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TITLE 7—AGRICULTURE

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PART 725—BURLEY AND FLUE-CURED TOBACCO

SUBPART—1947-48 MARKETING YEAR GENERAL

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AUTHORITY: §§ 725.311 to 725.326, inclusive, issued under 52 Stat. 38, 47, 66; 53 Stat. 1261; 54 Stat. 392; 56 Stat. 51; 57 Stat. 387; 58 Stat. 136; 7 U. S. C. 1301(b), 1313, 1375; 60 Stat. 21.

GENERAL

§ 725.311 Definitions. As used in §§ 725.311 to 725.326, inclusive, and in all instructions, forms and documents in connection therewith the words and phrases defined in this section shall have

the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) **Committees.** (1) "Community committee" means the group of persons elected within a community to assist in the administration of the Agricultural Conservation Program in such community.

(2) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Field Service Branch, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) "New farm" means a farm on which tobacco will be produced in 1947 for the first time since 1941.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1942 through 1946.

(e) "Cropland" means that land on the farm which is included as cropland for purposes of the 1946 Agricultural Conservation Program but shall not include wood or wasteland from which no

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cultivated crop was harvested in any of the years 1942 through 1946.

(f) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1946 into the total of the 1946 tobacco acreage allotment for such old farms: *Provided*, That, if the county committee determines that the cropland factor for all communities in the county are substantially the same, the county committee may consider the entire county as one community.

(g) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Tobacco" means flue-cured tobacco, types 11, 12, 13, and 14, or Burley tobacco, type 31, as classified in Service and Regulatory Announcement No. 118 (7 CFR 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both as indicated by the context.

§ 725.312 *Extent of calculations and rule of fractions.* All acreages shall be calculated to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 725.313 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such instructions and forms as may be deemed necessary or expedient for carrying out §§ 725.311 to 725.326, inclusive.

§ 725.314 *Applicability of §§ 725.311 to 725.326, inclusive.* Sections 725.311 to 725.326, inclusive, shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning July 1, 1947, in the case of flue-cured tobacco, and October 1, 1947, in the case of Burley tobacco. The applicability of §§ 725.311 to 725.326, inclusive, to Burley tobacco is contingent upon approval by growers in a referendum with respect to the national marketing quota to be proclaimed on or after October 1, 1946.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.315 *Determination of 1947 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1946 allotment with the exceptions stated below:

(a) If the acreage of tobacco harvested in each of the three years 1944-46 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1942-46: *Provided*, That any such preliminary allotment shall not exceed the 1946 allotment for such farm.

(b) If no 1946 allotment was established for the farm, the preliminary allotment shall be the average acreage of tobacco harvested on the farm in the five years 1942-46 but not less than 0.1 acre.

(c) If the average acreage of tobacco harvested on the farm in the three years 1944-46 exceeds the 1946 allotment by more than 10 percent, the preliminary allotment shall be the 1946 allotment plus one-third of the number of acres by which the three-year average exceeds the 1946 allotment.

§ 725.316 *Adjustment of preliminary acreage allotments for old farms.* The preliminary acreage allotment for any old farm shall be adjusted as provided below:

(a) *Adjustment for flue-cured farms with small acreage allotments.* For any farm with a small acreage allotment which is owned and operated by a person who lives on and depends primarily upon that farm for a livelihood and who does not own, operate or control any other farm having a flue-cured tobacco allotment, the preliminary acreage allot-

ment shall be increased to an acreage not exceeding the smaller of (1) 2.3 acres or (2) 20 percent of the cropland in the farm: *Provided*, That such increases of the preliminary allotment shall not be required if the community committee, with the approval of the county committee, determines that the resulting preliminary allotment is larger than the acreage of tobacco which likely will be grown on the farm.

The increase in preliminary allotments for all farms pursuant to this paragraph shall be reduced uniformly (but not less than 0.1 acre in any case) if required to bring the total of such increases for all such farms within two percent of the acreage allotted to all farms in 1946.

(b) *Other adjustments for flue-cured farms.* (1) The preliminary allotment for any farm (including any small farm after adjustment pursuant to paragraph (a) of this section) may be increased within the limits stated in subparagraph (3) of this paragraph if the community committee, with the approval of the county committee, finds it to be smaller in relation to the land, labor, and equipment available for the production of tobacco on the farm than the average of the preliminary allotments for all old farms in the community in relation to such factors.

(2) If the preliminary allotment for any farm is greater than the 1946 allotment because the 1944-46 average harvested acreage exceeded the 1946 allotted acreage by more than 10 percent such preliminary allotment shall be decreased to the smallest acreage determined in accordance with the limits stated in subparagraph (3) of this paragraph.

(3) The preliminary allotment for any farm as adjusted pursuant to subparagraphs (1) and (2) of this paragraph (b) shall be limited to an acreage not in excess of the smallest of (i) 90 percent of the acreage indicated by cropland; (ii) 20 percent of the cropland in the farm; (iii) 4 acres for each family living on the farm and engaged in the production of tobacco in 1946; or (iv) 3.5 acres for each curing barn on the farm in 1946: *Provided*, That no preliminary allotment shall be reduced below the 1946 allotment because of the limits stated in this subparagraph; and *Provided further*, That such limits shall not prevent increasing the preliminary allotment for any farm to as much as the 1946 allotment for the farm if the community committee, with the approval of the county committee, finds that service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces caused the harvested acreage of tobacco to be less than 75 percent of the allotted acreage for such farms in the three years 1944-46 and if such labor either returns to the farm in 1947 or cannot return to the farm because of death or injury while in the armed forces and is replaced in 1947 by other labor.

(4) The increases pursuant to § 725.315 (c) and subparagraphs (1) and (2) of this paragraph (adjusted preliminary allotment minus 1946 allotment), shall not exceed an amount equal to two percent of the acreage allotted to all farms

in the State in 1946. Any decreases in the adjustments of preliminary allotments required to bring the amount of such adjustments within this limit shall be made by decreasing uniformly (by not less than 0.1 acre in any case) the adjustments made pursuant to subparagraph (1) of this paragraph.

(c) *Adjustments of preliminary allotments for old Burley tobacco farms.* (1) The preliminary allotment for any farm may be increased within the limits stated in subparagraph (3) of this paragraph if the community committee, with the approval of the county committee, finds it to be smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the preliminary allotments for all old farms in the community in relation to such factors.

(2) If the preliminary allotment for any farm is greater than the 1946 allotment because the 1944-46 average harvested acreage exceeded the 1946 allotted acreage by more than 10 percent such preliminary allotment shall be decreased to the smallest acreage determined in accordance with the limits stated in subparagraph (3) of this paragraph.

(3) The preliminary allotment as adjusted for any farm pursuant to this paragraph shall not exceed the smaller of (i) the acreage capacity of curing barns located on the farm which are in usable condition and available for curing of tobacco, or (ii) 90 percent of the acreage indicated by cropland: *Provided*. That no preliminary allotment shall be reduced below the 1946 allotment because of such limits: *Provided further*. That such limits shall not prevent increasing the preliminary allotment for any farm to as much as the 1946 allotment for the farm if the community committee, with the approval of the county committee, finds that service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces caused the harvested acreage of tobacco to be less than 75 percent of the allotted acreage for such farm in the three years 1944-46 and if such labor either returns to the farm in 1947, or cannot return to the farm because of death or injury while in the armed forces and is replaced in 1947 by other labor.

(4) The total of the increases of the preliminary allotments in any county pursuant to § 725.315 (c) and subparagraphs (1) and (2) of this paragraph shall not exceed one percent of the total acreage allotment for all farms in the county in 1946 unless otherwise approved by the State committee. The total acreage available hereunder for all farms in each State shall not exceed two percent of the total acreage allotted to all farms in each State in 1946.

§ 725.317 *1947 old tobacco farm acreage allotment.* The total of the preliminary allotments calculated for all old farms in any State pursuant to § 725.315 and adjusted in accordance with § 725.316 shall be adjusted uniformly so as to make such total equal the State acreage allotment and the individual farm acreage allotment so adjusted shall be the 1947 acreage allotment: *Provided*, That any

Burley farm acreage allotment determined as provided above shall be increased if necessary to the smaller of (a) the 1946 allotment, or (b) 0.9 acre.

§ 725.318 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1947 shall be reduced by the amount of tobacco so marketed: *Provided*, That such reduction for any such farm shall not be made if the Secretary, through the county committee, determines that no person connected with such farm caused, aided, or acquiesced in such marketing. The operator of the farm shall furnish complete and accurate proof of disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced by that amount of tobacco with respect to which accurate proof of disposition has not been furnished: *Provided*, That if the farm operator establishes to the satisfaction of the county and State committee that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made. Any such reduction shall be made with respect to the 1947 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1947 crop, such reduction shall be made with respect to the farm acreage allotment next determined for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

The amount of tobacco involved in the violation will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced, or, if the actual yield cannot be determined, by the estimated actual yield determined by the county committee for the farm for such year.

§ 725.319 *Reallocation of allotments released from farms removed from agricultural production.* (a) Except as provided in paragraph (b) of this section, the tobacco allotment determined for which would have been determined for any land which is removed from agricultural production because of acquisition by a State or Federal Agency for any purpose shall be available to the State committee for use in providing equitable allotments for farms on which tobacco was grown in one or more of the past five years, and which are owned in 1947 by persons who owned land so removed from agricultural production. Insofar as possible the allotments for farms

owned by such persons shall be comparable to the allotments for other old farms in the same community which are similar with respect to land, labor and equipment, available for the production of tobacco, crop rotation practices, soil and other physical factors affecting the production of tobacco, taking into consideration the allotment for the land removed from agricultural production. The allotment so determined shall not exceed the 1947 allotment which was or would have been determined for the land removed from agricultural production, nor shall it exceed the larger of (1) 50 percent of the acreage of cropland in the farm in the case of flue-cured tobacco and 20 percent of the acreage of cropland in the farm in the case of Burley tobacco, or (2) three acres.

(b) The allotment determined or which would have been determined for any land acquired on or since January 1, 1940, by any Federal agency for national defense purposes shall be placed in a State pool and shall be used in determining equitable allotment for farms owned or purchased by owners displaced because of acquisition of their farm by a Federal agency for national defense purposes. Upon application to the local committee within five years from the date of the acquisition of the farm by a Federal agency for national defense purposes, any owner so displaced shall be entitled to have an allotment for any one of the other farms owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm acquired by the Federal agency: *Provided*, That such allotment shall not exceed 50 percent of the acreage of cropland in the farm in the case of flue-cured and 20 percent of the acreage of cropland in the farm in the case of Burley tobacco. The provisions of this paragraph shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 725.320 *Farms subdivided or combined.* (a) If land operated as a single farm in 1946 has been subdivided and will be operated in 1947 as two or more farms the 1947 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee: *Provided, however*, That when a farm is to be subdivided in

1947 into two or more farms which were separate and distinct prior to a combination in 1942 or any subsequent year, the allotment shall be divided among such farms in the same proportion that each contributed to the farm acreage allotment, unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1946 are combined and operated in 1947 as a single farm, the 1947 allotment shall be the sum of the 1947 allotments determined for each of the farms composing the combination, or if smaller, the allotment determined or which would have been determined for the farm as constituted in 1947.

§ 725.321 Determination of normal yields. The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1940-44; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall equal the normal yield established for the county for 1946.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.322 Determination of acreage allotments for new farms. The acreage allotment, other than an allotment made under § 725.319, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the land, labor and equipment available for the production of tobacco, crop rotation practices, the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed in the case of flue-cured tobacco the smaller of (a) 15 percent of the cropland in the farm or (b) 75 percent of the allotments for old flue-cured farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices and the soil and other physical factors affecting the production of tobacco; and in the case of Burley tobacco 50 percent of the allotments for old Burley farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a sharecropper, tenant, or as a farm operator during two of the past five years: *Provided, however*, That a farm operator who has been in the armed services shall be deemed to have met the requirements hereof if he has

had experience in growing the kind of tobacco for which an allotment is requested during one year within the five years immediately prior to his entry into the armed services.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application unless the community committee, with the approval of the county committee, determines that he does not live on the farm because of conditions beyond his control, such as inability to obtain material with which to repair or construct a house on the farm;

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any flue-cured or Burley tobacco is produced in 1947;

(4) The farm will not have a 1947 allotment for any kind of tobacco other than that for which application is made hereunder; and

(5) The farm was not a part of an old tobacco farm in any of the past five years 1942-46, or if it was part of an old farm during such period, was not eligible for a tobacco allotment as an old farm because it made no contribution to the allotment on the old farm when it was combined therewith.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for new farms shall be one percent of the national acreage allotment for 1947 in the case of flue-cured tobacco and one-half of one percent in the case of Burley tobacco.

§ 725.323 Time for filing application. An application for a new farm allotment shall be filed with the county committee prior to February 1, 1947, unless the farm operator was discharged from the armed services subsequent to December 31, 1946, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.324 Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.325 Determination of acreage allotments and normal yields for farms returned to agricultural production. (a) Notwithstanding the foregoing provisions of §§ 725.311 to 725.326, inclusive, the acreage allotment for any farm which was acquired by a State or Federal agency for any purpose and which is returned to agricultural production in 1947, or which was returned to agricultural production in 1946 too late for a 1946 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its

retirement from agricultural production which remains in the State pools (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired by the State or Federal agency) may be established as the 1947 allotment for such farm by transfer from the pools, and if any part of the allotment for such land was transferred by the original owner through the State pools to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.326 Approval of determinations made under §§ 725.311 to 725.326, inclusive. The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 725.311 to 725.326, inclusive. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

Done at Washington, D. C., this 10th day of September 1946.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 46-16552; Filed Sept. 13, 1946;
8:58 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

PROPORTIONATE SHARES FOR FARMS IN THE DOMESTIC BEET SUGAR AREA FOR THE 1946 CROP

Pursuant to the provisions of subsection (a) of section 302 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.17i Proportionate shares for farms in the Domestic Beet Sugar Area for the 1946 crop. The proportionate share for the 1946 crop for each farm in the domestic beet sugar area shall be the number of acres of sugar beets planted thereon for the production of sugar beets to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1946 crop season. (Sec. 302, 50 Stat. 910; 7 U. S. C. 1132)

Issued this 10th day of September 1946.

[SEAL] CHARLES T. BRANNAN,
Acting Secretary of Agriculture.
[F. R. Doc. 46-16550; Filed, Sept. 13, 1946;
8:58 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

HANDLING OF MILK IN PHILADELPHIA, PA.

§ 961.0 Findings and determinations—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding co-

operative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed in the Philadelphia, Pennsylvania, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amends the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of milk which is produced for sale in said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who during July 1946 determined to be a representative period, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order as amended, is hereby further amended as follows:

Revise paragraph (a) (1) of § 961.4 to read:

(1) *Class I milk.* \$5.56 per hundredweight for the months July through March each year and \$5.11 per hundredweight for the months of April, May and June: *Provided*, That such prices shall be increased 40 cents per hundredweight if the average of the highest prices for 92-score butter sold wholesale at New York as reported by the United States Department of Agriculture for the last ten market days of the preceding month is 82 cents or over, and such price shall be decreased 40 cents per hundredweight if such average price for butter is 67 cents or less: *And provided further*, That the price shall be at least \$5.56 for each month until but not including March 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 6th day of September 1946, to be effective on and after the 14th day of September 1946.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

Approved: September 10, 1946.

JOHN R. STEELMAN,
Director of War Mobilization and
Reconversion.

[F. R. Doc. 46-16548; Filed, Sept. 13, 1946;
9:37 a. m.]

PART 945—MILK IN THE WASHINGTON, D. C., MARKETING AREA

HANDLING OF MILK IN WASHINGTON, D. C., AREA

§ 945.1 Findings and determinations—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Washington, D. C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed in the Washington, D. C., marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Washington, D. C., marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of milk which is produced for sale in said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who during March 1946, determined to be a representative period, were engaged in the production of milk for sale in the said marketing area.

§ 945.2 Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Washington, D. C. marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order as amended, is hereby further amended as follows:

1. Revise § 945.7 (a) (1) and (2) to read:

(1) *Class I.* The price for Class I milk shall be \$5.60 for the delivery periods from July through March and \$5.35 for the delivery periods of April, May and June: *Provided*, That if the average of the highest prices for 92-score (grade A) butter sold wholesale at New York reported by the United States Department of Agriculture for the last ten market trading days in the preceding month is 82 cents or above the price shall be increased 40 cents and if such butter price is 67 cents or less the above price shall be decreased 40 cents; *And provided further*, That the price shall be not less than \$5.60 for each delivery period until but not including March 1947.

(2) *Class II.* The price for Class II milk shall be \$3.55 or the price computed for Class III milk whichever is higher.

2. Revise § 945.10 (d) (1) to read as follows:

(1) in making payments pursuant to paragraph (a) of this section, handlers shall pay the applicable premium rates set forth in this paragraph for each producer's deliveries on that quantity of milk received from each producer which represented such producer's proportionate share of all producer milk classified as Class I and Class II. The premium rates referred to in this paragraph shall be determined from the following schedule with respect to the cattle scores and farm scores recorded for each producer by the respective health departments requiring permits to sell milk to handlers in the marketing area, except that for all producers delivering to a plant located in the State of Maryland and from which no milk is disposed of in the District of Columbia or that part of the marketing area within the State of Virginia the rate shall be 41 cents per hundredweight during any period in which the applicable health department assigns no numerical

scores to producers delivering milk to such plant:

Farm score	With cattle score under 95	With cattle score 95 or over, but under 98	With cattle scores 98 or over
	Per cwt.	Per cwt.	Per cwt.
Under 80			
80.0-84.9	\$0.02	.08	.14
85.0-89.9	.08	.14	.20
90.0-94.9	.20	.26	.32
95.0-97.9	.31	.37	.43
Over 97.9			

(48 Stat. 31, 670, 675, 49 Stat. 750; 50 Stat. 246; 7 U. S. C. et seq.)

Issued at Washington, D. C., this 6th day of September 1946, to be effective on and after the 14th day of September 1946.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

Approved September 10, 1946.

JOHN R. STEELMAN,
Director, Office of War
Mobilization and Reconversion.

[F. R. Doc. 46-16551; Filed Sept. 13, 1946;
8:58 a. m.]

[Marketing Agreements and Orders]

PART 966—ORANGES, CALIFORNIA-ARIZONA

RULES AND REGULATIONS

The following rules and regulations, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.) and Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, have my approval. Sections 966.103, 966.105, 966.106, 966.108, and 966.109 of the rules and regulations have been adopted by the Orange Administrative Committee, established under the order, as the agency to administer the terms and provisions thereof. Sections 966.104 and 966.107 of the rules and regulations are prescribed pursuant to §§ 966.4 and 966.7, respectively, of the order.

Sec.

- 966.103 Definitions.
- 966.104 Nomination procedure.
- 966.105 Delinquent assessments.
- 966.106 Regulation.
- 966.107 Prorate districts.
- 966.108 Oranges not subject to regulations.
- 966.109 Reports.

§ 966.103 Definitions. The terms used herein shall have the same definitions as are set forth in Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.). In addition, the following terms have the following meanings:

(a) "Oranges in fresh form" means oranges and their component parts which are fit for human consumption and which have not been treated or processed in such a manner as to make their edible qualities last indefinitely.

(b) "Handling of oranges for conversion into by-products" means the handling of oranges for treatment or

processing so that the oranges and their component parts are transformed from a fresh perishable state to a preserved and non-perishable state.

§ 966.104 Nomination procedure. (a) The time of nominating members and alternate members of the Orange Administrative Committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the Administrative Committee and the manner of nominating members and alternate members of said committee shall be as follows:

(1) The California Fruit Growers Exchange, a California nonprofit cooperative marketing association with its principal place of business at Los Angeles, California, so long as it continues to market more than 50 percent of the total volume of such oranges marketed in fresh form, as provided in Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.), shall, by resolution adopted by its board of directors, nominate not less than 6 growers for 3 members and 6 growers for 3 alternate members of the committee.

