water Company ("Southern"), a subsidiary of American States Utilities Corporation, a registered holding company, has filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 requesting exemption from the requirements of section 6 (a) of the act in respect of the proposed issue and sale of additional shares of its preferred stock.¹

Southern proposes to issue and sell, to a group of six institutional investors, 32,000 shares of its \$25 par value Preferred Stock, 4% Series, at \$26.66 per share. Applicant proposes to use the proceeds of the sale, amounting to \$853,120, for the following purposes: (a) \$300,000 for repayment of a ninety-day note dated April 8, 1946, and due July 8, 1946, issued to Harris Trust & Savings Bank of Chicago; (b) \$9,600 for payment of finders' fees to Kidder, Peabody & Co. and Harris, Hall & Co.; and (c) the balance of \$543,520 for reimbursement of Southern's treasury in respect of expenditures for additions made in the years 1940 to 1945, inclusive. Southern states it will apply such balance to pay in part the cost of its 1946 construction program, estimated at a total of \$800,000. The \$300,000 borrowed on the ninety-day note is stated to represent temporary financing, in part, of the company's construction during the current calendar year.

After appropriate notice a public hearing was held and the Commission, having considered the record, makes the following findings:

Southern is a corporation organized under the laws of the State of California and conducting its business operations

¹ Southern's filing includes a declaration pursuant to sections 6 (a) and 7 in respect of the proposed issue and sale. Our findings on the application make it unnecessary to pass upon the declaration.

solely within that State. The principal business of Southern is the operation of water systems owned by it for production, purification and distribution of water to the public for domestic, industrial, irrigation and other purposes. Since May of 1936, Southern has also distributed electric energy in Bear Valley, San Ber-

nardino County.¹ To a minor extent, Southern is also engaged in the ice business.

Southern's capitalization and surplus as of April 30, 1946, per book, and pro forma giving effect to the proposed issue and sale of 32,000 shares of 4% preferred stock, are set forth in the following table:

	Per books		Pro forma	
	Amount	Percent	Amount	Percent
1st mtg. bonds, due 1970:				
Series A, 3 3/4 per cent.....	\$3,500,000		\$3,500,000	
Series B, 3 1/2 per cent.....	300,000		300,000	
Total bonds.....	3,800,000	53.08	3,800,000	49.32
Bank notes, due 7/8/46.....	300,000	4.19		
Total debt.....	4,100,000	57.27	3,800,000	49.32
Preferred stock, \$25 par:				
4 1/4 percent series, 32,000 shares.....	800,000	11.17	800,000	10.39
4 percent Series, 32,000 shares.....			800,000	10.39
Premium on sale of Preferred.....	800,000	11.17	1,600,000	20.78
	48,000	0.67	101,120	1.31
Common stock and surplus:				
Common, \$25 par.....	1,548,300	21.63	1,548,300	20.08
Capital surplus.....	140,847	1.97	140,847	1.83
Earned surplus ¹	514,725	7.19	514,725	6.68
Total common stock and surplus.....	2,203,872	30.79	2,203,872	28.59
Total capitalization and surplus.....	7,151,872	100.00	7,704,992	100.00

¹ \$376,316 restricted as to payment of dividends, under terms of bond indenture

Southern's gross physical property was recorded on its books at \$10,017,211 as of April 30, 1946. The record indicates that of this amount, \$3,671,347 represents property reclassified on the Company's books on an original cost basis as approved by the Railroad Commission of California and the balance (\$6,345,864) represents property remaining unclassified. The record shows further that all amounts in excess of original cost with respect to the property reclassified have been written off. The reserve for depreciation as of April 30, 1946, amounted to \$2,875,834, or 28.3% of gross physical property.

Southern's gross income for the 12-month period ended April 30, 1946, amounted to \$430,500 and net income amounted to \$279,181. Annual dividend requirements on Southern's presently outstanding 4 1/4% preferred stock and on the proposed new 4% preferred stock amount to \$31,875 and \$30,000, respectively, an aggregate amount of \$61,875. Fixed charges and annual preferred dividend requirements, actual and pro forma for the 12 months ended April 30, 1946, were earned 2.26 times and 1.94 times, respectively. The gross income used in these computations are before giving effect to any additional earnings that are expected by Southern to result from operation of the \$800,000 of property proposed to be added in the year 1946, to be

² By reason of Rule U-7, promulgated under the Act, Southern has not been considered as an electric utility company as defined in the Act because Southern's gross sales of electric energy during any calendar year have hitherto not exceeded \$100,000. The record indicates that for the calendar year 1945 Southern's gross operating revenues from electric energy distribution were \$99,053, and that such revenues for the twelve-month period ended February 28, 1946, amounted to \$105,642.

financed directly and indirectly through the proposed issuance and sale of preferred stock.³

The Articles of Incorporation of Southern contain certain provisions for the protection of preferred stockholders similar to those which we have heretofore found appropriate in other cases. These include the right of the preferred stockholders, as a class, to elect a majority of the Board of Directors in the event of the accumulation of dividend arrearages equal to four quarterly dividends, and restrictions on the issuance of unsecured debt and of additional shares of preferred stock without consent of preferred stockholders. Payment of dividends on the common stock is restricted unless certain net current asset requirements are satisfied, and Southern proposes to amend its Articles of Incorporation to provide that such dividends shall be further restricted unless certain ratios of common stock equity to total capitalization are maintained.