(2) A meeting shall be held at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations which market such oranges, other than the California Fruit Growers Exchange (which includes its affiliated district exchanges and local associations), shall nominate not less than 2 growers for a member and 2 growers for an alternate member of the committee. The vote of each such organization shall be weighted by the quantity of oranges which it marketed in fresh form during the fiscal year (as defined in Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.)), the end of which is nearest the date on which the meeting is held. Any person who votes at any such meeting shall submit to the agent of the Secretary written evidence of his authority to vote for such an organization.

(3) Not less than 7 and not more than 15 meetings shall be held at such times and places (throughout the orange producing areas in California and Arizona) as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate 2 growers. The number of ballots to be cast in selecting the 2 nominees for each meeting shall be determined at the respective meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

(4) The names and addresses of the growers who have been selected at each of the grower meetings to be held pursuant to subparagraph (3) of this paragraph shall be placed on a ballot which shall be mailed to all growers of record, and otherwise made available to growers, who are not members of, or affiliated with, a cooperative marketing organization which markets oranges, with instructions to vote for 4 growers (2 for members and 2 for alternates) whose names appear on the ballot, and to sign the ballot and return it within such

reasonable time as may be determined by the agent of the Secretary.

(5) The agent of the Secretary shall give adequate notice of any meeting to be held pursuant hereto and of the voting for nominees by growers who are not members of, or affiliated with, a cooperative marketing organization, as provided in subparagraph (4) of this paragraph.

§ 966.105 *Delinquent assessments.* (a) If an assessment is not paid within thirty (30) days of the date due, the committee shall obtain the approval of the Secretary to maintain a suit in the name of the committee to enforce the payment of any and all assessments then due and payable by such handler.

(b) If suit is instituted for payment of delinquent assessments, the handler shall pay, in addition to the amount of the delinquent assessments, interest thereon from the due dates at the rate of six (6) percent per annum, and costs of suit.

§ 966.106 *Regulation—(a) Control of oranges.* (1) In order to control oranges within the meaning of (i) and (iii) of § 966.6 (d) (3), the following facts must exist:

(i) The handler and a grower shall have executed a written agreement. Such agreement shall contain all of the basic requirements of a legal contract including (a) a legal consideration, that is, mutual promises or other consideration which is enforceable by either party or both parties by an action of law, and (b) certainty as to parties, the quantity of oranges involved, and the amount to be received for the fruit. This agreement will be considered sufficiently definite as to the quantity of fruit if it specifies all the oranges of a described acreage, and as to the amount to be received for the fruit if it specifies a certain amount or sets forth an enforceable method of determining the amount to be paid.

(ii) The agreement shall have been entered into by both parties in good faith. It shall be entered into with the purpose and intent of giving absolute control of the oranges to the handler. It cannot, therefore, be entered into (a) for the purpose of merely giving the prorate base allotment to the handler, or (b) subject to some other written or oral agreement or understanding altering its terms, or (c) under an oral or written understanding that neither of the parties will legally enforce the terms of the contract. Any statement in the contract which permits the termination thereof without legal liability will be considered evidence of a lack of good faith.

(iii) The agreement shall give the handler exclusive, unconditional, and unlimited authority to handle the oranges. This authority must be for such period of time as may be necessary to move the oranges covered by the agreement.

(2) If a person loses control of oranges and has handled a quantity thereof less than the quantity that could have been handled under allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom a quantity of oranges equiva-

lent to the quantity upon which allotments were issued, but which were not utilized thereon. The quantity so determined shall be deducted during a 4-week period (or balance of the season if the balance of the season is less than 4 weeks): *Provided, however;* That in no instance should the amount of deduction exceed one-half of the current allotment issued to such handler, and, if necessary to comply with this requirement, the 4-week period may be extended to accomplish that purpose.

(b) *Prorate bases.* (1) The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies as provided in the order, during a 4-week period (or balance of season if the balance of the season is less than 4 weeks): *Provided, however;* That in no instance should the amount of adjustment in any weekly period exceed one-half of the current allotment issued to such handler, and, if necessary to comply with this requirement, the 4-week period may be extended to accomplish that purpose.

(2) When a handler has moved all the oranges under his control in a particular prorate district of the variety being regulated and has received allotments sufficient to repay any allotments received by him from an allotment pool or loan for handling such oranges, such handler shall be removed from the prorate base schedule and shall thereupon receive no further allotments for such oranges. If such handler during the same proration season again acquires control of oranges of the same variety in the same prorate district, he shall notify the committee in accordance with § 966.6 (d), and the handler shall thereupon be restored to the prorate base schedule and the prorate base of such handler shall be adjusted as in the case of any other handler.

(c) *Allotment pools.* When an allotment pool is established, the following shall apply:

(1) Upon application being made by a handler for participation in an allotment pool, the committee shall make an investigation through its Field Department to determine whether the fruit of the handlers in the locality of applicant, and the fruit of applicant, is of advanced maturity or short life within the meaning of § 966.6 (k), and the Field Department shall report back its findings at the next weekly meeting of the committee.

(2) Applications must be made at least two weeks in advance of the date on which the committee will act to determine the advisability of establishing allotment pools for any applicant or locality, except in cases where investigation of conditions in a locality has already been made, in which case applications made in accordance with subparagraph (6) of this paragraph will be sufficient.

(3) The phrase "advanced maturity or short life of oranges available for current shipment" as used herein shall mean that the fruit in a particular locality within a prorate district has generally reached such maturity or is of such condition on the trees that it must be harvested in order to be available for shipment in good marketable condition

during a period differing from the harvesting period for the remainder of the prorate district: *Provided,* That the period of harvest for the particular locality is a normal or usual one for that locality.

(4) Upon receipt of the Field Department's appraisal, the committee shall determine whether the condition of the oranges controlled by the applicants in the locality of applicants is such as to justify the institution of an allotment pool.

(5) The committee shall also determine the limits of the locality in which such condition exists, and all growers and handlers in such locality including those making application shall be eligible, upon proper application and showing, to participate in the allotment pool, and shall be advised of such opportunity.

(6) Applicants desiring to borrow allotments from the pool must apply in writing by 12:00 o'clock noon, one day preceding the weekly meeting of the committee, stating the amount of the loan required and only the applications on file by that time will be considered as entitled to receive loans from allotments for the succeeding week.

(7) In case applications are filed the committee shall determine each week and notify the applicants on forms provided by the committee (i) the amount of the loan to be granted each applicant and (ii) the time and manner of repayment of the loan by each applicant.

(8) If a handler borrowing allotments from the allotment pool handles a quantity of oranges of the same variety borrowed from the pool less than the total quantity of such variety of oranges which such person may handle during such week, the amount of such variety of oranges covered by the loan from the pool shall be considered as a part of such handler's current weekly allotment for the purpose of determining the priorities as provided in § 966.6 (j).

(9) A handler obtaining an allotment loan from the pool may not loan it to another handler and must use the same during the period in which the allotment from which it is obtained is valid. No person may borrow allotments from the pool who cannot repay the same during the current marketing season.

(10) The committee shall determine the percentage that the total amount of the allotment pool shall bear to the total quantity of each variety of oranges deemed advisable to be handled during the succeeding week, and this percentage, not exceeding 5 percent, shall be withheld from the allotment of each handler.

(11) The amount of allotments repaid to the pool for each week shall be determined and included in the total allotment for such week, and the sum so obtained shall be multiplied by the prorate base of each handler to determine the allotment for each handler.

(12) During the week in which a handler is required to repay loans to the pool such handler shall not ship fruit in excess of his adjusted allotment less the amount of the repayment, except as otherwise provided in Order No. 66 (7 CFR, Cum. Supp., 966.1 *et seq.*).

§ 966.107 *Prorate districts.* The following prorate districts are hereby established:

(a) Prorate District No. 1: That portion of California which is north of a line drawn due east and west through the Tehachapi Mountains.

(b) Prorate District No. 2: That portion of California which is south of a line drawn due east and west through the Tehachapi Mountains, but excluding Imperial County and that portion of Riverside County east of a line drawn due north and south through San Jacinto Peak.

(c) Prorate District No. 3: That portion of California which is outside Prorate Districts Nos. 1 and 2, and Arizona.

§ 966.108 *Oranges not subject to regulation.* In addition to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.), the following shall apply:

(a) Oranges delivered to the U. S. Army which are strapped and marked for export purposes, and shipped to destinations of exportation, shall be considered by the committee as export shipments and treated as such in its administration of the order.

§ 966.109 *Reports.* Pursuant to § 966.9, handlers are required to submit the following reports containing the following information to the Orange Administrative Committee, 111 West Seventh Street, Los Angeles, California. Copies of the report forms may be obtained from said committee.

(a) *Application for a Prorate Base and Allotments.* (O. A. C. Form 1) Name and address of applicant handler; variety of oranges controlled and district where grown; total acreage and number of field boxes under control; dimensions, and cubical contents of field box; names and addresses of producers of oranges under control; description of location of each grove, and estimate of total quantity of each variety of oranges available for current shipment; and agreements or contracts proving control of oranges. (This report must be notarized.)

(b) *Report of Weekly Orange Movement.* (O. A. C. Form No. 3) Oranges handled in the continental United States, Alaska, or Canada in packed boxes by rail and by truck; packed and loose boxes of oranges handled within the State of California; export shipments; oranges donated to charity or disposed of otherwise; and oranges moved for use in by-products.

(c) *Assignment of Allotment Certificate.* (O. A. C. Form No. 8) Current weekly regulation period; name and address of consignee; variety and number of packed boxes of oranges assigned and district of production of such oranges; name of person acquiring allotment certificate; and name of person issuing assignment certificate.

(d) *Sub-Certificate.* (O. A. C. Form No. 9) Weekly regulation period during which Assignment of Allotment Certificate is effective; name and address of handler or purchaser of oranges; variety and number of packed boxes of oranges assigned and district of production of such oranges; name of person acquiring allotment certificate; and name of person issuing assignment certificate.

(e) *Orange Diversion Report.* (O. A. C. Form No. 11) Name and address of approved by-products plant or charitable organization, or otherwise; district in which oranges are produced; variety and number of boxes diverted to by-products, charity, or otherwise and net weight of such oranges; signature of by-products manufacturer or charitable organization and signature of handler diverting oranges.

Done at Washington, D. C., this 12th day of September 1946.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.
[F. R. Doc. 46-16689; Filed, Sept. 13, 1946;
8:49 a. m.]

[Grapefruit Reg. 71]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN STATE OF FLORIDA

LIMITATION OF SHIPMENTS

Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

Pursuant to the aforesaid authority, it is hereby ordered that during the period beginning at 12:01 a. m., e. s. t., September 17, 1946, and ending at 12:01 a. m., e. s. t., September 30, 1946, no handler shall ship:

(a) Any seeded grapefruit of any variety grown in the State of Florida which grade U. S. Combination Russet, U. S. No. 2 Russet, or U. S. No. 3 or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Citrus Fruits, issued by the United States Department of Agriculture, effective July 12, 1943), or which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)); or

(b) Any seedless grapefruit of any variety grown in the State of Florida which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Citrus Fruits, issued by the United States Department of Agriculture, effective July 12, 1943), or any oranges, except Temple oranges, which are of a size smaller than a size that will pack

a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Done at Washington, D. C., this 13th day of September 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

E. A. MEYER,
Acting Administrator, Produc-
tion and Marketing Adminis-
tration.

[F. R. Doc. 46-16713; Filed, Sept. 13, 1946;
11:44 a. m.]

[Orange Reg. 99]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN STATE OF FLORIDA

LIMITATION OF SHIPMENTS

Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

Pursuant to the aforesaid authority, it is hereby ordered that during the period beginning at 12:01 a. m., e. s. t., September 17, 1946, and ending at 12:01 a. m., e. s. t., September 30, 1946, no handler shall ship any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Citrus Fruits, issued by the United States Department of Agriculture, effective July 12, 1943), or any oranges, except Temple oranges, which are of a size smaller than a size that will pack

250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Done at Washington, D. C., this 13th day of September 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

E. A. MEYER,
Acting Administrator, Produc-
tion and Marketing Adminis-
tration.

[F. R. Doc. 46-16712; Filed, Sept. 13, 1946;
11:45 a. m.]

[Lemon Reg. 193]

PART 953—LEMONS GROWN IN THE STATES
OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective April 10, 1941, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled as provided herein, during the period beginning at 12:01 a. m., P. s. t., September 15, 1946, and ending at 12:01 a. m., P. s. t., September 22, 1946, will tend to effectuate the declared policy of the act.

Pursuant to the aforesaid authority, the quantity of such lemons which may be handled during the said period is hereby fixed at 275 carloads, or an equivalent quantity; and the prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed

in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the aforesaid period.

As used herein, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Done at Washington, D. C., this 13th day of September 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

E. A. MEYER,
Acting Administrator, Produc-
tion and Marketing Adminis-
tration.

PRORATE BASE SCHEDULE

(Lemon Regulation Period No. 193)

12:01 a. m. September 15, 1946, to 12:01 a. m.
September 22, 1946

Prorate base
(percent)

Total 100,000

Handler

Allen-Young Citrus Packing Co.	.000
American Fruit Growers, Fullerton	.282
American Fruit Growers, Upland	.060
Consolidated Citrus Growers	.000
Corona Plantation Company	.059
Hazeltine Packing Company	.052
Leppla-Pratt, Produce Distrs. Inc.	.000
McKellips Mutual Citrus Grs. Inc.	.000
Phoenix Citrus Packing Company	.000
Ventura Coastal Lemon Company	.000
Ventura Pacific Company	.000
Arizona Citrus Growers	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Ass'n	.211
La Verne Lemon Association	.301
La Habra Citrus Association	.808
Yorba Linda Citrus Association	.426
Alta Lona Hts. Citrus Ass'n	.271
Etiwanda Citrus Fruit Ass'n	.001
Mt. View Fruit Association	.341
Old Baldy Citrus Ass'n	.899
Upland Lemon Growers Ass'n	3.558
Central Lemon Association	.902
Irvine Citrus Association	.643
Placentia Mutual Orange Ass'n	.099
Corona Citrus Association	.000
Corona Foothill Lemon Company	1.590
Jameson Company	.569
Arlington Hts. Fruit Company	.245
College Hts. Orange & Lemon Ass'n	3.745
Chula Vista Citrus Association	1.267
El Cajon Valley Citrus Ass'n	.022
Escondido Lemon Association	2.193

Handler	Prorate base (percent)
Fallbrook Citrus Association	1.377
Lemon Grove Citrus Ass'n	.478
Sweetwater Coop. Citrus Ass'n	.549
San Dimas Lemon Association	1.562
Carpinteria Lemon Association	4.201
Carpinteria Mutual Citrus Ass'n	3.684
Goleta Lemon Association	4.675
Johnston Fruit Company	7.754
Canoga Citrus Association	.010
North Whittier Hts. Citrus Ass'n	.527
San Fernando Hts. Lemon Ass'n	.130
San Fernando Lemon Association	.002
Sierra Madre-Lamanda Citrus Ass'n	1.273
Sunny Hills Citrus Association	.053
Tulare County Lemon & Grpftr Ass'n	.000
Briggs Lemon Association	1.995
Culbertson Investment Co.	1.083
Culbertson Lemon Association	2.098
Fillmore Lemon Association	.611
Oxnard Citrus Ass'n #1	5.424
Oxnard Citrus Ass'n #2	5.322
Rancho Sespe	.998
Santa Paula Citrus Fruit Ass'n	3.030
Saticoy Lemon Association	.5789
Seaboard Lemon Association	6.246
Ventura Citrus Association	2.413
Limoneira Company	3.654
Teague-McKevett Association	1.850
East Whittier Citrus Ass'n	.538
Leffingwell Rancho Lemon Ass'n	.389
Murphy Ranch Company	1.069
Whittier Citrus Ass'n	.431
Whittier Select Citrus Ass'n	.469
Arizona Citrus Produce Co.	.000
Chula Vista Mutual Lemon Ass'n	1.505
Escondido Coop. Citrus Ass'n	.286
Glendora Coop. Citrus Ass'n	.001
Index Mutual Association	.172
La Verne Coop. Citrus Ass'n	1.375
Libbey Fruit Packing Company	.000
Orange Coop. Citrus Ass'n	.150
Ventura Co. Orange & Lemon Ass'n	2.733
Whittier Mutual Orange & Lemon Ass'n	.041
California Citrus Groves, Inc. Ltd.	.000
El Modena Citrus, Inc.	.000
Evans Bros. Packing Company	.000
Foothill Packing Company	.000
Harding & Leggett	.000
Macchiaroli, James, Fruit Co.	.000
Orange Belt Fruit Distributors	.520
Pioneer Fruit Company	.000
Raymond Bros.	.000
Rooke, B. G. Packing Company	.000
San Antonio Orchard Company	.011
Verity, R. H., Sons & Co.	.006
Western States Fruit & Produce Co.	.000

[F. R. Doc. 46-16715; Filed, Sept. 13, 1946;
11:43 a. m.]

[Orange Reg. 154]

PART 966—ORANGES GROWN IN THE STATES
OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation of the Orange Administrative Committee, established under the said order, and other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as provided herein, during the period beginning at 12:01 a. m., P. s. t., September 15, 1946, and ending at 12:01 a. m.,

P. s. t., September 22, 1946, will tend to effectuate the declared policy of the act.

Pursuant to the aforesaid authority, the quantity of such oranges which may be handled during the said period is hereby fixed as follows:

(a) *Valencia oranges.* (1) Prorate District No. 1, zero (0) carloads; (2) Prorate District No. 2, 1,400 carloads; and (3) Prorate District No. 3, zero (0) carloads.

(b) *Oranges other than Valencia oranges.* Prorate Districts Nos. 1, 2, and 3, zero (0) carloads.

The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the aforesaid period.

As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in the order of the Secretary of Agriculture, dated February 11, 1943, establishing prorate districts under the order regulating the handling of California-Arizona oranges.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Done at Washington, D. C., this 13th day of September 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing
Administration.

E. A. MEYER,
Acting Administrator, Production and Marketing Administration.

PRORATE BASE SCHEDULE

(Orange Regulation Period No. 154)

12:01 a. m. September 15, 1946 to 12:01 a. m.
September 22, 1946

PRORATE DISTRICT #2

Valencia oranges

	Probate base (percent)
Total	100.0000
Handler	
A. F. G. Alta Loma	.0000
A. F. G. Escondido	.0297
A. F. G. Fullerton	.3644
A. F. G. Orange	.0000
A. F. G. Redlands	.3380
A. F. G. Riverside	.0000

Handler	Probate base (percent)	Handler	Probate base (percent)
A. F. G. San Juan Capistrano	.0000	Claremont Citrus Ass'n	.1915
A. F. G. Santa Paula	.4965	College Heights O. & L. Ass'n	.3039
Corona Plantation	.2219	El Camino Citrus Ass'n	.1287
Hazeltine Packing Co.	.2538	Indian Hill Citrus Ass'n	.2632
Signal Fruit Ass'n	.1300	Ponoma Fruit Growers Exchange	.5742
Azusa Citrus Ass'n	.2381	Walnut Fruit Growers Ass'n	.5917
Azusa Foothill Citrus Co.	.2626	West Ontario Citrus Ass'n	.5312
Azusa Orange Co., Inc.	.1965	El Cajon Valley Citrus Ass'n	.0000
Damerel-Allison Co.	.9151	Escondido Orange Ass'n	.3.1815
Duarte Foothill Citrus Ass'n	.1509	San Dimas Orange Grs. Ass'n	.5559
Glendora Mutual Orange Ass'n	.5143	Santa Barbara Orange Ass'n	.0000
Iwindale Citrus Ass'n	.3173	Ball & Tweedy Ass'n	.7875
Puente Mutual Citrus Ass'n	.2579	Canoga Citrus Ass'n	.9194
Valencia Heights Orchard Ass'n	.4227	North Whittier Heights Cit. Ass'n	1.0074
Covina Citrus Ass'n	1.1594	San Fernando Fruit Grs. Ass'n	.6964
Covina Orange Growers Ass'n	.4766	San Fernando Heights Orange Ass'n	
Duarte-Monrovia Fruit Exchange	.0000	Sierra Madre-Lamanda Citrus Ass'n	1.4385
Glendora Citrus Ass'n	.4030	Sunny Hills Ranch, Inc.	.2705
Glendora Rts. O. & L. Grs. Ass'n	.1034	Camarillo Citrus Ass'n	2.2093
Gold Buckle Ass'n	.7640	Fillmore Citrus Ass'n	.3.7272
La Verne Orange Ass'n	.8382	Mupu Citrus Ass'n	3.6092
Anaheim Citrus Fruit Ass'n	1.0168	Ojai Orange Ass'n	1.2247
Anaheim Valencia Orange Ass'n	1.0002	Piru Citrus Ass'n	.8715
Eadington Fruit Co., Inc.	.9797	Santa Paula Orange Ass'n	.4195
Fullerton Mutual Orange Ass'n	1.3003	Tapo Citrus Ass'n	.9765
La Habra Citrus Ass'n	1.3026	Limoneria Company	.6153
Orange County Val. Ass'n	.2246	East Whittier Citrus Ass'n	.4915
Orangethorpe Citrus Ass'n	.7859	El Ranchito Citrus Ass'n	1.2751
Placentia Coop. Orange Ass'n	.6638	Murphy Ranch Company	.3927
Yorba Linda Citrus Ass'n, The	.5836	Rivera Citrus Ass'n	.5724
Alta Loma Heights Citrus Ass'n	.2084	Whittier Citrus Ass'n	.6345
Citrus Fruit Growers	.2127	Whittier Select Citrus Ass'n	.5486
Cucamonga Citrus Ass'n	.2556	Anaheim Coop. Orange Ass'n	1.0748
Etiwanda Citrus Fruit Ass'n	.0702	Bryn Mawr Mutual Orange Ass'n	.0000
Mountain View Fruit Ass'n	.0145	Chula Vista Mutual Lemon Ass'n	.0000
Old Baldy Citrus Ass'n	.1733	Escondido Coop. Citrus Ass'n	.3926
Rialto Heights Orange Grs.	.1334	Euclid Avenue Orange Ass'n	.4277
Upland Citrus Ass'n	.0316	Foothill Citrus Union, Inc.	.0493
Upland Heights Orange Ass'n	.1980	Fullerton Coop. Orange Ass'n	.0000
Consolidated Orange Grs.	2.1953	Garden Grove Orange Coop., Inc.	.6543
Frances Citrus Ass'n	1.0533	Glendora Coop. Citrus Ass'n	.0311
Garden Grove Citrus Ass'n	.3843	Golden Orange Groves, Inc.	.4500
Goldenwest Citrus Ass'n, The	1.3584	Highland Mutual Groves	.1031
Irvine Valencia Growers	2.0014	Index Mutual Ass'n	1.4043
Olive Heights Citrus Ass'n	1.7758	La Verne Coop. Citrus Ass'n	1.3939
Santa Ana-Tustin Mutual Cit. Ass'n	1.1975	Olive Hillside Groves	.7886
Santiago Orange Grs. Ass'n	4.2383	Orange Coop. Citrus Ass'n	1.0014
Tustin Hills Citrus Ass'n	.8870	Redlands Foothill Groves	.6656
Villa Park Orchard Ass'n, The	1.4504	Redlands Mutual Orange Ass'n	.1677
Bradford Brothers, Inc.	.4899	Riverside Citrus Ass'n	.0000
Placentia Mutual Orange Ass'n	1.5102	Ventura Co. O. & L. Ass'n	1.1137
Placentia Orange Growers Ass'n	2.0544	Whittier Mutual O. & L. Ass'n	.1358
Call Ranch	.0757	Babijuice Corp. of Calif.	.0000
Corona Citrus Ass'n	.5852	Banks Fruit Company	.2443
Jameson Company	.0000	Banks, L. M.	.0000
Orange Heights Orange Ass'n	.3874	Borden Fruit Company	.0000
Break & Son, Allen	.0000	California Fruit Distrs.	.0000
Bryn Mawr Fruit Growers Ass'n	.3229	Cherokee Citrus Co., Inc.	.0000
Crafton Orange Growers Ass'n	.4446	Chess Co., Meyer W.	.4742
East Highlands Citrus Ass'n	.1326	El Modena Citrus, Inc.	.9897
Fontana Citrus Ass'n	.1260	Escondido Avocado Growers	.0000
Highland Fruit Growers Ass'n	.0000	Evans Brothers Packing Co.	.0000
Krinard Packing Company	.0447	Furr, N. C., Company	.0267
Mission Citrus Ass'n	.1939	Gold Banner Ass'n	.3676
Redlands Coop. Fruit Ass'n	.5528	Granada Hills Packing Co.	.0927
Redlands Heights Groves	.4019	Granada Packing House	2.1370
Redlands Orange Growers Ass'n	.3538	Hill, Fred A.	.0908
Redlands Orangedale Ass'n	.4663	Inland Fruit Dealers, Inc.	.0895
Redlands Select Groves	.2300	Montgomery Jr., C. R.	.0914
Rialto Citrus Ass'n	.1977	Orange Belt Fruit Distrs.	2.0959
Rialto Orange Co.	.2545	Panno Fruit Co., Carlo	.0000
Southern Citrus Ass'n	.3075	Paramount Citrus Ass'n	.4765
United Citrus Growers	.0000	Placentia Orchard Company	.4242
Zilen Citrus Co.	.0109	Placentia Pioneer Val. Grs. Ass'n	.6515
Arlington Heights Fruit Co.	.1221	San Antonio Orchards Co.	.5006
Brown Estate, L. V. W.	.0000	Snyder & Sons Co., W. A.	.6360
Gavilan Citrus Ass'n	.2112	Verity & Sons, Co., R. H.	.0479
Hemet Mutual Groves	.0000	Wall, E. T.	.0563
Highgrove Fruit Ass'n	.0886	Webb Packing Company	.1127
McDermon Fruit Co.	.2318	Western Fruit Grs., Inc., Anaheim	.1831
Mentoné Heights Ass'n	.0729	Western Fruit Grs., Inc., Redlands	.9898
Monte Vista Citrus Ass'n	.2990	Yorba Orange Growers Ass'n	.2997
National Orange Co.	.0000		
Riverside Heights Orange Grs. Ass'n	.0784		
Sierra Vista Packing Ass'n	.0000		
Victoria Ave. Citrus Ass'n	.2198		

[F. R. Doc. 46-16714; Filed, Sept. 13, 1946;
11:44 a. m.]

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

[WFO 145, Amdt. 4]

PART 1468—GRAIN

RESTRICTIONS ON USE OF GRAIN

War Food Order No. 145, as amended (11 F. R. 4783, 8859, 9551), is hereby further amended as follows:

1. By deleting paragraph (b) (1) and inserting in lieu thereof the following:

(b) *Mixed feed manufacturers; use of grain and grain by-products.* (1) No mixed feed manufacturer shall, during any calendar quarter, use grain, grain products, or grain by-products in a quantity in excess of 85 percent of all grain, grain products and grain by-products used by such manufacturer during the corresponding calendar quarter of 1945: *Provided, however,* That during the month of September 1946, no mixed feed manufacturer shall use grain, grain products, or grain by-products in a quantity in excess of 85 percent of all grain, grain products and grain by-products used by such manufacturer during the month of September 1945, or in excess of 85 percent of the average monthly quantity of grain, grain products, and grain by-products used by such manufacturer during the months of July, August and September 1945, whichever is the greater. These provisions shall not modify any other limitation with respect to the use, under existing war food orders, of specific types of grain, grain products, or grain by-products.

This order shall become effective at 12:01 a. m., e. s. t., September 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 145, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceeding, with respect to any such violation, right, liability, or appeal.

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

Issued this 10th day of September 1946.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 46-16549; Filed, Sept. 13, 1946;
9:36 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Priorities Reg. 3, Amdt 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

MISCELLANEOUS AMENDMENTS

Section 803.3, Housing Expediter Priorities Regulation 3, is amended by the following changes:

1. The third sentence of paragraph (b) is amended to read as follows: "It applies

to all such equipment in WAA stocks (whether in WAA 'confirmed inventory' or not) unless a written offer has been made by WAA for the disposal of such equipment and (1) prior to September 3, 1946 the offer was accepted in writing or (2) on September 3, 1946 the offer had not yet expired under its own terms, and prior to its expiration it is accepted in writing."

2. The last sentence of paragraph (b) is deleted.

3. The first sentence of paragraph (c) is amended to read as follows: "During the period of time defined in paragraph (d) of this section, the War Assets Administration shall not advertise, offer, sell, or dispose of any equipment covered by this section, except in accordance with an offer made in writing by WAA prior to September 3, 1946, or in accordance with a Housing Expediter directive, a Housing Expediter certificate (issued under Housing Expediter Priorities Regulation 4), a special directive issued by the Civilian Production Administration, or an urgency certificate issued by the Civilian Production Administration."

4. The fifth item in the table at the end of the section is amended to read:

Portable air compressors from 100 c. f. m. to 500 c. f. m., inclusive.

(Title III, 56 Stat. 177, as amended, 60 Stat. 207; 50 U. S. C. App. Supp. 633, CPA Dir. 44, 11 F. R. 8936)

Issued this 13th day of September 1946.

[SEAL] WILSON W. WYATT,
Housing Expediter.

[F. R. Doc. 46-16593; Filed, Sept. 13, 1946;
8:48 a. m.]

[Priorities Reg. 4]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CERTIFICATES FOR SURPLUS MATERIALS AND EQUIPMENT

§ 803.4 *Housing Expediter certificates for surplus materials and equipment for the Veterans' Emergency Housing Program*—(a) *What this section provides.* This section provides for special assistance in obtaining from War Assets Administration certain surplus materials or equipment which are needed by persons who will use the materials or equipment in construction or production which will make a substantial contribution to the Veterans' Emergency Housing Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The special assistance is in the form of a "Housing Expediter certificate" which entitles the holder to receive a preference in acquiring from WAA the items of material or equipment covered by the certificate, if the items are in available WAA stocks. This section explains how applications should be filed for Housing Expediter certificates, describes the standards for approval of applications, and describes the issuance and effect of Housing Expediter certificates.

Among other things, it explains the circumstances in which preference will be given by WAA to veterans holding Housing Expediter certificates.

DEFINITIONS

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

(1) "Available WAA stocks" means all materials and equipment in WAA stocks at any given time except those (i) which are committed to the Veterans' Administration or the Federal Public Housing Authority, (ii) which have been publicly advertised or publicly offered for sale, (iii) for which a written offer for sale by WAA has been accepted in writing, or (iv) for which a written offer for sale by WAA has not yet expired under its own terms at the time in question. The term "available WAA stocks" includes any such materials or equipment listed on Exhibit A of WAA Regulation 2, as amended, "Property to be set aside for Veterans."

(2) An "industrially-made house, section, or panel" is one which is made in a factory or, in the case of concrete, pre-cast either in a factory or on the building site.

(3) A "critical product" is one which the Housing Expediter has determined to be in such tight supply that the shortage of the product presents a serious threat to the Veterans' Emergency Housing Program. All such products are listed in the table at the end of this section.

(4) "New type material" means any material possessing some characteristics (such as composition, application, or design) different from existing conventional types of materials.

(5) "Person" means any individual, partnership, association, business trust, corporation, or any other organized group of persons (whether incorporated or not), or legal successor or representative of any of these, or any Federal, State, or local government, or agency, instrumentality, or subdivision thereof.

MATERIALS AND EQUIPMENT COVERED

(c) *Type of materials and equipment covered by this section.* Housing Expediter certificates may be issued under this section for materials and equipment which are in short supply and are needed by persons who can qualify under paragraphs (h) through (n) of this section. Such materials or equipment may be:

(1) Production materials (to be incorporated directly into a product).

(2) Construction materials (building materials, supplies, and equipment).

(3) Capital equipment (for construction, or for production of products or services), or

(4) Maintenance, repair, or operating supplies (including spare and replacement parts).

(d) *Only government-owned surplus.* Preference ratings issued under other regulations by the Civilian Production Administration or the National Housing Agency may be used to get materials or equipment out of new production. Housing Expediter certificates issued under this section may not be used to get mate-

rials or equipment from new production, but only to acquire government property which has been declared surplus to War Assets Administration and is in available WAA stocks. However, such surplus property may be new or used (including materials and equipment recovered or salvaged from dismantled surplus structures).

APPLICATIONS FOR HOUSING EXPEDITER CERTIFICATES

(e) *Filing of applications.* An application for a Housing Expediter certificate under this section should be made in duplicate on Form NHA 14-82. Copies of Form NHA 14-82 may be obtained from the offices of the Regional Housing Expediter and the Locality Housing Expediter. (See paragraph (k) of this section for circumstances in which it may also be necessary to file on Form NHA 14-54.) All applications except those filed under paragraph (n) of this section should be addressed to the Regional Housing Expediter of the NHA Region in which the applicant's place of business is located. Applications filed under paragraph (n) of this section should be addressed to the Housing Expediter, Washington 25, D. C.

(f) *Consideration of applications.* Applications for Housing Expediter certificates will be considered for approval in the following way:

(1) *Qualified applications.* An application will be considered qualified if it is properly completed and meets the standards for approval described in paragraphs (h) through (n) of this section.

(2) *Veterans' set-aside list.* A Housing Expediter certificate may be issued upon a qualified application filed under this section for an item listed on Exhibit A of WAA Regulation 2, as amended, "Property to be Set Aside for Veterans," even though the applicant is not a veteran or does not hold a WAA Form 63 veteran's certificate.

(3) *Inventory restriction.* An application for a Housing Expediter certificate filed under this section will not be approved for more production materials or operating supplies than the applicant will require to meet his scheduled operations during the 60 days immediately following the date of his application, less the amount he has on hand and expects to receive from other sources during that period.

(g) *Approval of applications.* Housing Expediter certificates will be issued in the following way upon applications which are found to be qualified:

(1) *Application filed with Regional Housing Expediter.* If the application is filed with the Regional Housing Expediter, he will consider it for approval as provided in paragraph (f) of this section. If the application is approved, the Regional Housing Expediter (acting for the Housing Expediter) will issue to the applicant a Housing Expediter certificate covering the required materials or equipment. The Regional Housing Expediter will also forward a copy of the certificate to the WAA Regional Office in the WAA Region where the applicant's place of business is located.

(2) *Application filed with Housing Expediter.* If the application is filed with the Housing Expediter, he will consider it for approval and issue a Housing Expediter certificate upon a qualified application in the same manner as described in subparagraph (1) of this paragraph.

GENERAL CONDITIONS FOR APPROVAL

(h) *General conditions for approval of applications.* It is the general policy of the Housing Expediter not to issue certificates for surplus materials or equipment held by WAA, but instead to permit such materials and equipment to be disposed of in accordance with Housing Expediter Priorities Regulations 1 and 2, the Surplus Property Act, and applicable regulations issued under the Surplus Property Act. However, the Housing Expediter may issue such certificates under this section if special circumstances as described in one of the paragraphs (i) through (n) of this section are present, and if all the following general conditions are met:

(1) The Housing Expediter finds that the applicant's proposed use of the materials or equipment requested will make a substantial contribution to the Veterans' Emergency Housing Program.

(2) The applicant has been unable to get the materials or equipment from other sources than government-owned surplus in the time required.

(3) In the case of construction equipment, the applicant has been unable to secure in the time required contractual services to carry out the work for which the equipment is needed.

(4) The materials or equipment are purchased for use and not for resale.

(5) The applicant cannot obtain the required materials or equipment under Housing Expediter Priorities Regulation 1 or 2 because (i) the materials or equipment are not covered by HEPR-1 or HEPR-2, or (ii) the applicant is not eligible to acquire them under either of those regulations. (However, this condition does not bar an application for materials or equipment covered by HEPR-1 or HEPR-2 if the application is filed by a person—such as a producer of a "critical product" as defined in paragraph (b) (3) of this section—who is not eligible under HEPR-1 or HEPR-2, respectively.)

CONSTRUCTION AND PRODUCTION IMPORTANT TO VETERANS' EMERGENCY HOUSING PROGRAM

(i) *Continuous use of construction equipment for VEHP.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of construction equipment which is in short supply, if (1) the applicant is a builder; contractor; subcontractor; erector of industrially-made houses, sections, or panels (defined in paragraph (b) (2) of this section); or a utility and (2) the Housing Expediter finds that the applicant is likely to make substantially continuous use of the equipment in support of the Veterans' Emergency Housing Program.

(j) *To avoid serious delays in VEHP.* Under the general conditions stated in

paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO (maintenance, repair, or operating supplies), if the Housing Expediter finds the item to be in such short supply that if it is not made available from surplus it will delay for a substantial period of time the construction of a large number of housing accommodations which have been partially completed under the Veterans' Emergency Housing Program. (If an applicant under this paragraph is a utility, it is not necessary that the housing accommodations be partially completed.) Applicants under this paragraph should pay special attention to paragraph (h) (5) of this section.

(k) *Industrially-made houses, sections, or panels.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a producer of industrially-made houses, sections, or panels (defined in paragraph (b) (2) of this section). To qualify under this paragraph, an applicant must produce industrially-made houses, sections, or panels found by the National Housing Agency to meet technical standards known as "HH Minimum Property Requirements." This finding will be based upon information submitted by the producer on Form NHA 14-54 along with his application for a Housing Expediter certificate on Form NHA 14-82 (unless the information asked for in Form NHA 14-54 has already been submitted to the National Housing Agency). The HH Minimum Property Requirements are available at the National Housing Agency, Washington 25, D. C., and at all State and local offices of the Federal Housing Administration and at the offices of the Regional Housing Expediter. Copies of Form 14-54 are available at the National Housing Agency, Washington 25, D. C., at the offices of the Regional Housing Expediter, and at all State and District Offices of the Federal Housing Administration. Applicants under this paragraph should pay special attention to paragraph (h) (5) of this section.

(l) *Critical products.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a producer of a "critical product" that is listed in the table at the end of this section. (For the definition of "critical product," see paragraph (b) (3) of this section.) It should be emphasized that it is the materials or equipment needed to produce the critical product, rather than the critical product itself, for which a Housing Expediter certificate may be issued under this paragraph.

(m) *New Type materials.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which

is in short supply and is needed by a producer of a "new type material" (as defined in paragraph (b) (4) of this section) who (1) has an individual agreement with the Reconstruction Finance Corporation for a guaranteed market, or (2) has received other types of financial aid from a federal agency, pursuant to a directive from the Housing Expediter.

(n) *Basic materials.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment or MRO which is in short supply and is needed by a Federal, State, or local governmental agency or instrumentality for use in a specific program established by the Expediter (in cooperation with the applicant agency or instrumentality) to increase the production of a basic material, such as logs, for the Veterans' Emergency Housing Program.

EFFECT OF HOUSING EXPEDITER CERTIFICATES

(o) *Effect of Housing Expediter certificates.* WAA shall give the following effect to Housing Expediter certificates:

(1) *Valid for 60 days.* A Housing Expediter certificate shall be valid for 60 days after its date of issuance.

(2) *Search by WAA.* Each WAA Regional Office, upon receiving a copy of a Housing Expediter certificate, shall determine promptly whether the materials or equipment described in the certificate are in available WAA stocks, wherever located. When one WAA Regional Office requests other WAA Regional Offices to search for described materials or equipment, the first Regional Offices to search for described the serial number of the Housing Expediter certificate on which the search is being made.