Southern has estimated that the fees and expenses in connection with the proposed financing will aggregate approximately \$18,230. Of this sum, \$9,600 will be paid to the firms of Kidder, Peabody & Co. and Harris, Hall & Co. as compensation for their services in negotiating the sale of these shares, a legal fee of \$1,000 will be paid to Campbell, Clark & Miller as special counsel to the purchasers, and a fee of \$5,000 to O'Melveny & Myers, as counsel for Southern.

On the basis of the record, we find that the proposed issue and sale by Southern of 32,000 shares of preferred stock is solely for the purpose of financ-

³ Southern estimates that if such property additions had been in operation during the twelve-month period ended April 30, 1946, gross and net income would have increased by \$42,593.

ing the business of Southern. The Railroad Commission of the State of California, the State in which the company is organized and doing business, has issued an order authorizing the consummation of the proposed transaction. The imposition of special terms and conditions does not appear to be appropriate in the public interest or for the protection of investors and consumers.⁴ Accordingly, we find that the application should be granted.

It is therefore ordered, That the application herein of Southern California Water Company, as amended, for exemption from the provisions of Section 6 (a) of the Act of the proposed issue and sale to six institutional purchasers of 32,000 shares of preferred stock with a par value of \$25 each, 4% Series, be and hereby is granted subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

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

[F. R. Doc. 46-12015; Filed, July 11, 1946; 9:52 a. m.]

[File Nos. 54-139, 59-12]

ELECTRIC POWER & LIGHT CORP. ET AL.

NOTICE OF FILING JOINT PLAN AND ORDER RECONVENING HEARING

In the matters of Electric Power & Light Corporation, File No. 54-139; 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, Ebasco Services Incorporated, Respondents, File No. 59-12.

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 July A. D. 1946.

I. On August 22, 1942, the Commission entered an order pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 requiring that the existence of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), a registered holding company, be terminated and that said company be dissolved, and that Electric proceed with due diligence to submit a plan or plans for its dissolution pursuant to section 11 (b) (2) of the act. Electric appealed to the United States Circuit Court of Appeals which affirmed the action of the Commission. Thereafter, Electric filed its petition for certiorari to the United States Supreme Court which granted such petition. The matter was heard orally before that Court during the November 1945 term; the Court has directed a reargument of the case during the October 1946 term.

⁴ The proposed issue and sale are exempt from the competitive bidding requirements of Rule U-50 by virtue of paragraph (a) (4) thereof, since the total proceeds of the transactions will not exceed \$1,000,000.

Electric filed with the Commission on November 6, 1945 a plan pursuant to section 11 (e) of the act with respect to the exchange, on a voluntary basis, of its outstanding \$7 and \$6 preferred stocks for the common stock of United Gas Corporation ("United"), a subsidiary of Electric. The Commission issued its notice of and order for hearing (Holding Company Act Release No. 6231) with respect to Electric's plan and consolidated the proceedings with respect to said plan with proceedings directed to the dissolution of Electric and said notice of and order for hearing provided that consideration be given at such hearing to any appropriate plan to effectuate compliance with the Commission's dissolution order regarding Electric. On May 3, 1946, Electric filed an amended plan pursuant to section 11 (e) fixing, among other things, the number of shares of common stock of United to be offered in exchange for each share of \$7 and \$6 preferred stock of Electric. On May 9, 1946, Bond and Share filed a section 11 (e) plan which provided for the retirement of all outstanding preferred stocks of Electric through exchange of securities or by specified cash payments and the liquidation and dissolution of Electric and the distribution of its remaining assets among its common stockholders and option warrant holders.

II. Notice is hereby given that on July 1, 1945 Bond and Share and Electric filed a joint application with the Commission pursuant to section 11 (e) of the act for approval of a plan ("joint plan"), which the parties state has been proposed by them as a compromise plan. The joint application further states that the Joint Plan is offered as a substitute for the plans heretofore filed by Bond and Share and Electric as described above.