(3) *Offer by WAA.* If a Regional Office of a particular WAA Region locates in available WAA stocks in that Region the materials or equipment described in a Housing Expediter certificate (whether in response to a search made on a certificate received by that Office, or a certificate notice of which has been received by that Office in accordance with subparagraph (2) of this paragraph), the WAA Regional Office shall promptly offer the materials or equipment for disposal to the person who is entitled to next preference under subparagraphs (4) and (5) of this paragraph.

(4) *Preference for holders of certificates.* Unless the Housing Expediter or the Civilian Production Administration specifically directs otherwise (see paragraphs (p) and (t) of this section), and except as provided in subparagraph (5) of this paragraph, each WAA Regional Office shall follow the order of precedence set out below in disposing of any materials or equipment in available WAA stocks in that Region: (1) Persons who hold a Housing Expediter certificate or CPA urgency certificate (issued under Direction 16 to Priorities Regulation 13 of the Civilian Production Administration) which has been received by the WAA Regional Office, covers the materials or equipment in question, and has not yet expired.

(2) Persons who hold a Housing Expediter certificate or CPA urgency certificate notice of which has been received by the WAA Regional Office from another WAA Regional Office (see subparagraph (2) of this paragraph), which covers the materials or equipment in question, and has not yet expired.

(3) Other classes of persons.

Within class (1) or (2) of this subparagraph, each WAA Regional Office shall give preference to the person holding the Housing Expediter certificate or CPA urgency certificate which was received by it, or notice of which was received by it, on the earliest date, and which has not yet expired.

(5) *Veterans' preference.* Unless the Housing Expediter or the Civilian Production Administration specifically directs otherwise, each WAA Regional Office shall follow the order of precedence set out below in disposing of any materials or equipment in available WAA stock which are listed on Exhibit A of WAA Regulation 2, as amended, "Property to be Set Aside for Veterans":

(i) Persons who hold both a WAA Form 63 veterans' certificate which covers the materials or equipment in question, and a Housing Expediter certificate which has been received by the WAA Regional Office, covers the materials or equipment in question, and has not yet expired.

(ii) Persons who hold a Housing Expediter certificate which has been received by the WAA Regional Office, covers the materials or equipment in question, and has not yet expired.

(iii) Persons who hold a Housing Expediter certificate, notice of which has been received by the WAA Regional Office from another WAA Regional Office, which covers the materials or equipment in question, and has not yet expired.

(iv) Persons who hold a WAA Form 63 veterans' certificate which covers the materials or equipment in question.

Within class (i), (ii), or (iii) of this subparagraph, each WAA Regional Office shall give preference to the person holding the Housing Expediter certificate which was received by it, or notice of which was received by it, on the earliest date, and which has not yet expired.

(6) *Terms of sale.* WAA may make disposals of materials or equipment under this section upon such terms and conditions as are not in conflict with this section or with the Housing Expediter certificate upon which the disposal is made.

(p) *Effect of CPA special directives.* Special directives issued by the Civilian Production Administration for surplus materials or equipment shall take precedence over Housing Expediter certificates issued under this section.

USE OF HOUSING EXPEDITER CERTIFICATES

(q) *How to use a Housing Expediter certificate.* The following are the rules governing the use of Housing Expediter certificates:

(1) *Await offer from WAA.* At the time a Housing Expediter certificate is issued, the Regional Housing Expediter will advise the person to whom it is issued as to which WAA Regional Office will notify him if an offer is to be made by WAA in accordance with paragraph

(o) (3) of this section. The holder of the certificate should not communicate with WAA until receipt of such an offer.

(2) *Present written order to WAA.* Within 10 days after WAA offers the materials or equipment described in a Housing Expediter certificate to the person named in the certificate, that person should present his copy of the certificate and his written order as required by WAA, together with adequate identification, to the WAA office designated in the offer received by him from WAA.

(3) *Not transferable.* A Housing Expediter certificate may be used only by the person named in it, and any rights conferred by it on that person may not be transferred.

RESTRICTIONS ON BUYERS

(r) *Use of materials or equipment obtained with Housing Expediter certificates.* Any material or equipment obtained from WAA by the use of a Housing Expediter certificate issued under this section may be used only for the purpose for which the certificate was obtained.

(s) *Sale of materials or equipment obtained with Housing Expediter certificates.* If it becomes impossible for a person who obtained materials or equipment under this section to use them for the purpose for which the Housing Expediter certificate was issued, the unused materials or equipment may be disposed of only on authorization in writing by the Housing Expediter upon the basis of a letter from the person explaining the situation and plans for disposal, if any. In general, disposal will be authorized only for purposes which would qualify for a Housing Expediter certificate under this section.

OTHER PROVISIONS

(t) *Housing Expediter directives.* In addition to Housing Expediter certificates, Housing Expediter directives may be issued covering government-owned surplus needed in the Veterans' Emergency Housing Program. Such directives may cover materials or equipment in WAA stocks even though the materials or equipment have already been publicly advertised or publicly offered for sale. Housing Expediter directives covering materials or equipment already publicly advertised or publicly offered for sale will, in general, be issued only if very extreme and unusual circumstances present such a serious threat to the Veterans' Emergency Housing Program that in the judgment of the Housing Expediter the action is mandatory. As with Housing Expediter certificates, such directives shall not apply to disposals of materials or equipment by WAA pursuant to special directives issued by the Civilian Production Administration.

(u) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(v) *Violations.* Any person who wilfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the War Assets Administration, as to any matter within their respective jurisdictions, which is false in any respect, or who wilfully conceals a material fact in any certification required to be executed under this section, or who wilfully falsifies any records to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(w) *Reporting and record requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after the date of the transaction, accurate and complete records of the details of each such transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting and record requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Title III, 56 Stat. 177, as amended, 60 Stat. 207; 50 U. S. C. App. Supp. 633, CPA Dis. 44, 11 F. R. 8936)

Issued this 13th day of September 1946.

[SEAL]

WILSON W. WYATT,
Housing Expediter.

TABLE OF CRITICAL PRODUCTS COVERED BY PARAGRAPH (1) OF THIS SECTION

Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).
Asbestos-cement siding shingle and flat sheet specialized machinery.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, saturated felts, dry roofing felts, and saturated or coated sheathing papers).
Asphalt and tarred roofing products specialized machinery.
Bituminized fiber pipe.
Bituminized fiber pipe specialized machinery.
Boilers, low pressure, heating, steam and hot water.
Building and sheathing papers.
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).
Builders' hardware of the following types only: (1) butts, hinges, hasps; (2) door locks, lock trim; (3) sash, screen, and shelf hardware; (4) night latches, dead locks; (5) spring hinges; (6) sash balances, sash pulleys.
Cast iron soil pipe and fittings.
Cast iron pressure pipe.
Cast iron radiation.
Cement.

Cement mill specialized machinery.
Clay building products (common and face brick, clay structural tile, and clay sewer pipe).
Clay building products specialized machinery (such as dealring machines, extrusion heads, clay grinders and pulverizers, and brick presses).
Concrete building products (light weight and heavy weight aggregate concrete blocks and cement brick).
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).
Convector radiation (extended surface).
Flooring, hardwood.
Furnaces (warm air, floor, wall).
Gypsum board and gypsum lath.
Gypsum board and gypsum lath specialized machinery.
Gypsum liner.
Lime, finishing.
Logs.
Lumber.
Metal doors and frames.
Metal windows, sash and frames.
Metal plaster base (metal lath).
Millwork, suitable for housing construction.
Nails.
Pig iron (foundry grade).
Plaster, hardwall.
Plumbing fixture fittings and trim, including brass tubular goods.
Plumbing fixtures (of the following types, in residential-design models only: bathtubs, lavatories, sinks, sink-and-tray combinations, shower stalls, receptors, stall-and-receptor combinations, water closet bowls, tanks. Trim is not included).
Plywood, softwood, suitable for housing construction.
Sawmill and other woodworking specialized machinery.
Screen cloth, insect.
Steel, galvanized sheet.
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); (2) convenience receptacles (outlets) 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 suitable for residential use (covers, hangers, supports, and clamps included); (6) box connectors for residential-type metal or non-metallic sheathed cable.

[F. R. Doc. 46-16594; Filed, Sept. 13, 1946; 8:48 a. m.]

[Priorities Order 3]

PART 803—PRIORITY REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

§ 801.3 *Delegation of authority*—(a) *What this section provides.* This section delegates to certain officials in the Office of the Housing Expediter the authority to issue Housing Expediter certificates in accordance with Housing Expediter Priorities Regulation 4, and to make findings in support of such certificates.

(b) *Finding of short supply.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Director of the Expediting Branch, Office of Materials Supply, Office of the Housing Expediter, are hereby au-

thorized to determine whether there is a shortage in the supply of any materials or equipment for which an application for a Housing Expediter certificate is filed under Housing Expediter Priorities Regulation 4.

(c) *Housing Expediter certificates.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Director of the Expediting Branch, Office of Materials Supply, Office of the Housing Expediter, are hereby authorized to issue Housing Expediter certificates, in accordance with Housing Expediter Priorities Regulation 4, covering materials or equipment found by the Regional Housing Expediter or the Director of the Expediting Branch, Office of Materials Supply, respectively, in accordance with paragraph (b) of this section, to be in short supply.

(Title III, 56 Stat. 177, as amended, 60 Stat. 207; 50 U. S. C. App. Supp. 633, CPA Dir. 44, 11 F. R. 8936)

Issued this 13th day of September 1946.

[SEAL]

WILSON W. WYATT,
Housing Expediter.

[F. R. Doc. 46-16592; Filed, Sept. 13, 1946; 9:17 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs,
Department of the Interior

PART 02—DELEGATION OF AUTHORITY

Part 02 and the following sections are added to Chapter I:

Sec.

- 02.1 Appeals.
- 02.2 Authority of the Assistant Commissioners.
- 02.3 Functions relating to Indian health and welfare.
- 02.4 Functions relating to Indian funds and fiscal matters.
- 02.5 Functions relating to Indian education.
- 02.6 Functions relating to Indian forestry and grazing matters.
- 02.7 Functions relating to Indian lands and minerals.
- 02.8 Functions relating to irrigation matters.

AUTHORITY: §§ 02.1 to 02.8, inclusive, issued under R. S. 463; 25 U. S. C. 2; 43 CFR 4.725.

§ 02.1 *Appeals.* (a) Any action taken by a District Director or an Agency Superintendent under authority of this Part shall be subject to the right of appeal to the Commissioner of Indian Affairs. All appeals must be filed in writing with the officer from whose action the appeal is being taken. Appeals so filed shall be transmitted promptly with the record in the case to the Commissioner. The action of the Commissioner on an appeal is subject to the right of further appeal to the Secretary of the Interior in accordance with the provisions of 43 CFR 4.700.

(b) The Assistant Commissioners of Indian Affairs are severally authorized to dispose finally of any appeal taken pursuant to paragraph (a) of this section.

§ 02.2 *Authority of the Assistant Commissioners.* The Assistant Commissioners of Indian Affairs may severally exercise any or all of the authority conferred

upon the Commissioner by the Secretary of the Interior in Subpart J, Part 4, Title 43, CFR, and in the general regulations of the Bureau of Indian Affairs appearing in Title 25, CFR.

§ 02.3 Functions relating to Indian health and welfare. (a) The District Directors may act in relation to the following classes of matters without obtaining the approval of the Commissioner:

(1) The extension of State health laws and regulations to Indian reservations, pursuant to the provisions of 25 CFR, Part 84.

(2) The negotiation and execution of contracts with States or territories, or political subdivisions thereof, or with private organizations, for medical, nursing or hospital services, as authorized by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. 452-454), and pursuant to the provisions of 25 CFR, Part 84.

(3) The negotiation and execution of contracts with States or territories, or political subdivisions thereof, or with private organizations, for social service, relief, and child welfare, authorized by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. 452-454).

(b) The Agency Superintendents may act in relation to the following classes of matters without obtaining the approval of the Commissioner or the District Directors:

(1) The commitment of insane Indians to Federal or State hospitals or institutions, pursuant to the provisions of 25 CFR, Part 86.

(2) The quarantine of Indians refusing to submit to remedial treatment of contagious or infectious diseases, pursuant to the provisions of 25 CFR, Part 84.

§ 02.4 Functions relating to Indian funds and fiscal matters. (a) The District Directors may act in relation to the following classes of matters without obtaining the approval of the Commissioner:

(1) The approval of surety bonds, provided that in the case of a corporate surety the bonding company has been approved by the Treasury Department.

(2) The approval of applications of individual Indians of the Sioux Nation for cash benefits under the acts of March 2, 1889 (25 Stat. 888, 894), June 10, 1896 (29 Stat. 321, 324), and June 18, 1934 (48 Stat. 984, 987; 25 U. S. C. 474).

(3) The approval of applications of individual Indians for their pro rata shares of tribal trust funds, made pursuant to the provisions of 25 CFR, Part 233.

§ 02.5 Functions relating to Indian education. (a) The District Directors may act in relation to the following classes of matters without obtaining the approval of the Commissioner:

(1) The negotiation and execution of contracts with State Boards of Education, as authorized by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. 452-454), and pursuant to the provisions of 25 CFR, Part 46.

(2) The negotiation and execution of agreements with school districts for the admission of Indian students and the payment of tuition, pursuant to the provisions of 25 CFR, Part 45.

§ 02.6 Functions relating to Indian forestry and grazing matters. (a) The District Directors may act in relation to the following classes of matters without obtaining the approval of the Commissioner:

(1) The approval of timber sale contracts involving an estimated stumpage volume of not to exceed 15,000,000 feet board measure, pursuant to the provisions of 25 CFR, Part 61.

(2) The determination of the carrying capacity of Indian range lands, pursuant to the provisions of 25 CFR 71.5.

(3) The negotiation and execution of cooperative fire suppression agreements with Federal, State, and private agencies.

§ 02.7 Functions relating to Indian lands and minerals. (a) The District Directors may act in relation to the following classes of matters without obtaining the approval of the Commissioner:

(1) The approval of exchanges of lands between individual Indians and Indian tribes, and between individual Indians and non-Indians.

(2) The approval of the purchase of lands for individual Indians and Indian tribes. This authority extends to and includes the acceptance of options for the acquisition of lands.

(3) The approval of authorizations for the sale of restricted Indian lands pledged as security for the repayment of tribal loans to individuals, and the approval or acceptance of conveyances of such lands in accordance with the terms of the pledge in the event of default.

(4) The approval and certification of allotment exchanges, correction of patent descriptions and cancellation of multiple allotments, as authorized by the act of April 23, 1904 (33 Stat. 297; 25 U. S. C. 343).

(5) The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the act of June 20, 1936 (49 Stat. 1542), as amended by the act of May 19, 1937 (50 Stat. 188; 25 U. S. C. 412a).

(6) The approval of leases and permits of tribal lands for farming, grazing, or business purposes, pursuant to the provisions of 25 CFR, Part 171. This authority extends to and includes the waiver of requirements for advertising of leases and the waiver of acreage limitations on leases of lands under irrigation.

(7) The approval of permits for the excavation of ruins and archeological sites and the gathering of objects of antiquity on Indian reservations, pursuant to the provisions of 25 CFR, Part 11.

(b) The Agency Superintendents may act in relation to the following classes of matters without obtaining the approval of the Commissioner or the District Directors:

(1) The approval and certification of applications for allotments on the public domain under authority of section 4 of the act of February 8, 1887 (24 Stat. 388, 389; 25 U. S. C. 334).

(2) The approval of leases and permits of tribal lands for farming, grazing, or business purposes, in which the annual

rental does not exceed \$5,000, pursuant to the provisions of 25 CFR, Part 171.

(3) The approval of sand, gravel, pumice and building stone leases and permits of tribal lands, pursuant to the provisions of 25 CFR, Part 186.

(4) The approval of the negotiation of notes given in connection with deferred payments sales of restricted lands of the Five Civilized Tribes, pursuant to the provisions of 25 CFR 241.41.

(5) The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians, upon proof of payment of the loan.

(6) The approval of transfers of Osage headrights belonging to any person not an Indian by blood, pursuant to the provisions of the act of April 12, 1924 (43 Stat. 94).

§ 02.8 Functions relating to irrigation matters. (a) The District Directors may act in relation to the following classes of matters without obtaining the approval of the Commissioner:

(1) The issuance of irrigation operation and maintenance orders fixing per-acre assessments against lands included in Indian Irrigation Projects, under authority of the acts of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385), and March 7, 1928 (45 Stat. 210; 25 U. S. C. 387).

(2) The approval of the purchase price of privately owned lands within the San Carlos Irrigation Project, Arizona, under authority of section 4 of the act of June 7, 1924 (43 Stat. 475).

(3) The approval of contracts for the sale of water on an annual basis to lot owners in organized towns on the Crow Indian Irrigation Project, Montana, operated pursuant to the provisions of 25 CFR, Part 94.

WILLIAM A. BROPHY,
Commissioner of Indian Affairs.

SEPTEMBER 10, 1946.

[F. R. Doc. 46-16564; Filed, Sept. 13, 1946;
8:59 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5539]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINE

By virtue of and pursuant to sections 2887, as amended, 3176 and 3179, Internal Revenue Code, and sections 309 (a), (b), (c), (d) and 313 (d), (i) of the Tariff Act of 1930, as amended (19 U. S. C. 1309 (a), (b), (c), (d) and 1313 (d), (i), §§ 176.10, 176.21 (a), 176.57 and 176.85 of Regulations 28, as amended (26 CFR, Part 176), are hereby amended as follows:

DRAWBACK OF INTERNAL REVENUE TAX ON DOMESTIC ALCOHOL USED IN THE MANUFACTURE OF FLAVORING EXTRACTS, MEDICINAL OR TOILET PREPARATIONS, ETC.

Approval of Claim and Payment of Drawback

§ 176.10 Action on claim. Upon receipt of certificate on customs Form 4539

(including a list of the ports of destination) prepared and forwarded by the collector of customs, together with a written request addressed to the Commissioner of Internal Revenue by the claimant for payment of the amount found to be due, the Commissioner will examine the data and if found to be in order, will approve the claim and schedule the amount allowed for payment. If any certificate, Form 4539, covers alcohol used under more than one certificate on Form 646, the Form 4539 shall specify the quantity chargeable against each certificate, Form 646, and the serial number of each such certificate. (Sec. 313 of the Tariff Act of 1930, as amended (19 U. S. C. 1313 (d), (i)).)

DRAWBACK ON DISTILLED SPIRITS AND WINES BOTTLED ESPECIALLY FOR EXPORT

§ 176.21 Application Form 237—(a) Procedure. The rectifier shall make application on Form 237 to bottle rectified spirits especially for export or package such spirits for subsequent bottling especially for export in accordance with the applicable provisions of §§ 190.276 to 190.312, inclusive, of this chapter, and an additional copy of such form will be prepared in each case. A notice of intention shall be inserted by the rectifier in each copy of Form 237 after the description of the spirits or wines as follows:

The above-described spirits (or wines) rectified pursuant to Form 122, serial No. _____, dated _____, 19____, are to be bottled especially for export with benefit of drawback.

When the process of manufacturing spirits or wines in accordance with § 176.20 has been completed, the rectifier shall note on Form 237 the quantity of distilled spirits, or wines, or both (calculated on a proof-gallon basis as to spirits and on a wine-gallon basis as to wines) used in manufacturing the spirits or wines. If commercial flavoring extracts containing alcohol, not prepared by the rectifier on his rectifying premises, are used in manufacturing the spirits or wines, the rectifier shall also note on Form 237 the quantity thereof in wine gallons and state the percentage of alcohol by volume. The rectification tax and wine tax, if due, will then be paid and Form 237 disposed of in accordance with the applicable provisions of §§ 190.276 to 190.312, inclusive, of this chapter, and the additional copy of Form 237 will be forwarded to the district supervisor with the original copy of Form 237. The storekeeper-gauger will, upon completion of the bottling or packaging operations, supervise the deposit of the spirits or wines in the export storage room, except as provided by § 176.22.

§ 176.57 Action on claim. The Commissioner will, upon receipt of the claim, Form 1582 or Form 1582-A, from the district supervisor, examine the claim and the records of his office, Forms 230, 122, 237, 1583 and 1600 previously furnished him as provided by §§ 176.16 to 176.23, inclusive, to determine whether

the spirits or wines described in the claim have been fully tax-paid. If the Commissioner finds that such spirits or wines have been fully tax-paid he will approve the claim and schedule it for payment. If the claim is disallowed, the Commissioner will so notify the claimant and state the reasons therefor.*

DRAWBACK OF DISTILLED SPIRITS EXPORTED IN DISTILLERS' ORIGINAL PACKAGES

§ 176.85 Action on claim. The Commissioner of Internal Revenue will, upon receipt of the claim and entry, Form 1629, and accompanying documents from the collector of customs, examine the claim and the records of his office to determine whether the spirits described in the claim have been fully tax-paid. If the Commissioner finds that such spirits have been fully tax-paid, he will approve the claim and schedule it for payment. If the claim is disallowed, the Commissioner will so notify the claimant and state the reasons therefor. The duplicate of the drawback bond, Form 1628, will be retained in the files of the Commissioner. (Sections 2887, as amended, and 3176, I. R. C.)

NOTE: The asterisk at the end of § 176.57 refers to section 3179 (b), Internal Revenue Code, and section 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C. 1309 (a), (b), (c) (d)).

[SEAL] **W.M. T. SHERWOOD,**
Acting Commissioner
of Internal Revenue.

Approved: September 10, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-16598; Filed, Sept. 13, 1946; 9:01 a. m.]

[T. D. 5537]

PART 181—STILLS AND DISTILLING APPARATUS

By virtue of and pursuant to section 3250 (j) (3), Internal Revenue Code, (U. S. C., title 26, section 3250 (j) (3)), § 181.26 of Regulations 23, as amended, (26 CFR, Part 181) is hereby amended as follows:

EXPORTATION OF STILLS WITH BENEFIT OF DRAWBACK

§ 181.26 Approval and submission of claims—(a) Action by collector. The collector of internal revenue will immediately examine the two copies of the claim for drawback on Form 1610, received from the collector of customs (§ 181.25) and if satisfied that the claim is a valid one, he will endorse his approval thereon and forward the original with the tax-paid stamps attached to the Commissioner of Internal Revenue, at-
tention Alcohol Tax Unit.

(b) Action by Commissioner. If the Commissioner finds that the claim is in order, he will approve the claim and schedule it for payment. If the claim is disallowed in whole or in part, the Commissioner will so notify the claimant and

state the reasons therefor. (Section 3250 (j) (3), I. R. C.).

[SEAL] **W.M. T. SHERWOOD,**
Acting Commissioner
of Internal Revenue.

Approved: September 10, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-16596; Filed, Sept. 13, 1946; 9:02 a. m.]

[T. D. 5538]

PART 182—INDUSTRIAL ALCOHOL

1. Pursuant to the provisions of sections 3105, 3124 (a) (6), 3176, and 3301 of the Internal Revenue Code, (U. S. C., title 26, sections 3105, 3124 (a) (6), 3176, and 3301), Regulations 3, "Industrial Alcohol" (26 CFR, Part 182), are hereby amended as follows:

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSES

2. Paragraphs (a) and (c) of § 182.527 are amended to read as follows:

§ 182.527 Stamps—(a) Affixing. Tax-paid, warehousing, and export stamps shall be securely affixed to the Government head of packages or the side of cases with a good adhesive, and, when affixed to wooden packages or cases, with a tack or staple in each corner of the stamp.

(c) Covering. After the stamp has been canceled, it must be covered with a coating of transparent shellac, lacquer, or varnish, to protect it against moisture, alteration and removal. Warehousing stamps are not required to be "scalped" and therefore may be coated over with a glue that does not discolor the stamps and affords protection against moisture, alteration, and removal equal to that afforded by shellac, lacquer, or varnish. (Sec. 3301, I. R. C.)

3. The words "transfer or" are hereby deleted from the titles and cuts, Figures 2, 5, and 7, of § 182.528.

4. § 182.555 is hereby revoked.

5. The last two sentences of the first paragraph of § 182.561 which read "A transfer stamp must be affixed to each package shipped to a denaturing plant not located on the same premises, as required by § 182.555. Transfer stamps need not be affixed to packages transferred to a denaturing plant on the same premises." are hereby deleted.

(Secs. 3105, 3124 (a) (6), and 3176 of the Internal Revenue Code)

[SEAL] **STEWART BERKSHIRE,**
Acting Commissioner
of Internal Revenue.

Approved: September 10, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-16597; Filed, Sept. 13, 1946; 9:01 a. m.]

[T. D. 5540]

PART 184—PRODUCTION OF BRANDY

1. Pursuant to the provisions of sections 2812, 2816, 2819, 2825, 2826, 2841, 2916, 3170, and 3176 of the Internal Revenue Code (U. S. C., title 26, sections 2812, 2816, 2819, 2825, 2826, 2841, 2916, 3170, and 3176), Regulations 55, "Production of Brandy," (1940) (26 CFR, Part 184) are hereby amended, effective January 1, 1947, by inserting a new paragraph at the end of §§ 184.31 and 184.141 and amending §§ 184.128, 184.132, 184.184, 184.185, 184.186, 184.187, 184.231, 184.232, 184.239 (h), 184.240, 184.419, and 184.427 as follows:

FENCES OR WALLS AND GATES

§ 184.31 *Construction.* * * *

(a) *Special application.* Where the distiller desires to construct or maintain a fence or wall of a greater height than 5 feet around the distillery, he shall file with the district supervisor a special application therefor, in triplicate, giving a complete description of the fence or wall, including information as to materials, construction, height, and number of gates, and stating the reasons for the construction or maintenance of such fence or wall. The district supervisor will take action on such special application in accordance with the procedure prescribed in §§ 184.141 to 184.154, inclusive. (Secs. 2825, 2826, 3170, I. R. C.)

REQUIREMENTS GOVERNING CHANGES IN "NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES, AND EQUIPMENT

§ 184.128 *Changes in premises.* Where the premises of a fruit distiller are to be extended or curtailed, the distiller must file with the district supervisor an amended notice, Form 27½, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment, they must also be amended. If the distillery is within 600 feet of a rectifying plant the distiller must also file a special application, Form 1613, and plat, in accordance with §§ 184.6 to 184.11, inclusive. The additional premises covered by an extension may not be used for distillery purposes, and the portion of the premises to be excluded by a curtailment may not be used for other than distillery purposes, prior to the approval of the notice, plat and plans if required, filed in connection therewith. (Secs. 2812, 2816, 2819, 3170, I. R. C.)

§ 184.132 *Changes in equipment.* Where changes are to be made in the distilling apparatus and equipment, the distiller shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes; *Provided*, That, emergency repairs may be made under the supervision of the Government officer where one is assigned to the premises without prior approval of the district supervisor. Where such emergency repairs are made, the distiller shall file immediately a report thereof, in triplicate, with the district supervisor. Changes covered by an approved application will also be made under the supervision of the Government officer.

Upon completion of any change made under his supervision, the Government officer will submit a report, in triplicate, of the changes to the district supervisor. Upon approval of the report by the district supervisor, the Government officer will authorize the removal of the dismantled equipment, and the use of the new or repaired equipment, or other change. (Secs. 2816, 3170, I. R. C.)

ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

§ 184.141 *Special application.* Form 1613. * * *

(a) *Fence application.* Where a special application for approval of a fence or wall around a distillery premises is submitted and such application conforms to the requirements of these regulations, the district supervisor will, if he finds that the construction and maintenance of such fence or wall would not endanger the revenue or prevent ready access to the distillery by Government officers, note his approval on all copies of the special application, return one copy of the applicant, retain one copy, and forward one copy to the Commissioner with the Notice, Form 27½, bond, and other qualifying documents. If the district supervisor finds that the construction and maintenance of such fence or wall is not necessary to afford protection from trespassers, or that the revenue would be endangered thereby, he will note his disapproval on the special application and return all copies to the applicant with a statement of the reasons for disapproval. (Secs. 2825, 2826, 3170, I. R. C.)

MANUFACTURE OF BRANDY

DISTILLATION

§ 184.184 *Collection of singlings for redistillation.* Where, under the process of distillation employed, singlings are separated and collected for redistillation otherwise than as provided in § 184.183, such singlings shall be run through closed pipes from the still into locked singlings tanks, in which they shall remain until released by the storekeeper-gauger for redistillation under his supervision.

§ 184.185 *Gauging of singlings.* Where singlings are collected for redistillation otherwise than in a closed, locked still as provided in § 184.183, they need not be gauged (measured and proofed) by the storekeeper-gauger before being released from the singlings tanks for redistillation. Singlings produced each month must be redistilled as expeditiously as possible. They may not be accumulated from month to month, but singlings produced during one month may be mixed with the production for the succeeding month for redistillation if the quantity on hand at the close of the month is first ascertained.

§ 184.186 *Redistillation of singlings.* When the singlings have been released by the storekeeper-gauger, they shall be run, by means of closed pipe lines, direct from the singlings tank into the still, or the distilling material sump, or the chargers of the still, or the distilling material pipe line leading to the still, or the distilling material sump, or the chargers of

Where the singlings are run into the distilling still, or the distilling material pipe line leading to the still, such sump or chargers or pipe line must be closed and the operations must take place at the time the distilling material is being run into the still and the singlings thus mixed with the distilling material and distilled with the same. The singlings will be run into the still, or distilling material sump, or chargers of the still, or distilling material pipe line, and redistilled, under the immediate supervision of the storekeeper-gauger.

§ 184.187 *Record of singlings.* The quantity of singlings on hand at the close of the month will be gauged by the storekeeper-gauger before the tenth day of the month following the month of production. Such quantity will be entered by the distiller on Form 15 rendered for the month of production. (Sec. 2841, I. R. C.)

COLLECTION AND REMOVAL OF DISTILLATES, DISTILLED WATER, FUSEL OIL, AND CARBON DIOXIDE

COLLECTION, AND DESTRUCTION OR REMOVAL FOR DENATURATION, OF CERTAIN DISTILLATES

§ 184.231 *Distiller's records.* Distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, collected for destruction or for removal for denaturation, will be included by the distiller in the inventory of singlings reported on Form 15 until gauged and destroyed or removed for denaturation, whereupon appropriate entries will be made on such form covering the disposition of such distillates. Distillates produced during one month may not be mixed with those produced in the succeeding month without prior ascertainment of the quantity on hand at the close of the month. (Sec. 2916, I. R. C.)

§ 184.232 *District supervisor's account.* The district supervisor will report distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil on Form 412, "District Supervisor's Account of Fruit Distilleries," as indicated by the headings of the columns and lines and in accordance with the instructions printed on the form. (Sec. 2916, I. R. C.)

COLLECTION AND REMOVAL OF FUSEL OIL

§ 184.239 *Removal.* * * *

(h) *Disposition of water used for washing fusel oil.* The water used for washing or purifying the oil in the tanks may be conveyed directly to the still, or it may be run into a tank or into the sewer, or it may be otherwise destroyed on the premises under the supervision of the storekeeper-gauger. If the washwater is run into the still or tank, the quantity will not be entered on Form 15. If the washwater is run into the sewer or otherwise destroyed, the alcoholic content and quantity will be reported on Form 1520 and included in the report of production on Form 15.

RECOVERY AND REMOVAL OF CARBON DIOXIDE

§ 184.240 *Procedure.* Carbon dioxide may be recovered from fermenters and removed from the distillery premises, provided it is first thoroughly washed or

scrubbed and purified to remove the alcohol therefrom. Where carbon dioxide is recovered, the washwater may be collected in a tank and transferred by pipe line to a fermenter or to the distilling material sump, or measuring tank. Where the washwater is transferred to the fermenter or to the distilling material measuring tank the transfer must be made prior to the testing of the distilling material at the time of distillation. Where the washwater is transferred to the distilling material sump after the calculated yield has been determined, the alcoholic content, the number of gallons, and the calculated yield thereof, will be determined and interlined in Part 1 of Form 15. An approved ebulliometer shall be used in determining the alcoholic content of the washwater. If the washwater is not utilized in the manufacture of distilled spirits, it will be run into the sewer or otherwise destroyed on the premises under the supervision of the storekeeper-gauger. Entry of such disposition will not be made on Form 15.

DISTILLER'S RECORDS AND REPORTS

§ 184.419 *Entry of brandy produced.* The quantity of brandy reported produced in all cases will be taken from the storekeeper-gauger's reports on Form 1520 and entered as of the date of gauge. (Sec. 2841, I. R. C.)

DISTRICT SUPERVISOR'S MONTHLY ACCOUNT OF FRUIT DISTILLERIES

§ 184.427 *Form 412.* District supervisors in whose districts fruit distilleries are located will prepare a monthly account on Form 412, "District Supervisor's Account of Fruit Distilleries," of every fruit distiller's monthly return, Form 15, received by them for the month. The required data for the account will be obtained from the distiller's returns, after such returns have been audited. The entries will be made as indicated by the headings of the columns and lines and in accordance with the instructions printed on the form. Form 412 will be prepared in duplicate and one copy thereof, accompanied by a copy of each distiller's return summarized therein, will be forwarded to the Commissioner not later than the last day of the month succeeding that for which rendered. The remaining copy will be retained by the district supervisor.

(Sec. 3176, Internal Revenue Code.)

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of
Internal Revenue.

Approved: September 10, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-16599; Filed, Sept. 13, 1946;
9:01 a. m.]

[T. D. 5543]

PART 184—PRODUCTION OF BRANDY

Sections 2800 (e) (2) and 2815 (b) of the Internal Revenue Code provide as follows:

SEC. 2800. TAX.

(e) *Lien.*

(2) *Exception during term of bonds.* No lien shall attach to any lot or tract of land, distillery, building, or distilling apparatus, under the provisions of this subsection, by reason of distilling done during any period included within the term of any bond taken under the provisions of section 2815 (b) (1) (C).

SEC. 2815. CONDITIONS OF APPROVAL OF DISTILLER'S BOND.

(b) *Ownership of land or consent of owner—(1) Requirements.* No bond of a distiller shall be approved unless:

(A) The distiller is the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated; or

(B) The distiller files with the officer designated for the purpose by the Commissioner, in connection with his notice, the written consent of the owner of the fee, and of any mortgagee, judgment-creditor, or other person having a lien thereon, duly acknowledged, that the premises may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority over any right, title, or interest, whatsoever of the person giving the consent, and that in the case of the forfeiture of the premises or property, or any part thereof, the title to the same shall vest in the United States, discharged from such mortgage, judgment, or other encumbrance; or, if consent as required under this paragraph cannot be obtained,

(C) The distiller, with the approval of the Commissioner, files with the officer designated by the Commissioner a bond, approved by the Commissioner, in the penal sum equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. Such value shall be determined, and such bond shall be executed, in such form and with such sureties, and filed with the officer designated by the Commissioner, under such regulations as the Secretary shall prescribe.

(D) In case of any distillery sold at judicial or other sale in favor of the United States, a bond may be taken at the discretion of the Commissioner, in lieu of the written consent required by this section, and the person giving such bond may be allowed to operate such distillery during the existence of the right of redemption from such sale, on complying with all the other provisions of law.

Pursuant to the above provisions of law and sections 2825 and 3176, Internal Revenue Code (U. S. C., title 26, secs. 2800, 2815, 2825, and 3176), Regulations 5, Production of Brandy (26 CFR, Part 184), is hereby amended, effective May 1, 1947, in the following respects:

1. The following paragraphs are revoked: §§ 184.4 (b), 184.4 (c) and 184.4 (s).

2. The following sections are amended: §§ 184.3, 184.60, 184.64, 184.65, 184.128, 184.130, 184.132, 184.133, 184.138 (b), 184.139 (b), 184.140 (b), 184.142, 184.143, 184.148, 184.149, 184.150, 184.151, 184.152, 184.154, 184.156, 184.158, 184.161, 184.163, 184.164, and 184.251.

3. The following new sections are added: §§ 184.67a, 184.67b, 184.67c, 184.67d, 184.67e, 184.67f, 184.67g, 184.134a, 184.134b, 184.141a, 184.155a, 184.159a, 184.161a, and 184.162a.

The effect of these amendments is that fruit distillers will be subject to all

the provisions of sections 2800 (e), 2814, and 2815 (b), Internal Revenue Code, on and after May 1, 1947. Therefore, bonds filed by fruit distillers on Form 30½, effective on and after May 1, 1947, will not be approved unless:

(1) The distiller is the owner in fee, unencumbered by any mortgage, judgment, lien, or other encumbrance, of the lot or tract of land on which the fruit distillery is situated; or

(2) The distiller files with the district supervisor, in connection with his notice, Form 27½, the written consent of the owner of the fee, and of any mortgagee, judgment-creditor, or other person having a lien or other encumbrance thereon, and of any prior lessees, duly acknowledged, that the premises may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority over any right, title, or interest, whatsoever of the person giving the consent, and that in the case of the forfeiture of the premises or property, or any part thereof, the title to the same shall vest in the United States, discharged from any such right, title, or interest; except that where such consent cannot be obtained.

(3) The distiller, with the approval of the Commissioner, files with the district supervisor an indemnity bond, in a penal sum equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus.

The amended and new sections shall read as follows:

DEFINITIONS

§ 184.3 Definitions.

(s) "Prior lessee" shall mean a lessee whose lease has not terminated.

QUALIFYING DOCUMENTS

§ 184.60 *Description of premises.* The lot or tract of land on which the distillery is situated must be described on Form 27½ by courses and distances, in feet and inches, with the particularity required in conveyances of real estate. If the premises consist of two or more lots or parcels, the condition of the title which is not the same, the entire premises shall be first described, followed by a separate description by courses and distances, in feet and inches, of each such lot or parcel. The continuity of the premises must be unbroken, except that the premises may be divided by a public street or highway, if parts of the premises so divided abut on such street or highway, directly and immediately opposite each other. The premises may be similarly divided by a railroad right of way if the railroad is a common carrier. In such cases, each tract of land constituting the premises shall be described separately on the form. If a portion of the premises is owned in fee, unencumbered, by the distiller, or a portion is owned by the distiller but is encumbered, or a portion is not owned by the distiller and he has procured consent, Form 1602, from the owner and from any encumbrancer, prior lessee,

etc., the entire premises shall be described first, followed by a separate description, by courses and distances, in feet and inches, of the portions thereof which are encumbered and/or of the tract which is now owned by the distiller. (Secs. 2800 (e) (1), 2812, I. R. C.)

§ 184.64 Condition of title to premises. The condition of title to the premises shall be shown on Form 27½. If the distiller is the owner of the premises in fee, unencumbered, it shall be so stated. If the distiller is not the owner in fee, unencumbered by any mortgage, judgment, lien, or other encumbrance of the lot or tract of land on which the distillery is situated, the name and address of the owner of the fee and of any mortgagee, judgment-creditor, and of any person having a lien or encumbrance, and of all prior lessees thereon, shall be stated. Where the written consent of the owner of the fee and of any mortgagees, judgment-creditors, lienors, encumbrancers, or lessees, is filed, as provided in § 184.67a, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 184.67d and 184.67e, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, shall be shown on the Form 27½ in connection with the statement of the present condition of the title. If the premises are occupied under a lease, the name of the owner, the name of the lessor, the length of the term, and the date of its expiration, shall be stated. In cases where an indemnity bond is filed, the date of the Commissioner's approval of the filing of such bond shall also be given. (Secs. 2800 (e) (1), 2812, 2815 (b), I. R. C.)