All interested persons are referred to the said Joint Plan, which is on file in the office of this Commission, for a full statement of the transactions therein proposed which may be summarized as follows:

1. Electric will transfer to a company ("New Company") to be organized by Electric all securities of Arkansas Power & Light Company ("Arkansas"), Louisiana Power & Light Company ("Louisiana"), Mississippi Power & Light Company ("Mississippi"), New Orleans Public Service, Inc. ("New Orleans"), and cash equal to the net current assets of Electric at the time of such transfers but not in excess of \$9,000,000, in exchange for 4,400,000 shares (all) of the common stock of the New Company.

2. The New Company will register as a holding company under the Act and its initial issue of common stock will be listed for trading on the New York Stock Exchange.

3. The Joint Plan proposes an offer to exchange for the outstanding shares of \$7 preferred stock, \$6 preferred stock, and \$7 second preferred stock of Electric, and any and all claims to accrued and unpaid dividends thereon the following:

(a) For each share of \$7 preferred stock, 9 shares of the common stock of

the New Company or 10 shares of the common stock of United;

(b) For each share of \$6 preferred stock 8.4 shares of the common stock of the New Company or 9.3 shares of the common stock of United;

(c) For each share of \$7 second preferred stock, 8.6 shares of the common stock of the New Company or 9.6 shares of the common stock of United.

4. It is further provided that the said exchange offer shall become effective upon the deposit of not less than 60% of the aggregate number of shares of \$7 Preferred Stock, \$6 Preferred Stock, and \$7 Second Preferred Stock, outstanding, but Bond and Share and Electric reserve the right to declare the exchange offer effective upon the deposit thereunder of a smaller aggregate number of shares.

5. It is proposed that the said offer of exchange remain open for a period of 15 days, commencing with a date to be designated in the offer: *Provided, however*, That such period may be extended for an aggregate of not more than 30 days at the option of Bond and Share and Electric, any such extension to be subject to termination by Bond and Share and Electric at any time after the exchange offer shall have become effective.

6. The joint plan further provides that the said offer of exchange may be accepted by a stockholder by the deposit of his shares (with the designated exchange agent) on or before 3:00 p. m., New York Time, on the last day of the period during which the offer remains open, together with a duly executed letter of transmittal evidencing acceptance in the form required by Electric. Thereupon, the exchange agent will deliver to, or upon order of, the depositing stockholder a transferable deposit receipt evidencing such deposit under the joint plan.

7. It is proposed further that if the exchange offer becomes effective, the deposit receipt will entitle the holder to receive the number of shares of common stock of the New Company or the number of shares of the common stock of United, as provided in paragraph 3 above: *Provided, however*, That at any time prior to the exchange offer having become effective, the holder of the deposit receipt may, upon surrender of his deposit receipt to the exchange agent together with a notice in writing to such effect, change his election to take shares of common stock of the New Company, if he has so elected, to an election to take shares of common stock of United, and vice versa. With respect to any deposit of more than one share, a depositor may elect to exchange part of his shares for common stock of the New Company and part of his shares for the common stock of United.

8. The Joint Plan provides that if during the exchange period acceptances of the offer of exchange require the issuance of more of the common stock of the New Company than there are shares of such stock available to meet all such acceptances, the exchange agent shall first deliver to each depositor of 5 shares or less the number of shares of common stock of the New Company to which such

depositor shall be entitled, and the exchange agent shall then prorate the balance of the shares of common stock of the New Company among the remaining depositors and will deliver to each such depositor the number of shares of the common stock of the New Company to which he shall be entitled by such proration. Any holder of preferred or second preferred stock who elects to accept shares of common stock of the New Company may signify in writing his election at the time of the deposit of his shares that in the event there are not sufficient shares of such common stock to meet all acceptances, he will accept the offer of common stock of United, as described in paragraph 3 above, in exchange for those shares of preferred stock or second preferred stock deposited for which he does not receive common stock of the New Company as a result of the application of the proration described above.

9. It is proposed that shares deposited may not be withdrawn during the original 15 days of the exchange period or at any time after the exchange offer shall become effective. In the event the exchange period is extended beyond the original 15 days without the exchange offer having become effective, any holder of a deposit receipt may withdraw the deposited shares represented by such receipt.

10. Fractional shares of common stock of the New Company or United will not be distributed but, in lieu thereof, Electric will pay the holder of the preferred or second preferred stock entitled thereto cash at the rate of \$22.00 for each share of the common stock of the New Company and \$20.00 for each share of the common stock of United.

11. When and if the exchange offer described above shall become effective, Electric will establish a retirement date for the purpose of completing the retirement of the \$7 and \$6 Preferred and Second Preferred Stocks which have not been retired pursuant to the exchange offer. Such retirement date will not be later than 120 days after the expiration of the date of the offering of such exchange offer: *Provided, however*, Such 120 day period may be extended by the Commission upon application of Bond and Share and Electric.