§ 184.65 Condition of title to apparatus and equipment. The distiller's title to, or interest in, the distilling apparatus and equipment shall be shown on Form 27½. If the distiller is not the owner of such apparatus and equipment, unencumbered by any mortgage, judgment, lien, or other encumbrance, the name and address of the owner thereof and of any mortgagee, judgment-creditor, lienor or encumbrancer, or conditional sales vendor, shall be stated. Where the written consent of the owner and of the mortgagees, judgment-creditors, lienors, or other encumbrancers, or conditional sales vendors, is filed, as provided in § 184.67a, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 184.67d and 184.67e, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, or, if the apparatus was purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due shall be shown in connection with the statement of the distiller's title to, or interest in, the property. In cases where an indemnity bond, Form 3-A, is filed, the date of the Commissioner's approval of the filing of such bond shall also be given. (Secs. 2800 (e) (1), 2812, 2815 (b), I. R. C.)

§ 184.67a Consent, Form 1602. Where the distiller is not the owner in

fee of the lot or tract of land on which the distillery is situated, unencumbered by any mortgage, judgment, lien, or other encumbrance, or is not the owner of the distilling apparatus and equipment, unencumbered by any mortgage, judgment, lien, or other encumbrance, he must file the written consent of the owner and of any mortgagee, judgment-creditor, lienor, or other encumbrancer, conditional sales vendor, or prior lessee, that the premises or property may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority over any right, title, or interest of the person giving the consent, and that, in the case of the forfeiture of the premises or property, or any part thereof, the title to the same shall vest in the United States, discharged from any such right, title or interest, except that, where such consent cannot be obtained, or where the distillery was sold at a judicial or other sale in favor of the United States, and there exists a right of redemption from such sale, the distiller may file in lieu of such consent, an indemnity bond, Form 3-A, as hereinafter provided. This consent shall be executed on Form 1602, in triplicate, in accordance with the instructions printed thereon, duly acknowledged before an officer authorized to take acknowledgment of deeds, properly recorded, and submitted to the district supervisor with the notice, Form 27½, and made a part thereof. The acknowledgment and certificate of recordation shall be executed on all three copies of the form. A new consent will be required for each year beginning on the first day of May, unless the consent is given for a definite period of time exceeding one year, in which event the consent should be given in terms to expire at the beginning of an annual period, May 1. If, after such consent is filed, the premises are extended and the distiller is not the owner in fee, unencumbered of the additional premises, or additional apparatus and equipment are installed and the distiller or the party who executed the consent then in effect is not the owner thereof unencumbered, a consent on Form 1602 must be filed for such additional premises or apparatus and equipment. A new consent will also be required whenever there is a change of proprietorship, including a succession for a temporary period by a lessee or fiduciary, unless the consent procured by the predecessor specifically covers operation of the premises by his successor or assigns. In the event of failure of such consent, the distiller will be no longer qualified, unless an indemnity bond on Form 3-A is filed. (Sec. 2815 (b), I. R. C.)

§ 184.67b Permission required for filing bond, Form 3-A. Where the distiller cannot obtain the written consent of the owner of the fee of the distillery premises, and of any mortgagee, judgment-creditor, lienor, prior lessee, or other person having an encumbrance thereon, or where he cannot obtain such consent of the owner of the apparatus and equipment, and of any mortgagee, judgment-

creditor, conditional sales vendor, lienor, prior lessee, or other encumbrancer, and desires to file an indemnity bond, Form 3-A, in lieu of such consent, he shall file application, in triplicate, with the district supervisor for permission so to do. (Sec. 2815 (b), I. R. C.)

§ 184.67c Application. The application shall contain (1) an accurate description of the lot or tract of land on which the distillery is situated, and of the distillery, the buildings, and the distilling apparatus and equipment thereon; (2) a full and clear statement of the condition of the title to the premises and apparatus and equipment, including the name and address of the owner and of all mortgagees, judgment-creditors, conditional sales vendors, prior lessees, and other persons having liens or encumbrances thereon, the kind, date, and amount of each encumbrance and the balance due thereon, and, in the case of apparatus and equipment purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due; and (3) a full and clear statement of the reasons why the applicant cannot obtain the prescribed written consent. The district supervisor and Commissioner will take action on such application in accordance with the provisions prescribed in §§ 184.141 to 184.158, inclusive. (Sec. 2815 (b), I. R. C.)

§ 184.67d Bond, Form 3-A. If the application is approved by the Commissioner, the distiller shall execute bond on Form 3-A, in triplicate, in conformity with the provisions of § 184.83 to 184.104, inclusive, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or trace of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase of value will be required: *Provided, That*, if such increase in value is less than \$500, no additional bond will be required. In the event of a failure of bond on Form 3-A, the distiller will be no longer qualified unless a new and satisfactory bond is filed, or consent, as required by § 184.67a is obtained, and approved as required by the regulations in this part. The appraisal shall be made in accordance with the provisions of § 184.67f. (Sec. 2815 (b), I. R. C.)

§ 184.67e Bond in lieu of consent where distillery is sold for United States. Where a distillery is sold at a judicial or other sale in favor of the United States, the distiller may give bond on Form 3-A in lieu of the consent of the person possessing the right of redemption and of any mortgage, judgment-creditor, lienor, prior lessee, or other encumbrancer, and be allowed, upon complying with all other provisions of law and the regulations in this part, to operate the distillery during the existence of the right of redemption from such sale. A distiller desiring to give bond in such case shall file applica-

tion, in triplicate, with the district supervisor for permission so to do. The application shall contain a full and clear statement of the condition of the title, including the name and address of the person having the right of redemption and of all encumbrancers, the kind, date, and amount of each encumbrance, the date of the sale and the date of expiration of the right of redemption. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, together with the buildings and distillery apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That, if such increase in value is less than \$500, no additional bond will be required. The appraisal shall be made in accordance with the provisions of § 184.67f. (Sec. 2815 (b), I. R. C.)

§ 184.67f *Appraisal*. The appraisal to determine the penal sum of the bond on Form 3-A shall be made by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, showing separately the value of the land and buildings and the distilling apparatus, and containing a full and clear statement of the methods employed by them in determining their valuations. The appraisal shall be at the expense of the distiller, unless it is made by Government officers. (Sec. 2815 (b), I. R. C.)

§ 184.67g *Certificate of title*. The distiller shall submit a certificate and, when required, an abstract, in triplicate, of the title to the distillery premises, prepared by a person authorized by the laws of the State in which the distillery is located to prepare such documents. The document must contain an accurate description of the distillery premises corresponding to that set forth in the distiller's notice, and any liens or other encumbrances on the property must be fully described. Such certificate shall accompany the distiller's notice and be made a part thereof. (Secs. 2800 (e), 2815 (b), I. R. C.)

REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT, AND IN THE TITLE TO DISTILLERY PROPERTY OR THE ENCUMBRANCE THEREOF

§ 184.128 *Changes in premises*. * * * (a) *Bond, Form 3-A*. In the case of an extension of the distillery premises, if the value of such premises is increased by the addition of land, buildings, equipment, etc., where an indemnity bond has been filed in lieu of consent of the owner or of any encumbrancer, a new or additional indemnity bond on Form 3-A must be filed in accordance with § 184.67d.

(b) *Consent, Form 1602*. Where the distiller is the owner in fee unencumbered, or has procured the consent of the owner or any encumbrancer, of the premises, and such premises are extended to include additional land, buildings, etc., the distiller, if he is not the owner in fee

unencumbered of the extended premises (including buildings, etc.), must procure the consent of the owner or of any encumbrancer of such extended premises, and the buildings, apparatus and equipment thereon, in accordance with § 184.67a, or in lieu thereof, file an indemnity bond on Form 3-A, in accordance with § 184.67d. (Secs. 2812, 2815 (b), 2816, 2819, 3170, I. R. C.)

§ 184.130 *Indemnity bond covering changes in buildings*. If buildings on the distillery premises, or on premises which have been eliminated from the distillery premises, are to be demolished or altered in such a manner as to decrease the value of the property, and a lien for taxes exists on such property under section 2800 (e), I. R. C., the distiller, if (1) the owner of the fee unencumbered or (2) consents in accordance with § 184.67a are necessary and have been obtained, must file with the district supervisor an indemnity bond, Form 1617, in triplicate, in a penal sum equal to the decrease in the value of the property: *Provided*, That, if such decrease in value is less than \$500, no indemnity bond will be required. The value of the apparatus or equipment to be removed, or the difference between the value of such apparatus or equipment and the value of the apparatus or equipment to be substituted therefor, will be determined by appraisal in the manner prescribed in § 184.67f. (Sec. 2800 (e), I. R. C.)

CHANGES IN TITLE TO DISTILLERY PROPERTY OR THE ENCUMBRANCE THEREOF

§ 184.134a *Change of title*. Where the title to the lot or tract of land upon which the fruit distillery is located is changed by a sale, judicial or otherwise, or where there is any change in the ownership of the premises or the apparatus or equipment, subsequent to the approval of bond, Form 30½, the distiller is no longer qualified. If the distiller desires to qualify for further operations when such a change occurs, he must file an amended notice, Form 27½, together with the necessary consent, Form 1602, or, in lieu of such consent, an indemnity bond, Form 3-A. In addition to such amended notice and consent, Form 1602, or indemnity bond, Form 3-A, the Commissioner may, in his discretion, require the distiller to file a new bond, Form 30½. (Secs. 2812, 2814, 2815, I. R. C.)

§ 184.134b *Encumbrance*. If, subsequent to the approval of the distiller's bond, Form 30½, the lot or tract of land upon which the distillery is situated, or any part thereof, or any of the apparatus or equipment becomes subject to, or encumbered by, any mortgage, judgment, lien, or other encumbrance, the distiller must immediately file (1) an amended notice, Form 27½, (2) consent on Form 1602, or indemnity bond, Form 3-A, in lieu of such consent, and (3) a consent of surety on his present bond, Form 30½, or a new bond, Form 30½, in lieu of such consent. (Secs. 2812, 2814, 2815, I. R. C.)

REQUIREMENTS GOVERNING ALTERNATE OPERATIONS AS REGISTERED DISTILLERY OR INDUSTRIAL ALCOHOL PLANT

§ 184.138 *Where no bonded warehouse on premises*. * * *

(b) *Resumption*. * * *

(4a) *Consent of owner or encumbrancer*. File a new consent of the owner or encumbrancer on Form 1602, in triplicate, in accordance with § 184.67a, if the distillery is operated as a registered distillery or industrial alcohol plant by a person other than the fruit distiller (unless the consent procured by the fruit distiller names each grantee who is to operate the premises or his successors or assigns), or if, since operations as a fruit distillery were suspended, there has been any change in the title to the fruit distillery premises or apparatus or equipment, or if such premises, apparatus, or equipment has become encumbered by

§ 184.133 *Indemnity bond covering removal of equipment*. If apparatus or equipment on which a lien has attached under section 2800 (e), I. R. C., for taxes on spirits produced which has not been tax-paid or withdrawn for a tax-free purpose, is to be removed from the distillery premises without replacement thereof with apparatus or equipment in kind, that will become a real fixture in law, of an equal or greater value than the apparatus or equipment to be removed (1) where the distiller is the owner of the premises in fee unencumbered, whether the property is realty or personalty, or (2) where consents in accordance with § 184.67a are necessary and have been obtained, whether the property is realty or personalty, the dis-

any mortgage, judgment, lien, or other encumbrance, or if there has been installed new apparatus or equipment not owned by the fruit distiller free of encumbrances. If such consent on Form 1602 cannot be obtained, an indemnity bond, Form 3-A, in lieu thereof, must be filed, as provided in § 184.67d.

* * * * *

§ 184.139 *Where operation of warehouse is continued.* * * *

(b) *Resumption.* Where operation of the plant as a registered distillery or industrial alcohol plant has been suspended, and operation thereof as a fruit distillery is to be resumed, the fruit distiller must comply with § 184.138 (b) (3), (4a), (5), and (6), and in addition thereto, the following requirements:

* * * * *

§ 184.140 *Where bonded warehouse is discontinued or eliminated from fruit distillery premises.* * * *

(b) *Resumption.* Where operation of the plant as a registered distillery or industrial alcohol plant has been suspended, and operation thereof as a fruit distillery is to be resumed, the fruit distiller must comply with § 184.138 (b) (3), (4a), (5), and (6), and in addition thereto, the following requirements:

* * * * *

ACTION BY DISTRICT SUPERVISOR

§ 184.141a *Indemnity bond application.* Where an application for permission to file an indemnity bond, Form 3-A, in lieu of the written consent of the owner of the distillery premises or apparatus or equipment, or of any mortgagee, judgment-creditor, lienor, or other person having an encumbrance thereon, or conditional sales vendor, is submitted by the applicant and such application conforms to the requirements of the regulations in this part, the district supervisor will cause an investigation to be made of the facts upon which the application is based, and will designate two or more competent persons to make an appraisal of the value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and apparatus and equipment. The appraisal shall be made as provided in § 184.67f. Upon receipt and examination of the appraisal and investigation reports, the district supervisor will endorse his recommendation on the application and forward all copies thereof, together with the original report of the appraisal and a copy of the report of the investigation, to the Commissioner. Where the application is approved by the Commissioner, the district supervisor will, upon receipt of the approved copies thereof from the Commissioner, forward one copy to the applicant and retain one copy. If the application is disapproved, the district supervisor will, upon receipt of the same from the Commissioner, return all copies to the applicant with advice as to the reasons for disapproval. (Sec. 2815 (b), I. R. C.)

§ 184.142 *Examination of other qualifying documents.* The district supervisor will examine the notice, plat, plans, bond, consent (Form 1602), if any, or indemnity bond, Form 3-A, in lieu

thereof, and other documents required by the regulations in this part of persons intending to qualify as distillers, to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and regulations. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with the regulations in this part, action thereon will be held in abeyance until the omission, or error, or discrepancy has been rectified, and there has been full compliance with all requirements.

§ 184.143 *Inspection of premises.* When the required documents have been filed in proper form, the district supervisor will assign an inspector to examine the premises, buildings, apparatus, and equipment, and determine whether they conform with the description thereof in the notice, plat, and plans, and special application, if any, and whether the construction and measures of protection afforded meet the requirements of the law and regulations. The inspector will observe particularly the manner in which the rooms or buildings on the premises are separated from each other and from other premises, means of communication, ingress and egress, adequacy of protection afforded windows, doors, and other openings, construction of apparatus and equipment, and the suitability of the Government office and facilities. The inspector will also make careful inquiry respecting the applicant's title to, or interest in, the lot or tract of land, the distillery, and the apparatus and equipment, in order to determine whether proper consents on Form 1602 of the owner and of any mortgages, judgment-creditors, lienors, other encumbrancers, conditional sales vendors, or prior lessees, have been procured and submitted by the applicant. To this end, the inspector will examine the records in the office of the recorder of deeds or other office where titles and matters affecting titles are filed to verify the statements of the applicant respecting this title to, or interest in, the property. The inspector should require the applicant to submit for examination invoices, bills of sale, conditional sales contracts, leases, or other commercial papers for verification of the statements made on Form 27½ respecting his title to, or interest in, the apparatus and equipment. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will, at the time of their discovery, direct the attention of the applicant to the same in order that the applicant may correct the defects before completion of the inspection. Upon completion of the inspection, a report thereof will be submitted to the district supervisor.

§ 184.148 *Approval of qualifying documents.* If the district supervisor finds, upon completion of his investigation and examination of the inspection report, that the person seeking to qualify as a fruit distiller is qualified to hold a permit and has complied in all respects with

the requirements of law and the regulations in this part and if the notice, Form 27½, bond, Form 30½, and consent, Form 1602, or indemnity bond, Form 3-A, if any, filed in lieu thereof, may properly be approved, he will note his recommendation for approval on all copies of the notice, distiller's bond, and consent or indemnity bond (if any), and his approval on all copies of the plat, plans, and other qualifying documents, and will forward all copies of the notice, bond, consent or indemnity bond (if any), plat, plans, and other qualifying documents, together with a copy of all inspection reports, to the Commissioner for final action. The original copy of the application for permit will be forwarded to the Commissioner with such qualifying documents.

§ 184.149 *Disapproval of qualifying documents.* If the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and regulations, or that the situation of the premises is such as would enable the applicant to defraud the United States, or that the application for permit, notice, or bond should be disapproved, he will note his recommendation for disapproval on the notice, Form 27½, bond, Form 30½, and consent, Form 1602, or indemnity bond, Form 3-A (if any), filed in lieu of such consent, and will forward to the Commissioner for final action such copies of the qualifying documents as are required to be so forwarded by the preceding section in the case of recommendation for approval, together with a copy of all inspection reports. Where an application or bond is recommended for disapproval, the district supervisor will furnish the Commissioner with a full statement of the reasons therefor.

§ 184.150 *Disposition of qualifying documents.* Where notice, Form 27½, special application, Form 1613 (if any), bond, Form 30½, and consent, Form 1602 (if any), or indemnity bond, Form 3-A, filed in lieu thereof, are approved by the Commissioner, the district supervisor will, upon receipt of approved copies of such documents from the Commissioner, as provided in §§ 184.155 to 184.158, inclusive, forward one copy of notice, Form 27½, bond, Form 30½, and consent, Form 1602, or indemnity bond, Form 3-A (if any), plat, plans, and other qualifying documents, and the original copy of the Federal Alcohol Administration Act permit, to the applicant, and will retain one copy of such qualifying documents for the file of the applicant in his office. The extra copy of the special application, Form 1613 (if any), received from the Commissioner will be placed by the district supervisor in the file of the rectifier. If the notice, Form 27½, bond, Form 30½, special application, Form 1613 (if any), and consent, Form 1602, or indemnity bond, Form 3-A (if any), are disapproved, the district supervisor will, upon receipt from the Commissioner of the disapproved copies of such documents and other qualifying documents submitted therewith, return all copies of the qualifying documents to the applicant with advice as to the

reasons for disapproval. In the case of disapproval of bonds, the district supervisor shall notify the surety or sureties of such action.

CHANGES SUBSEQUENT TO ESTABLISHMENT

§ 184.151 Procedure applicable. The foregoing provisions of §§ 184.141 to 184.154, inclusive, respecting the action required of district supervisors in connection with the original establishment of distilleries will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name, or in the trade name or style, where the premises are to be operated initially under a trade name or style, or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment, or in the type of plant, or in the title to the distillery property, or where such property becomes subject to a mortgage, judgment, lien, or other encumbrance, or where operations are permanently discontinued: *Provided*, That, where there is a change in the individual, firm, or corporate name of the distiller, or where a distillery is to be again operated under a trade name or style previously approved by the Commissioner, the district supervisor may authorize the commencement of operations prior to review of the qualifying documents by the Commissioner. In such cases, the district supervisor will notify the distiller by letter and attach one copy of such letter to the qualifying documents.

§ 184.152 Indemnity bond, Form 1617. Where changes to be made in distillery buildings or former distillery buildings or distillery equipment are such as to require the filing of an indemnity bond on Form 1617, as provided in §§ 184.130 and 184.133, the district supervisor will, upon receipt of a satisfactory bond, note his recommendation for approval thereon and forward all copies thereof to the Commissioner accompanied by the original of the report submitted by the designated appraisers. If the bond is approved by the Commissioner, the district supervisor will, upon receipt of the approved copies thereof from the Commissioner, forward one copy to the distiller and retain one copy.

ANNUAL NOTICES, CONSENTS (FORM 1602), AND BONDS, CONSENTS OF SURETY, AND ADDITIONAL AND SUPERSEDING BONDS

§ 184.154 Procedure applicable. The procedure prescribed herein for the approval and disapproval of notices and bonds submitted in connection with the establishment of fruit distilleries will, to the extent applicable, govern the approval and disapproval of annual notices, consents (Form 1602) and bonds, consents of surety, and additional and superseding bonds.