12. The plan provides, in the event that the offer of exchange described above becomes effective, for the compulsory retirement of the remaining outstanding shares of the preferred and second preferred stocks of Electric by the deposit (with a designated agent), on or before the retirement date, of cash which shall be paid or distributed as follows:

(a) For each share of \$7 Preferred Stock of Electric and all accumulated and unpaid dividends thereon, \$192.00 plus any unpaid dividends accumulated on each such share of stock from January 1, 1946 to the retirement date;

(b) For each share of \$6 Preferred Stock and all accumulated and unpaid dividends thereon, \$179.00 plus unpaid dividends accumulated on each such share from January 1, 1946 to the retirement date;

(c) For each share of \$7 Second Preferred Stock and all accumulated and unpaid dividends thereon, \$185.00.

13. Upon the expiration of six years subsequent to the retirement date (subject to certain exceptions necessitated by the war) it is proposed that any cash in the hands of the designated agent not then claimed by holders of preferred stock and second preferred stock will be distributed pro rata to the holders of record of the common stock of Electric at the date of its dissolution.

14. In order to provide the cash for the retirement of the preferred stocks as described in paragraph 12, it is proposed that Electric issue to the holders of its common stock rights to purchase part or all of its remaining holdings of common stocks of United and the New Company at a price or prices as may be approved by the Commission.

15. In the event that the Commission shall approve the Joint Plan and the issuance of rights by Electric to its common stockholders to subscribe to the common stocks of United and the New Company, Bond and Share proposes to subscribe to and pay for its proportionate share of such common stock. Bond and Share proposes to raise the cash which it will require for such purpose by a bank loan or bank loans upon such terms and conditions as may be approved by the Commission. Bond and Share requests approval of such subscription by it and the raising of funds necessary to consummate the same.

16. In the event that additional cash is required for the purposes of the Joint Plan in excess of available treasury cash and cash which may be obtained from the sale of the common stocks of United and the new company to the common stockholders of Electric, as described in paragraphs 14 and 15, Electric proposes to sell to the public part or all of its remaining holdings of the common stocks of the new company and United at a price or prices and on terms and conditions as may be approved by the Commission or to raise such cash through the proceeds of a bank loan or bank loans, upon such terms and conditions as may be approved by the Commission.

17. The Joint Plan proposes the compromise, settlement and discharge of any and all claims against Bond and Share and its wholly-owned and former wholly-owned subsidiaries by or on behalf of Electric and its subsidiaries and former subsidiaries and by and on behalf of their various security holders, by the payment by Bond and Share to Electric of \$2,200,000 in cash. In the event that any present or former subsidiary of Electric specifically enumerated in the Joint Plan shall establish its right to any portion of the said \$2,200,000 Electric will pay to such subsidiary such portion without interest.

18. The Joint Plan also proposes the liquidation of the liabilities of Electric and its subsequent dissolution, the details of which are to be supplied by amendment and which amendment is to provide for the satisfaction and discharge of the claims of the warrant holders of Electric.

19. The Joint Plan contemplates that the Commission will not, at this time,

determine the status under section 11 (b) (1) of the properties to be acquired by the New Company but will make a full reservation of jurisdiction with respect to any problems under section 11 (b) (1) of the act which may exist concerning any or all the properties to be transferred to the New Company. In this respect the Joint Plan provides that Electric and the New Company will accept such a reservation of jurisdiction and that neither the filing of the Joint Plan nor any action taken in connection therewith by the Commission or any party to the plan shall prejudice or be intended to prejudice the rights of the Commission, Electric, the New Company, or subsidiaries of the New Company with respect to said section 11 (b) (1) problems.

20. The Joint Plan further provides that Bond and Share will sell, either at competitive bidding or in such manner as the Commission may permit, all shares of the common stock of United and of the New Company received by it under the plan not later than one year (unless such period is extended by the Commission) after the respective date or dates on which such securities are received by Bond and Share.

The Commission is requested, in the event it approves the Joint Plan, to apply to an appropriate district court of the United States for its enforcement. The Joint Plan provides that the approval of the plan by the Commission and its confirmation by the court, and its consummation by the parties shall have the effect of a complete compromise, settlement, and discharge of all claims or counter-claims of any of the parties thereto or their various security holders as such against any of the other parties thereto in any way related to, or arising out of the matters as more particularly described in "Subsection IV" of the Joint Plan. The Commission is petitioned, if it approves the Joint Plan and the compromise embodied therein, to approve the payment of an aggregate of \$175,000 by Electric (and its present or former subsidiaries named therein) to the plaintiffs or their attorneys or their accountants in full settlement and satisfaction of all amounts which said plaintiffs or their attorneys or their accountants are or may be entitled to receive from Electric (and any of its present and former subsidiaries) by way of reimbursement or disbursements or as allowances for legal or professional services.

The Joint Plan states that its consummation is subject to the receipt by Bond and Share and Electric from the United States Treasury Department of a closing agreement as to the tax consequences of the transactions necessary to carry out the Joint Plan which agreement is to be satisfactory to Bond and Share and Electric, and the parties request that any order of the Commission approving the Joint Plan recite that the relevant transactions of the Joint Plan are necessary or appropriate to the integration or simplification of the holding company system of which Electric is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, within the meaning and re-

quirements of the Internal Revenue Code, as amended, including section 1908 (f) and Supplement R thereof.

III. Notice is further given that, subsequent to the institution of proceedings herein, Percival E. Jackson, as holder of \$7 Preferred Stock and as representative of certain other holders of \$7 and \$6 Preferred Stock of Electric; Alexander Louria, as holder and as representative of certain other holders of \$7 Second Preferred Stock of Electric; and Samuel Okin, as a common stockholder of Bond and Share, have each filed plans pursuant to section 11 (d) of the act designed to effectuate the compulsory retirement of outstanding preferred and second preferred stocks of Electric. The Jackson, Louria and Okin plans may be summarized as follows:

A. Jackson plan. The plan filed by Jackson proposes the compulsory retirement of the \$7 and \$6 Preferred Stock of Electric and all claims to accrued and unpaid dividends thereon as follows:

(a) For each share of \$7 Preferred Stock, 13 shares of the common stock of United, plus a cash payment equivalent to the difference between the sound value of the United common stock, as found by the Commission, and \$199.72 (the call price including accrued and unpaid dividends thereon).

(b) For each share of \$6 Preferred Stock, 12 shares of the common stock of United, plus a cash payment equivalent to the difference between the sound value of United common stock, as found by the Commission, and \$186.90 (the call price including accrued and unpaid dividends thereon).

B. Louria plan. The plan filed by Louria proposes the compulsory retirement of the \$7 Second Preferred Stock of Electric and all claims to accrued and unpaid dividends thereon as follows:

For each share of \$7 Second Preferred Stock, 5 shares of common stock of New Orleans, plus a cash payment equivalent to the difference between the sound value of the New Orleans stock, as found by the Commission, and \$201.25 (the call price, including accrued and unpaid dividends thereon, as of December 31, 1945).

C. Okin plan. The plan filed by Okin proposes the retirement of the \$7 and \$6 preferred stocks and \$7 Second Preferred Stock of Electric and all claims to accrued and unpaid dividends as follows:

(a) For each share of \$7 preferred stock 1½ shares of the common stock of Arkansas, 1½ shares of the common stock of Louisiana, ¼ share of the common stock of Mississippi, ¼ share of the common stock of New Orleans together with \$49.72 in cash or such lesser sum as the Commission and an appropriate enforcement court may find to be fair and equitable; or \$189.72 in cash or such lesser sum as the Commission and an appropriate enforcement court may find to be fair and equitable; or 6 shares of common stock of United.

(b) For each share of \$6 Preferred Stock 1½ shares of the common stock of Arkansas, 1½ shares of the common stock of Louisiana, ¼ share of the common stock of Mississippi, ¼ share of the common stock of New Orleans together with \$36.90 in cash or such lesser sum as

the Commission or an appropriate enforcement court may find to be fair and equitable; or \$176.90 in cash or such lesser sum as the Commission and an appropriate enforcement court may find to be fair and equitable; or 5 shares of common stock of United.

(c) For each share of \$7 Second Preferred Stock $1\frac{1}{2}$ shares of the common stock of Arkansas, $1\frac{1}{2}$ shares of the common stock of Louisiana, $\frac{1}{2}$ share of the common stock of Mississippi, $\frac{1}{2}$ share of the common stock of New Orleans together with \$58.00 in cash or such lesser sum as the Commission and an appropriate enforcement court may find to be fair and equitable; or \$198.00 in cash or such lesser sum as the Commission and an appropriate enforcement court may find to be fair and equitable; or 5 shares of common stock of United.

IV. It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that hearings be reconvened with respect to the Joint Plan of Bond and Share and Electric and the plans of other interested persons and with respect to any appropriate plan which might be filed during the course of the proceedings and, further, with respect to what action should be taken by Electric to meet the provisions of the Commission's order directing dissolution of Electric and that none of said plans should be approved except pursuant to further order of the Commission:

It is hereby ordered. That the hearing in the above-entitled matters be reconvened on August 6, 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, Pa. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such reconvened hearing consideration will be given to the plans described above, to such other plans which may be filed or proposed during the course of the proceedings and to what action should be taken by Electric to meet the provisions of the Commission's order directing the dissolution of Electric. In the event that other plans are filed or proposed during the course of said proceedings no notice of such plans will be given unless specifically ordered by the Commission.