ACTION BY COMMISSIONER

ORIGINAL ESTABLISHMENT

§ 184.155a Indemnity bond application. When an application for permission to file an indemnity bond, Form 3-A, in lieu of the written consent of the owner, mortgagee, judgment-creditor, lienor, encumbrancer, prior lessee, conditional sales vendor, etc., is received from

the district supervisor, bearing his recommendation for approval or disapproval, the Commissioner will examine the same in connection with the appraisal and investigation report. If the Commissioner finds that, under the regulations, an indemnity bond may properly be accepted in lieu of such consent, and if he is satisfied that the valuation placed upon the property by the appraisers is fair, he will note his approval on all copies of the application, retain one copy and the appraisal and investigation reports submitted therewith, and return two copies to the district supervisor. If the application is disapproved, the Commissioner will note his disapproval thereon, and return all copies to the district supervisor with a statement of the reasons for disapproval. (Sec. 2815 (b), I. R. C.)

§ 184.156 Other qualifying documents. The Commissioner will also review the notice, Form 27½, plat, plans, bond (Form 30½), consent (Form 1602), or indemnity bond (Form 3-A) (if any), and other qualifying documents, including application for Federal Alcohol Administration Act permit, upon their receipt from the district supervisor. If the Commissioner approves the construction and equipment of the distillery and the notice, plat, plans, bond (Form 30½), consent (Form 1602), or indemnity bond (Form 3-A) (if any), and other qualifying documents, he will assign a registry number to the fruit distillery in accordance with the provisions of § 184.157, note his approval on all copies of the notice, Form 27½, bond (Form 30½), and the consent (Form 1602), or indemnity bond (Form 3-A) (if any), retain one copy of the notice, Form 27½, bond, and consent or indemnity bond (if any), and other qualifying documents, and will return two copies of the approved notice, Form 27½, bond (Form 30½), and consent (Form 1602), or indemnity bond (Form 3-A) (if any), to the district supervisor with advice as to his action on the qualifying documents. If the Commissioner disapproves the notice, Form 27½, or bond (Form 30½), or consent (Form 1602), or indemnity bond (Form 3-A) (if any), he will note his disapproval thereon and will return all copies thereof to the district supervisor, accompanied by the other qualifying documents submitted therewith, and a statement of the reasons for disapproval. (Secs. 2814, 2815 (b), 3170, I. R. C.)

CHANGE SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 184.158 Procedure applicable. The foregoing provisions of §§ 184.155 to 184.158, inclusive, respecting the action of the Commissioner in connection with the establishment of fruit distilleries will be followed, to the extent applicable, where there is a change in the name, or in the firm name, trade name or style, or in the proprietorship, location, premises, construction, apparatus and equipment, of the distillery, or in the type of plant, or in the title to the distillery property, or where such property becomes subject to a mortgage, judgment, or other encumbrance.

TERMINATION OF BONDS

§ 184.159a Termination of indemnity bonds—(a) *Form 3-A.* Indemnity bonds (Form 3-A) given in lieu of the consent of the owner of the distillery premises or property and of any mortgagee, judgment-creditor, lienor, encumbrancer, conditional sales vendor, etc., to priority of the Government's lien for taxes and penalties and other interests, run for an indefinite period. Such bonds may be terminated as to liability for future operations of the distillery, (1) pursuant to application by the surety as provided in § 184.161, (2) upon approval of a superseding bond or discontinuance of business by the principal, or (3) upon the distiller (a) becoming the owner in fee unencumbered of the property covered by the bond or (b) filing the consent of the owner or encumbrancer, and the tax-payment or lawful tax-free withdrawal of all spirits produced while such indemnity bond was in force. Application for notice of termination of such bonds upon approval of the superseding bond or discontinuance of the business or under condition (3) above must be filed in duplicate with the district supervisor.

(b) *Form 1617.* Indemnity bonds (Form 1617) given in connection with changes in buildings and equipment on which a lien has attached under section 2800 (e), I. R. C., may be terminated (1) upon approval of a superseding bond (Form 1617), or (2) upon tax-payment or removal for a lawful tax-free purpose of all spirits produced while the property, covering which the indemnity bond was filed, formed a part of the distillery premises and equipment. Application for notice of termination of such bonds must be filed in duplicate with the district supervisor. (Secs. 2800 (e), 2815 (b), I. R. C.)

§ 184.161 Application of surety for relief from bond. A surety on any bond required by the regulations in this part may at any time in writing notify the principal and the district supervisor in whose office the bond is on file that he desires, after a date named, which shall be at least 60 days after the date of notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal, and the other two copies to the district supervisor, who will retain one copy and transmit the remaining copy to the Commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing the agent to give such notice, or by a verified statement that such power of attorney is on file with the Department. The surety must also file with the district supervisor an acknowledgment or other proof of service of such notice on the principal.

(a) *Extent of release from liability.* If such notice is not thereafter in writing withdrawn, the rights of the principal, as supported by said bond, shall be terminated on the date named in the notice, and the surety shall be relieved (1) in the case of a fruit distiller's bond (Form 30½) from liability for spirits produced wholly subsequent to the date

named in the notice, (2) in the case of indemnity bonds, Form 3-A, from liability for spirits produced at the fruit distillery wholly subsequent to such date, and (3) in the case of export bonds (Forms 547, 548, 657, and 658), from liability for spirits withdrawn for export wholly subsequent to such date. If the principal fails to file a valid superseding bond prior to the date on which the surety desires to be relieved from liability under the bond, the surety, notwithstanding his release from liability as specified in conditions (1), (2), and (3) above, shall continue to remain liable under the bond for all spirits on hand on said date, until the same has been lawfully disposed of or a new bond has been filed by the principal covering the same. Sureties may be relieved from liability on indemnity bonds filed on Form 1617 only (1) upon approval of a superseding bond, or (2) upon tax-payment or removal for a lawful tax-free purpose of all spirits produced while the property, covering which the indemnity bond was filed, formed a part of the distillery premises and equipment.

(b) *Notice of release from liability*—(1) *Bonds, Forms 30½ and 3-A.* In the case of distiller's bonds on Form 30½ and indemnity bonds on Form 3-A, if the distiller files a valid superseding bond prior to the date named in the surety's application, the district supervisor will issue "Notice of Release" on Form 1491, in accordance with §§ 184.162, 184.162a, and 184.163. If the distiller fails to file such superseding bond, the district supervisor will, by letter, notify the surety of such fact and of his continued liability under the bond for brandy produced under such bonds and still on hand in the distillery or in warehouse on the date named in the surety's application. The district supervisor will also at such time (1) notify the distiller that no more brandy may be produced until a valid superseding bond is filed, and (2) instruct the storekeeper-gauger to lock the furnace doors or control valves in accordance with § 184.384.

(2) *Bonds, Forms 547, 548, 657, and 658.* In the case of export bonds on Forms 547, 548, 657, and 658, the district supervisor will issue "Notice of Termination" on Form 1490, in accordance with §§ 184.162 and 184.163.

(3) *Bonds, Form 1617.* In the case of indemnity bonds on Form 1617, if the distiller files a valid superseding bond, or tax-pays or removes for a lawful tax-free purpose all spirits produced while the property, covering which the indemnity bond was filed, formed a part of the distillery premises and equipment, the district supervisor will issue "Notice of Release" on Form 1491, in accordance with §§ 184.162, 184.162a, and 184.163.

§ 184.161a *Application for notice of termination.* Where the distiller has filed a proper superseding bond in lieu of a previously filed fruit distiller's bond, or indemnity bond (Form 3-A or Form 1617), or has discontinued business in accordance with the requirements of the regulations in this part, or (in the case of indemnity bond on Form 1617) has tax-paid or removed for a lawful tax-free purpose all spirits covered by the bond,

and the principal or surety desires to secure notice of termination of the bond for which the principal no longer has any use, application therefor, in writing, will be made in duplicate where it is desired to secure the issuance of notices of the termination of fruit distiller's bond (Form 30½) or indemnity bonds (Form 3-A or 1617).

§ 184.162a *Action on application for notice of termination of indemnity bonds.* When an application for notice of termination of an indemnity bond, Form 3-A, as to future operations of a fruit distillery is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 184.159a, the district supervisor will take action in accordance with the procedure prescribed in § 184.162, respecting application for termination of a distiller's bond. When an application for notice of termination of an indemnity bond, Form 1617, covering changes in buildings or equipment is filed with the district supervisor, he will make a complete inquiry to determine whether all spirits, the tax on which constituted the lien in relation to which the bond was given, has been tax-paid or removed for a lawful tax-free purpose, and will forward one copy of such application to the Commissioner with his recommendation for approval or disapproval, determined according to the results of his inquiry, and will retain the remaining copy. The district supervisor will not issue notice of termination of any indemnity bond until he has been notified of the Commissioner's approval of the application therefor.

§ 184.163 *Notices, Forms 1490 and 1491.* Upon receipt of advice from the Commissioner of his approval of an application for the issuance of notice of the termination of a distiller's bond (Form 30½) or of an indemnity bond (Form 3-A) as to liability for future operations of the fruit distillery, the district supervisor will execute Form 1490, "Notice of Bond Termination," where a superseding bond has been approved, or Form 1491, "Notification of Release of Bond," where the principal has discontinued business, in quadruplicate (in quintuplicate if there are two sureties), and will forward the original to the Commissioner, one copy to each obligor on the bond, and retain one copy on file with the bond with which it relates. Similar action will be taken by the district supervisor upon receipt of advice from the Commissioner of his approval of an application for notice of termination of an indemnity bond on Form 1617.

§ 184.164 *Release of collateral.* The release of collateral pledged and deposited with the United States to support bonds required by the regulations in this part will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR, Part 225), subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. Collateral pledged and deposited to support a fruit distiller's bond (Form 30½) or an indemnity bond (Form 3-A), will not be released by the district supervisor, unless

the Commissioner has authorized such action. The release of the security in the case of such bonds will not be authorized until all spirits produced while such bonds were in force and effect have been tax-paid or removed for a lawful tax-free purpose. Accordingly, collateral may not be released while spirits produced under such bonds remain in any internal revenue bonded warehouse. When an application for release of collateral deposited in support of a fruit distiller's bond (Form 30½) or an indemnity bond (Form 3-A) is received by the district supervisor, he will determine whether all spirits produced at the distillery while the bond was in effect have been withdrawn from warehouse and all outstanding liabilities settled, and will forward the application to the Commissioner with his recommendation. Collateral pledged and deposited to support an indemnity bond (Form 1617) covering changes in buildings or equipment may be released pursuant to authorization of the Commissioner, upon approval of a superseding bond or upon tax-payment or removal for a lawful tax-free purpose of all spirits the tax on which constituted the lien in relation to which the bond was given. Collateral pledged and deposited to support direct export bonds, or transportation for export bonds, may be released by the district supervisor without prior authorization of the Commissioner. The collateral in such cases will ordinarily be released upon issuance of notice of release of the bond, Form 1491. (Sec. 1126, 44 Stat. 122; 6 U. S. C. 15.)

THE TAX ON BRANDY AND OTHER DISTILLED SPIRITS

LIEN FOR TAX ON DISTILLED SPIRITS

§ 184.251 *Exemption from lien.* No lien attaches to any lot or tract of land, distillery, building, or distilling apparatus and equipment by reason of distilling done during any period included within the term of any bond taken on Form 3-A, pursuant to § 184.67d. (Sec. 2800 (e), I. R. C.)

(Sec. 3176, Internal Revenue Code).

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of
Internal Revenue.

Approved: September 10, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of Treasury.

[F. R. Doc. 46-16602; Filed, Sept. 13, 1946;
9:00 a. m.]

[T. D. 5541]

PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS

By virtue of and pursuant to sections 2803, 2871, and 3176, Internal Revenue Code, Regulations 11, "Bottling of Tax-Paid Distilled Spirits," is hereby amended effective October 1, 1946, in the following respects:

1. The following section is revoked: § 189.76.
2. The following sections are amended: §§ 189.65, 189.66, 189.70, 189.73, 189.74,

189.75, 189.77, 189.85, 189.95, 189.98, and 189.99.

3. The following new section is added: § 189.99a.

The amended and new sections shall read as follows:

DUMPING AND BOTTLING

§ 189.65 *Application, Form 230.* Proprietors of tax-paid bottling houses desiring to bottle tax-paid spirits will execute application on Form 230, in duplicate, giving all of the data called for by the form as indicated by the headings of the columns and lines and the instructions printed thereon. The proprietor will enter on Form 230 the details of the withdrawal gauge for tax-payment when packages of spirits are to be dumped for bottling, or when liqueurs or cordials are authorized to be bottled from the original package, as provided in § 189.78. An actual gauge of the spirits will, however, be made in either case before the bottling begins, and the details of such gauge will also be entered on the form, as provided in §§ 189.77 and 189.78. Each Form 230 will be given a serial number beginning with "1" for the 1st day of January of each year and running consecutively thereafter to December 31, inclusive. A separate application on Form 230 must be prepared for each tank of tax-paid spirits to be bottled.

§ 189.66 *Distiller's original packages.* Where the spirits to be dumped are contained in distiller's original packages, the proprietor will cut out with a sharp instrument that portion of each tax-paid stamp upon which is shown the serial number of the stamp, the date, the name of the distiller or warehouseman, the proof gallons, and the serial number of the package. The scalped portions of the stamps will be securely attached by means of a staple, eyelet, or similar device, to a slip of paper in such manner that the data thereon may be readily examined, and such slip of paper bearing the cut-out portions of the stamps will be securely attached to the original Form 230.

§ 189.70 *Wines.* Since it is impracticable to scalp wine stamps, the proprietor will, whenever wines are to be dumped from properly stamped containers, certify to such fact by writing the words "Wine stamps attached to the containers" in the columns provided for the description of stamps on Form 230. If the wine to be dumped is in a tank car, storage tank, bottles, or other container to which wine stamps representing the tax are not attached, a statement explaining the absence of the stamps will be attached to one copy of Form 230.

§ 189.73 *Extra Form 237.* When rectified spirits are authorized to be transferred by pipe line from a rectifying plant to a tax-paid bottling house on contiguous premises, an extra copy of Form 237 will be prepared by the rectifier and the same will be fully executed in the same manner as the original Form 237, including the storekeeper-gauger's certificate of tax-payment, if the spirits are subject to the rectification tax; or the storekeeper-gauger's certificate of

exemption from the rectification tax, if the spirits are not subject to such tax.

§ 189.74 *Completion and disposition of Form 237.* Upon completion of the transfer of rectified spirits to the tax-paid bottling house, there shall be entered under the certificate of cases filled on all copies of Form 237 a statement that the spirits described on the reverse side of the form have been transferred by pipe line to bottling tank No. ____ in the contiguous tax-paid bottling house operated by _____, together with the date of transfer. When Form 230 authorizing the bottling of such spirits has been approved, as hereinafter provided, the serial number of such Form 230 will be noted on all copies of Form 237. The extra copy of Form 237 will be securely attached by means of a staple, eyelet, or similar device, to the original Form 230 as evidence that the proper tax on the spirits described therein has been paid.

§ 189.75 *Approval by storekeeper-gauger.* The proprietor will submit both copies of Form 230 for the approval of the storekeeper-gauger assigned to supervise operations at the tax-paid bottling house. The storekeeper-gauger will examine the packages described in the application and the scalped portions of tax-paid stamps, or the affidavit or statement in lieu thereof, or Form 237 (as provided in § 189.74), attached to the original copy of Form 230, and if he finds that the spirits to be bottled are as described and have been lawfully tax-paid, and the forms are properly prepared, he will execute his certificate and the authorization for bottling, and return both copies to the proprietor.

§ 189.77 *Transfer of spirits to bottling tank.* Upon approval of Form 230 by the storekeeper-gauger, as provided in § 189.75, the proprietor will dump the spirits and run them into an approved bottling tank, where, after reduction to the desired proof for bottling, he will gauge the same, enter the details of his gauge on all copies of Form 230 and attach one copy of the form to the bottling tank.

§ 189.85 *Destruction of stamps, marks, and brands.* When packages of spirits are dumped for bottling, all stamps, except the cut-out portions attached to Form 230, and all marks and brands which such packages are required by law to bear, must be completely effaced and obliterated. This should be done immediately upon completion of the dumping, draining, and rinsing of the packages. Certificates of tax-payment affixed to tank cars of distilled spirits, except the portion thereof scalped for submission to the district supervisor, must likewise be immediately destroyed when such cars are emptied. When packages of wines are emptied by any person all stamps and marks which such packages are required by law and regulations to bear must be destroyed by scraping or obliteration immediately the packages are emptied. Labels affixed to tank cars, and labels and stamps affixed to tank trucks, of wine indicating tax-payment of the contents must also be scraped or obliterated im-

mediately the tank cars or trucks are emptied. (Secs. 2866, 3301, I. R. C.)

§ 189.95 *Rebottling, relabeling, and restamping of bottled spirits.* Where distilled spirits packaged in bottles are to be rebottled for domestic sale, the bottles, if of a capacity of one-half pint or greater and not exceeding 1 gallon, must conform to the requirements of Regulations 13 (26 CFR, Part 175). The spirits may be rebottled in the same bottles from which removed if such bottles containing the spirits originally conform to the requirements of Part 175 of this chapter and have not been sold to the consumer or opened, and the use of such bottles is authorized by the district supervisor in accordance with the said regulations. The new label must be covered by an appropriate certificate of label approval or a certificate of exemption from label approval issued under the Federal Alcohol Administration Act. If the new label is covered by a certificate of exemption from label approval, it must conform to the requirements of Part 175 of this chapter. If the spirits have left the possession of the original bottler and are to be relabeled without rebottling, authorization to relabel the spirits must be obtained in accordance with regulations issued under the Federal Alcohol Administration Act and submitted to the Government officer supervising operations of the plant. Whenever bottled distilled spirits are dumped for rebottling, the red strip stamps on the bottles must be destroyed at the time of dumping, and new red strip stamps must be affixed to the bottles in which the spirits are rebottled. Such rebottling, relabeling, and restamping operations will be performed under the supervision of the Government officer. All products to be rebottled will be dumped pursuant to Form 230.

RED STRIP STAMPS

§ 189.98 *Approval of requisition.* The proprietor will submit all copies of the requisition, Form 428, to the Government officer for approval. Before approving the requisition, the approving officer will see that it is properly executed and will satisfy himself that the number of stamps for which requisition is made is necessary for the current needs of the proprietor. No red strip stamps may be issued for use at tax-paid bottling houses unless Form 428 is approved. Upon approval of the form, the approving officer will return all copies to the proprietor.

§ 189.99 *Purchase and use.* Red strip stamps will be purchased by proprietors of tax-paid bottling houses from the collector of the district in which the bottling house is located. Stamps may not be purchased by one proprietor from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Proprietors of tax-paid bottling houses shall not sell or transfer strip stamps. Unused strip stamps may be exchanged or redeemed in accordance with the provisions of § 189.111. Red strip stamps, used or unused, may not be purchased, sold, or possessed, except as specifically provided by laws or regulations.

§ 189.99a *Remittance; delivery.* All orders for strip stamps must be accompanied by cash, certified, cashiers' and treasurers' checks drawn on National and State banks and trust companies, United States postal notes, and postal, bank, express, and telegraph money orders, in a sum equal to the value of the stamps. When strip stamps are ordered sent by registered mail, the proprietor shall enclose with his order a separate remittance to cover the postage and registry fee and any required registry surcharge as provided by the postal laws and regulations. If the remittance is other than cash, the sum to cover the postage and registry fee and any surcharge must not be included in the remittance covering the cost of the stamps. The local postmaster should be consulted relative to the amount of the registry fee and surcharge required. When stamps are ordered sent by express, the same will be sent "collect." The proprietor will forward all copies of the approved Form 428 received from the approving officer to the collector of internal revenue with the remittances. The collector will enter the serial numbers of the stamps issued and stamp the date of sale on all copies of Form 428, and will retain one copy and send the original to the district supervisor and one copy (by mail) to the Government officer at the tax-paid bottling house. The collector will, in every case, forward the stamps to the Government officer at the tax-paid bottling house, in care of the proprietor. The proprietor will retain the package intact and deliver it unopened to the Government officer. The Government officer will enter receipt of the stamps in Form 182, "Storekeeper-Gauger's Monthly Record and Report of Red Strip Stamps," and will immediately place them in the Government cabinet.