It is further ordered. That, without limiting the scope of the issues presented in the consolidated proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consummation of any of the plans filed herein or hereafter proposed, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) and constitutes compliance with the order of the Commission dated August 22, 1942 thereunder.

2. Whether any of the plans filed herein or hereafter proposed, as submitted or as hereafter modified, is fair and equitable to the persons affected thereby.

(3) Whether the acquisitions and security issues proposed in the Joint Plan filed by Bond and Share and Electric

meet the requirements of the applicable provisions of the act, particularly sections 7, 10 and 12 thereof.

(4) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act and rules promulgated thereunder.

(5) Whether any of the plans, as filed or as modified, make appropriate provision for the payment of expenses, fees and remuneration in connection therewith, in what amounts such expenses, fees and remuneration should be paid, and the fair and equitable allocation thereof.

(6) Whether the Commission shall, in accordance with the petition of the parties to the Joint Plan approve the amounts of the proposed payments to be made by Electric to the plaintiffs, or their attorneys, or their accountants in the legal proceedings specifically enumerated in the Joint Plan, by way of reimbursement of disbursements or allowances for legal or professional services, and, if so, what action it should take in the exercise of its jurisdiction over this matter.

(7) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the applicable statutory standards.

(8) Whether a plan proposed by the Commission or by any qualified person 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 of August 22, 1942, directing that the existence of Electric be terminated and that said company be dissolved, and, if proposed by the Commission, what the terms and provisions of such plan should be.

It is further ordered. That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions, matters or plans herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of those proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved;

It is further ordered. That notice of this hearing be given to Bond and Share, Electric and to all other persons, said notice to be given by registered mail to Bond and Share, Electric, Arkansas, Louisiana, Mississippi, New Orleans, Dallas Power & Light Company, Idaho Power Company, to all persons previously granted intervention or participation in the proceedings herein, to the attorneys of record in the legal proceedings specifically enumerated in the Joint Plan filed by Bond and Share and Electric involving claims of the kind sought to be compromised, settled, and discharged by said Joint Plan, and to all

other persons by publication in the FEDERAL REGISTER; and

It is further ordered. That Electric shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order for hearing at least 15 days prior to the date of this hearing.

By the Commission.

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

[F. R. Doc. 46-12016; Filed, July 11, 1946;
9:52 a. m.]

[File No. 70-1298]

NORTHERN NATURAL GAS CO. AND PEOPLES
NATURAL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 21st day of June 1946.

Northern Natural Gas Company, a registered holding company, and its wholly owned subsidiary, Peoples Natural Gas Company, having filed a joint declaration and amendments thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 regarding the proposal of Northern Natural Gas Company voluntarily to reduce the interest rate paid by Peoples Natural Gas Company on the latter Company's presently outstanding, unsecured Series "A" Promissory Notes in the aggregate amount of \$550,000 owned by Northern Natural Gas Company, maturing serially each year from 1946 to 1953, inclusive, from the present interest rate of $4\frac{1}{2}\%$ per annum to 3% per annum and proposing that said reduction in interest rate be effective as of January 1, 1946; and

Declarants having filed an amendment to the declaration stating that The State Corporation Commission of the State of Kansas is the only State commission having jurisdiction over the proposed transactions, which commission has approved the proposed transactions; and

The declaration having been filed on May 16, 1946; and Notice of Filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said amended declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of Section 7 are satisfied, that no adverse findings are necessary thereunder and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered. Pursuant to Rule U-23, and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said

declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

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

[F. R. Doc. 46-12017; Filed, July 11, 1946;
9:52 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT Correction

In Federal Register document 46-11711, appearing on page 7480 of the issue for Thursday, July 4, 1946, the size for Approval No. B-317 should read: "15' x 27' x 2'."

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6213]

KARL AUGUST HEINRICH MULLER ET AL.

In re: Interests in bond and second mortgage, property insurance policy and claim owned by Karl August Heinrich Muller, Max Friedrich Edward Muller, Leo Karl Muller, Herman Wilhelm August Muller and Alvire Ottilie Herms.

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 the persons whose names and last known addresses appear below are residents of Germany and nationals of a designated enemy country (Germany);

Name and Last Known Address

Karl August Heinrich Muller, Neublessin, Germany.

Max Friedrich Edward Muller, Kothbusser Strasse 3 I, Berlin, Germany.

Leo Karl Muller, Albrecht Strasse 116 I, Schneidmuhl, Germany.

Alvire Ottilie Herms, Magazin Strasse 24, Wollin, Pomerania, Germany.

Herman Wilhelm August Muller, Germany.

2. That the property described as follows:

a. All right, title and interest of the persons named in subparagraph 1, in and to that certain mortgage which was executed on April 1, 1925, by Louis A. Lehman and Marie Lehman, his wife, as mortgagors, in favor of Auguste Miller, also known as Auguste Muller, as mortgagee, and recorded on April 14, 1925, in the Office of the Clerk of Queens County, New York, in Liber 2574 of Mortgages, page 433, which mortgage was assigned by James W. Brown, Public Administrator of Bronx County, New York, by assignment, dated March 24, 1937, and recorded April 15, 1937, in the Office of the Clerk of Queens County, New York, in Liber 4336 of Mortgages, page 275, to the persons named in subparagraph 1, among others, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right

to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 2035, issued by the Springfield Fire and Marine Insurance Company, Springfield, Massachusetts, insuring the premises subject to the mortgage described in subparagraph 2-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of the persons named in subparagraph 1, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to them by Austin & DuPont, Esqs., 161-19 Jamaica Avenue, Jamaica, New York, including particularly but not limited to those sums arising by reason of interest payments made on the mortgage described in subparagraph 2-a hereof, and any and all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, 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 in subparagraph 2 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 admis-

sion 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. 46-12008; Filed, July 11, 1946;
9:30 a. m.]

[Vesting Order 6563]

META MAART

In re: Estate of Meta Maart, deceased; File No. D-28-9822; E.T. sec. 13840.

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 Bertha Boysen, Herman Hansen and Margaret Christine Bendixen, and each of them, in and to the estate of Meta Maart, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated country, Germany, namely,

Nationals and Last Known Address

Bertha Boysen, Germany.

Herman Hansen, Germany.

Margaret Christine Bendixen, Germany.

That such property is in the process of administration by the Treasurer of the City of New York as depository, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of 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 June 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-12009; Filed, July 11, 1946;
9:30 a. m.]

[Vesting Order 6623]

WATARU KITAGAWA

In re: Stocks and bank account owned by Wataru Kitagawa; File No. F-39-37 A-1, F-39-37-E-1.

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 Wataru Kitagawa, whose last known address is Kochi-shi Nishiki Kawa-Cho, 51-Banchi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, and beneficially owned by Wataru Kitagawa, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Wataru Kitagawa, by the California Bank, 625 South Spring Street, Los Angeles, California, arising out of a special savings account, entitled Mr. W. Kitagawa, maintained at the branch office of the aforesaid bank located at the City Market Office, 863 South San Pedro Street, Los Angeles 14, California, 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 June 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Number of Shares; Issuing Corporation; State of Incorporation; Certificate Number; Registered in Name of—

100 C/S; Southern Railway Co.; —; C 161836; Wataru Kitagawa.
1 C/S; Plymouth Oil Co.; Delaware; PO 15483; Wataru Kitagawa.
100 C/S; Plymouth Oil Co.; Delaware; NY 21833; Wataru Kitagawa.
2 C/S; Plymouth Oil Co.; Delaware; PO 8567; Wataru Kitagawa.
2 C/S; Plymouth Oil Co.; Delaware; PO 12191; Wataru Kitagawa.
2 C/S; Plymouth Oil Co.; Delaware; PO 5881; Wataru Kitagawa.
590/1000; Plymouth Oil Co.; Delaware; SCE 2502; Series E Scrip.
48 C/S; Farnsworth Television & Radio Corp.; Delaware; TL 3006; Wataru Kitagawa.
100 C/S; Farnsworth Television & Radio Corp.; Delaware; TC 3039; Wataru Kitagawa.
100 C/S; Farnsworth Television & Radio Corp.; Delaware; TC 3038; Wataru Kitagawa.
52 C/S; Farnsworth Television & Radio Corp.; Delaware; TL 855; Wataru Kitagawa.
100 C/S; Farnsworth Television & Radio Corp.; Delaware; TC 3040; Wataru Kitagawa.
100 C/S; Farnsworth Television & Radio Corp.; Delaware; TC 3041; Wataru Kitagawa.
100 C/S; Farnsworth Television & Radio Corp.; Delaware; TC 3042; Wataru Kitagawa.
325 C/S; Manhattan Fund, Inc.; —; 1541; Wataru Kitagawa.
375 C/S; Manhattan Fund, Inc.; —; 1615; Wataru Kitagawa.
100 C/S; Wellington Oil Co. of Delaware; Delaware; 8715; Wataru Kitagawa.
100 C/S; Wellington Oil Co. of Delaware; Delaware; 8714; Wataru Kitagawa.
100 C/S; Tennessee Corp.; New York; N 14909; Wataru Kitagawa.
100 C/S; Tennessee Corp.; New York; N 14910; Wataru Kitagawa.
100 C/S; Studebaker Corp.; Delaware; 60179; Wataru Kitagawa.

100 C/S; Studebaker Corp.; Delaware; 60178; Wataru Kitagawa.
100 C/S; Studebaker Corp.; Delaware; 59461; Wataru Kitagawa.
100 C/S; Studebaker Corp.; Delaware; 59462; Wataru Kitagawa.
100 C/S; Studebaker Corp.; Delaware; 59463; Wataru Kitagawa.
100 C/S; Standard Oil Co. of Calif.; Delaware; NY 251861; Wataru Kitagawa.
100 C/S; Standard Oil Co. of Calif.; Delaware; NY 264089; Wataru Kitagawa.
100 C/S; Southern Pacific Co.; —; L 5100; Wataru Kitagawa.
50 C/S; Southern Calif. Edison Co., Ltd.; —; ND 45977; Wataru Kitagawa.
75 C/S; Southern Calif. Edison Co., Ltd.; —; ND 55062; Wataru Kitagawa.
100 C/S; Socony-Vacuum Oil Co., Inc.; New York; B 263213; Wataru Kitagawa.
100 C/S; Socony-Vacuum Oil Co., Inc.; New York; B 263214; Wataru Kitagawa.
50 C/S; Security-First Natl. Bank of L. A.; California; O 69565; Wataru Kitagawa.
50 C/S; Security-First Natl. Bank of L. A.; California; O 69566; Wataru Kitagawa.
100 C/S; Phelps Dodge Corp.; New York; 92351; Wataru Kitagawa.
100 C/S; The Otis Steel Co.; Ohio; N 894; Wataru Kitagawa.
100 C/S; The N. Y. Central Railroad Co.; —; H 89973; Wataru Kitagawa.
100 C/S; The N. Y. Central Railroad Co.; —; H 99678; Wataru Kitagawa.
100 C/S; Interstate Department Stores, Inc.; Delaware; 11467; Wataru Kitagawa.
100 C/S; General Motors Corp.; Delaware; D 362-371; Wataru Kitagawa.
100 C/S; General Motors Corp.; Delaware; D 316-339; Wataru Kitagawa.
100 C/S; Continental Oil Co.; Delaware; 213875; Wataru Kitagawa.
100 C/S; Consolidated Steel Corp., Ltd.; California; C 4807; Wataru Kitagawa.
100 C/S; Consolidated Steel Corp., Ltd.; California; C 4805; Wataru Kitagawa.
100 C/S; Consolidated Steel Corp., Ltd.; California; NY 1241; Wataru Kitagawa.
100 C/S; Consolidated Steel Corp., Ltd.; California; C 4790; Wataru Kitagawa.
100 C/S; The Chase National Bank; —; H 52162; Wataru Kitagawa.
25 C/S; The Chase National Bank; —; 291274; Wataru Kitagawa.
40 C/S; Broadway Department Store, Inc.; Delaware; D 08; Wataru Kitagawa.
100 C/S; Anaconda Copper Mining Co.; Montana; 579241; Wataru Kitagawa.
2 C/S; Amerex Holding Corp.; New York; 095086; Wataru Kitagawa.
100 C/S; American Smelting & Refining Co.; New Jersey; C 119364; Wataru Kitagawa.
100 C/S; Allied Stores Corp.; Delaware; C 38695; Wataru Kitagawa.
100 C/S; Allied Stores Corp.; Delaware; C 38696; Wataru Kitagawa.
100 C/S; Western Union Telegraph Co.; —; 109735; Wataru Kitagawa.
100 C/S; Western Union Telegraph Co.; —; 109736; Wataru Kitagawa.
100 C/S; Western Union Telegraph Co.; —; 109737; Wataru Kitagawa.
100 C/S; Bulolo Gold Dredging, Limited; Canada; M 14176; Wataru Kitagawa.
100 C/S; General Motors Corp.; Delaware; D 501-935; Wataru Kitagawa.
100 C/S; General Motors Corp.; Delaware; D 543-230; Wataru Kitagawa.
100 Com.; Broadway Department Store, Inc.; Delaware; CE 586; H. Shiguru Kawada.
100 Com.; Broadway Department Store, Inc.; Delaware; CE 587; H. Shiguru Kawada.
100 Com.; The Ohio Oil Co.; Ohio; NY 154720; H. Shiguru Kawada.
100 Com.; Republic Steel Corp.; New Jersey; CLC 45367; H. Shiguru Kawada.
100 Com.; Standards Brand, Inc.; Delaware; C 399042; H. Shiguru Kawada.
100 C/S; Anaconda Copper Mining Co.; Montana; J 13186; H. Shiguru Kawada.
[F. R. Doc. 46-12010; Filed, July 11, 1946;
9:30 a. m.]