Secs. 2803, 2871, and 3176, Internal Revenue Code)

[SEAL]

WM. T. SHERWOOD,
Acting Commissioner
of Internal Revenue.

Approved: September 10, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of Treasury.

[F. R. Doc. 46-16600; Filed, Sept. 13, 1946;
9:01 a. m.]

[T. D. 5542]

PART 190—RECTIFICATION OF SPIRITS AND WINES

MISCELLANEOUS AMENDMENTS

By virtue of and pursuant to sections 2801 (e) (1), 3175, 3176, 3300, 3304, and 3656 of the Internal Revenue Code, Regulations 15, "Rectification of Spirits and Wines," (1940) as amended, is hereby amended effective October 1, 1946, in the following respects:

1. The following sections are revoked: §§ 190.187, 190.224, 190.290, 190.291, 190.310, 190.311, 190.312, 190.345, 190.386, 190.387, 190.438, 190.441, 190.442, 190.443, 190.444.

2. The following sections are amended: §§ 190.30, 190.37, 190.151, 190.170 (a), 190.178, 190.183, 190.186,

190.212, 190.222, 190.225, 190.250, 190.288, 190.289, 190.292, 190.295, 190.296, 190.297, 190.298, 190.299, 190.300, 190.308, 190.309, 190.313, 190.315, 190.316, 190.317, 190.320, 190.321, 190.344, 190.346, 190.349, 190.358, 190.360, 190.374, 190.384, 190.385, 190.390, 190.437, 190.440, 190.453, 190.458, 190.459, 190.460, 190.461, 190.464, 190.465, 190.466, 190.466e, 190.473.

3. The following new sections are added: §§ 190.361a, 190.361b, 190.361c, 190.361d, 190.361e, 190.361f, 190.361g, 190.361h, 190.361i, 190.469a.

EQUIPMENT

§ 190.30 *Scales.* The rectifier must provide suitable and accurate scales for weighing spirits to be dumped from packages or storage tanks pursuant to Form 122 and for weighing rectified products drawn into packages. The beams or dials must indicate weight in half-pound graduations. (Sec. 2861, I. R. C.)

§ 190.37 *Receiving tanks.* Where rectified products are produced by redistillation, such as, gin and cordials, or where spirits are redistilled, the rectifier must provide a requisite number of receiving tanks. Each such tank shall be constructed of metal and shall be of uniform dimensions from top to bottom and equipped with a suitable measuring device whereby the contents will be correctly indicated. Manheads, inlets, and outlets of such tanks must be provided with facilities for locking with Government locks. Each such tank shall have plainly and legibly painted and thereon words indicating its use, as "Gin Receiving Tank," "Cordial Receiving Tank," "Heads and Tails Receiving Tank," etc., followed by its serial number and capacity in wine gallons. Receiving tanks must be located in the rectifying room. (Sec. 2829, I. R. C.)

INSTRUMENTS

§ 190.151 *Accuracy of instruments to be checked.* Government officers will from time to time check the accuracy of all instruments used at rectifying plants, and will be furnished suitable necessary instruments for that purpose. Great care must be taken in testing the instruments in order to get correct results. Instructions for use of the standard hydrometer set and of small stills (or wine sets) will be found in the Gauging Manual (26 CFR, Part 186) and in Regulations 7 (26 CFR, Part 178), respectively. Ebulliometers will be tested in accordance with the instructions furnished with the instruments. Instructions for the use of approved ebulliometers will be found in the Appendix to Part 178 of this Chapter.

RECEIPT OF SPIRITS

§ 190.170 *Receipt at rectifying premises—(a) Receipt in tank cars.* Where distilled spirits are received in tank cars or wines are received in tank cars, tanks, or tank trucks, they may be transferred directly from such containers into processing or bottling tanks if permission is first obtained from the district supervisor and the spirits or wines are first inspected by a Government officer. When liquors are so transferred, the rectifier must submit Form 122 or Form 230 to the

Government officer assigned to the plant for approval as provided in §§ 190.177 to 190.201, inclusive, and 190.340 to 190.361, inclusive, immediately the tank cars, tanks, or tank trucks are emptied. Distilled spirits may be received in tank cars only if the premises of the rectifier are equipped with suitable railroad siding facilities. Before permitting spirits to be transferred from a tank car into a storage tank or a processing or bottling tank, the Government officer will see that the railroad car seals are intact on the tank car and that the car bears the collector's certificate of tax-payment, Form 1595. When spirits are transferred into or out of storage tanks, the Government officer shall open and close the Government locks, but it shall be the duty of the proprietor to manipulate the stop-cocks or valves controlling the flow of the spirits. The officer will keep a memorandum record of the quantities of spirits entered into and withdrawn from each storage tank by dates, in order that he may determine that only lawful, tax-paid spirits are withdrawn from such tanks for rectification.

GAUGING AND DUMPING SPIRITS FOR RECTIFICATION

§ 190.178 *Distiller's original packages.* Where spirits, including alcohol, contained in distiller's original packages are to be dumped, the rectifier will cut out with a sharp instrument, that portion of each tax-paid stamp upon which is shown the serial number of the stamp, the date, the name of the distiller or warehouseman, the proof gallons, and the serial number of the package. The scalped portions of the stamps will be securely attached by means of a staple, eyelet, or similar device to a slip of paper in such manner that the data thereon may be readily examined, and such slip of paper bearing the cut-out portions of the stamps will be securely stapled or otherwise similarly attached to one copy of Form 122. (Sec. 2813, I. R. C.)

§ 190.183 *Wine stamps.* Since it is impracticable to cut out or scalp wine stamps, the rectifier will, whenever wines are to be dumped from properly stamped containers, certify to such fact by writing the words "Wine stamps attached to the containers," in the columns provided for the description of stamps on Form 122. If the wine to be dumped is in a tank car, storage tank, bottles, or other containers to which wine stamps representing the tax are not attached, the rectifier will attach to one copy of Form 122 a statement explaining the absence of such stamps. (Sec. 2813, I. R. C.)

§ 190.186 *Approval by officer.* The rectifier will submit both copies of Form 122 to the Government officer, who, if after inspection of the spirits and verification of the entries on the application finds that the details are correctly given, will sign the certificate on each copy. If the officer is satisfied that the application covers tax-paid spirits, he will authorize the rectifier to dump the spirits described in the form by signing the approval statement on both copies and will return the same to the rectifier.

RECTIFICATION

PURIFYING AND REFINING SPIRITS

§ 190.212 *Disposition.* When alcohol or other spirits, such as, heads and tails or high and low feints, impure or imperfect spirits and products, residues, etc., are purified or refined at a rectifying plant, such purified or refined spirits must be promptly gauged in the receiving tank, Form 237 prepared, and the tax paid by means of rectified spirits stamps in accordance with the procedure set forth in § 190.295 for the payment of tax on spirits in bottling tanks, unless such purified or refined spirits are to be used in the rectifying plant in the manufacture of tax-exempt rectified products, as hereinafter provided. Materials used for purifying or refining spirits will be disposed of in the manner prescribed by § 190.238. (Secs. 2800 (a) (5), 2861, I. R. C.)

BLENDING OF STRAIGHT WHISKIES AND PURE FRUIT BRANDIES

§ 190.222 *Application for supervision.* When a rectifier desires to blend two or more straight whiskies or two or more fruit brandies distilled from the same kind of fruit, under exemption from rectifying tax, he will make written application, in duplicate, to the Government officer assigned to the plant. The application will be accompanied by Form 122, in duplicate, properly executed, to show that it is desired to blend straight whiskies aged in wood for a period of not less than four years, or fruit brandies distilled from the same kind of fruit and aged in wood for a period of not less than two years, without payment of rectification tax. (Sec. 2801 (c) (1), I. R. C.)

§ 190.225 *Approval by officer.* The Government officer will make the examination prescribed in the following section, and, if satisfied that the whiskies or brandies may be blended free of tax, he will execute his certificate and the approval statement on Form 122, and return both copies to the rectifier. (Sec. 2801 (c) (1), I. R. C.)

MANUFACTURE OF SPARKLING WINES

§ 190.250 *Dumping of still wine.* When the rectifier desires to dump still wine for bottling for champagne manufacture or for the manufacture of a sparkling wine of the champagne type by fermentation in bulk, he will submit Form 122, in duplicate, properly executed, to the Government officer for approval, and the same procedure will be followed as in the case of the dumping of wines for rectification by other processes.

GAUGE, RETURN, AND TAX-PAYMENT OF RECTIFIED SPIRITS

PAYMENT OF RECTIFICATION TAX

§ 190.288 *Form 237.* Where rectified spirits are subject to the rectification tax of 30 cents per proof gallon and are to be tax-paid in packages, Form 237 will be prepared in triplicate. Where rectified spirits are subject to the rectification tax of 30 cents per proof gallon and are to be tax-paid in a bottling tank, Form 237 will be prepared in duplicate, except that an extra copy will be made where the transfer of spirits by pipe line

to a contiguous tax-paid bottling house or rectifying plant is authorized, as provided in §§ 190.332 to 190.336, inclusive.

§ 190.289 *Inspection and approval by officer.* All copies of Form 237 will be submitted by the rectifier to the Government officer assigned to the rectifying plant, who will then inspect the rectified spirits. If, after inspection of the rectified spirits and verification of the entries on Form 237, the officer finds the details are correctly given on the form, and that the Form 237 covers lawful tax-paid spirits, he will, after ascertaining from the approved formula the rate of tax applicable, note his approval on each copy of the form and the tax rate to which the spirits are subject. He will then return all copies of the Form 237 to the rectifier.

§ 190.292 *Remittance of tax for packages.* If the rectified spirits are to be tax-paid in packages, the rectifier will, upon receipt of Form 237, duly approved, forward all copies to the collector with remittance for the tax due on the spirits. The remittance shall be in the form set forth in § 190.361c.

TAXABLE PRODUCTS TO BE BOTTLED

§ 190.295 *Tax-payment.* If Form 237 covers spirits in a bottling tank to be bottled, or wines, cordials, or liqueurs to be bottled in the wine bottling room from the processing receptacle in which compounded, the rectifier will, upon receipt of Form 237, duly approved, cancel the necessary stamps in the exact amount of the tax due in the manner provided by § 190.361d. He will then attach the stamps to Form 237 and return all copies to the Government officer. The Government officer will complete the cancellation of the stamps as provided by § 190.361d and will execute the certificate on Form 237 evidencing the receipt and cancellation of stamps for the amount of taxes due. He will then return all copies of Form 237 and the canceled stamps to the rectifier, who will attach the canceled stamps to the original of Form 237 by means of a staple, eyelet, or similar device, and attach one copy of the form to the board provided therefor on the bottling tank, or to the door of the wine bottling room, as the case may be. The spirits will be bottled in accordance with the procedure prescribed in §§ 190.313 to 190.331, inclusive.

§ 190.296 *Disposition of Form 237 and stamps.* Upon the completion of the bottling, the rectifier will execute the certificate of cases filled on all copies of Form 237, sign each copy and submit same to the Government officer, who will, after proper verification, sign and date the verification in the space provided therefor. The bottling tank or wine bottling room copy of the form will be retained in the rectifying plant available for inspection by Government officers. The rectifier will immediately forward the completed original and stamps to the district supervisor.

TAXABLE SPIRITS TO BE TRANSFERRED BY PIPE LINE TO CONTIGUOUS TAX-PAID BOTTLING HOUSE OR RECTIFYING PLANT

§ 190.297 *Certificate of tax-payment.* If Form 237 covers spirits in a bottling

tank to be transferred by pipe line to a contiguous tax-paid bottling house or rectifying plant, the procedure for tax-paying the spirits will be the same as where the spirits are to be bottled from a bottling tank. The extra copy of the form specified by § 190.288 will be attached after completion to Form 230 on the bottling tank in the contiguous tax-paid bottling house or rectifying plant, as evidence that the proper tax on the spirits therein has been paid. The spirits will be transferred in accordance with the procedure prescribed in §§ 190.332 to 190.336, inclusive.

§ 190.298 *Disposition of Form 237.* Upon completion of transfer of the rectified spirits to the tax-paid bottling house or rectifying plant, there shall be entered on all copies of Form 237 a statement that the spirits described on such form have been transferred by pipe line to bottling tank No. — in the contiguous tax-paid bottling house or rectifying plant operated by —, together with the date of such transfer and the serial number of the Form 230 to which the extra copy of Form 237 is to be attached in the bottling house. After execution of such statement, the rectifier will submit the form to the Government officer, who will, after proper verification, sign and date the verification in the space provided therefor. The rectifier will retain his bottling tank copy of the form at the rectifying plant, available for inspection by Government officers, and will immediately forward the original copy of Form 237 with the canceled stamps to the district supervisor.

TAXABLE SPECIAL PRODUCTS

§ 190.299 *Certificate of tax-payment.* Where the Commissioner has exempted the rectifier from the usual processing and bottling requirements in connection with the manufacture of champagne or other sparkling wines, artificially carbonated wines, or other special products, as provided in § 190.284, and it is impracticable to gauge the spirits and pay the tax prior to bottling in the usual manner, the 30-cent rectification tax will be paid upon completion of the bottling or, if the bottling is only a step in manufacture, upon completion of the manufacture. The rectifier will prepare Form 237, in duplicate, modified to fit the circumstances, and the same procedure will be followed in paying the tax as that prescribed in the case of products to be bottled from bottling tanks. Upon receipt of Form 237 from the Government officer with his certificate of tax-payment executed, and upon payment of the tax due (if any) under section 3030 (a), I. R. C., as provided in § 190.308, the products will be removed to the finished products room.

§ 190.300 *Disposition of Form 237.* Upon removal of the product to the finished products room, the rectifier will enter on each copy of Form 237 a statement that the product described on the form has been tax-paid and removed to the finished products room. The rectifier will sign each copy of Form 237 and submit same to the Government officer, who will, after proper verification, sign

and date the verification in the space provided therefor, and return both copies to the rectifier. The rectifier will then forward the original copy of Form 237 with the canceled stamps to the district supervisor and retain one copy on file at the plant, available for inspection by Government officers.

**PAYMENT OF TAX UNDER SECTION 3030 (A),
I. R. C.**

§ 190.308 Time of payment. Where rectified products subject to tax under section 3030 (a), I. R. C., in lieu of, or in addition to, the 30-cent rectification tax are manufactured, the taxes due under section 3030 (a), I. R. C., will be paid as hereinafter provided. The 30-cent rectification tax, if due, will be paid in accordance with the procedure prescribed in §§ 190.288 to 190.294, inclusive.

§ 190.309 Payable by use of wine stamps. Wine stamps will be used for the payment of taxes due under section 3030 (a), I. R. C., and for the payment of any additional wine tax due by reason of a change in the taxable grade of wine, or by an increase in the volume of wine, as provided herein. Such stamps will be canceled and attached to the original copy of Form 237 in the manner provided in § 190.295. (Sec. 3030 (b), I. R. C.)

BOTTLING OF RECTIFIED SPIRITS AND PRODUCTS

§ 190.313 Bottling tank to be used. Except as provided in §§ 190.284 and 190.318, all rectified spirits or products to be bottled will be transferred to an approved bottling tank and an accurate gauge thereof made and reported on Form 237, as provided in §§ 190.276 to 190.312, inclusive. Rectified spirits and products may be bottled only after approval of Form 237 by the Government officer assigned to the rectifying plant, and, if the spirits and products are subject to the rectification tax, upon payment of such tax as provided by §§ 190.295 and 190.308.

§ 190.315 Transfer of spirits to bottling tank. At the time of unlocking the inlet of the bottling tank, the Government officer will lock the outlet thereto, which must remain locked until the spirits have been transferred to the bottling tank, the inlet locked, the quantity of spirits in the bottling tank determined, Form 237 prepared and approved, and the rectification tax and tax due under section 3030 (a), I. R. C., if any, paid in accordance with the procedure prescribed in §§ 190.276 to 190.312, inclusive.

§ 190.316 Release of spirits from tank. Upon presentation by the rectifier of Form 237 in the case of spirits subject to rectification tax, and upon conformance with the tax-payment procedure prescribed by § 190.295, the Government officer will unlock the outlet of the tank and permit the spirits to be bottled. If Form 237 covers spirits exempt from rectification tax, the Government officer will, upon presentation of the form to him, execute his certificate and the approval statement on the form, and if the form agrees with the contents of the bottling tank, he will lock the inlet

and unlock the outlet of the tank and allow the spirits to be bottled. The inlet of the bottling tank will remain locked until all spirits within the tank have been bottled and the outlet has been locked. Form 237 will then be completed and disposed of as provided in § 190.296.

§ 190.317 Filling tank in officer's absence. Where a Government officer, who is not assigned to continuous duty at the rectifying plant, is present thereat after the bottling of a lot of spirits has been completed, he will lock the outlet and unlock the inlet of the bottling tank. When such is done, the tank may be filled in the absence of the Government officer. Form 237 prepared, and, upon approval thereof, the tax due, if any, paid as prescribed in §§ 190.295 and 190.308.

§ 190.320 Release of products from wine bottling room. Upon presentation by the rectifier of Form 237 in the case of products subject to the rectification tax, and upon conformance with the tax-payment procedure prescribed by § 190.295, the Government officer will permit the products to be bottled. If the Form 237 covers products exempt from the rectification tax, and if the form agrees with the contents of the receptacles, the Government officer will execute his certificate and the approval statement on the form, and permit the products to be bottled. Form 237 will be completed and disposed of as provided in § 190.296.

§ 190.321 Separate Form 237 for each tank. A separate Form 237 must be prepared for each tank of spirits bottled.

BOTTLING OF SPIRITS AND WINES WITHOUT RECTIFICATION

§ 190.344 Approval by officer. Both copies of Form 230 will be submitted to the Government officer assigned to the plant for approval, with a request to unlock and lock the stopcocks on the bottling tank. The Government officer will examine the containers described on the form and the cut-out portions of the tax-paid stamps, or the affidavit or statement in lieu thereof, attached to one copy of the form, and if he finds that the spirits to be bottled have been lawfully tax-paid, and the forms are properly prepared, he will execute his certificate and the authorization for bottling, and return both copies to the rectifier.

§ 190.346 Transfer of spirits to bottling tank. Upon approval of Form 230 by the storekeeper-gauger, as provided in § 190.344, the rectifier will dump the spirits and run them into an approved bottling tank, where, after reduction to the desired proof for bottling (if reduction is permissible), he will gauge the same, enter the details of his gauge (corrected to volume in accordance with Table 7 of the Gauging Manual (26 CFR, Part 186)) on all copies of Form 230, and attach one copy of the form to the bottling tank. Except as provided in the following section, all spirits bottled at a rectifying plant must be bottled from approved bottling tanks. Spirits may be bottled at a rectifying plant without

rectification only after approval of Form 230 by the Government officer.

§ 190.349 Transfer of products to wine bottling room. Where the rectifier desires to bottle from the original package wines, cordials, or liqueurs authorized by the district supervisor to be so bottled, such packages will be placed in the wine bottling room and Form 230 will be prepared and submitted to the Government officer assigned to the rectifying plant for approval; but no bottling will be done until the packages have been inspected by an authorized Government officer and an actual gauge of the spirits has been made and the details of such gauge entered on Form 230. When wines, cordials, or liqueurs are to be bottled in the wine bottling room, the rectifier will attach one copy of the approved Form 230 to the door of such room.

§ 190.358 Unrectified products to be kept separate. When unrectified spirits or wines are bottled in a rectifying plant, such liquors must be kept completely separate and apart from rectified spirits and products. A separate Form 230 must be prepared for each bottling tank of spirits or wines to be bottled without rectification, and the same procedure will be followed for each tank. Unrectified liquors must be kept completely separate and apart from rectified spirits and products.

§ 190.360 Rebottling, relabeling, and restamping of bottled spirits. Where distilled spirits packaged in bottles are to be rebottled for domestic sale, the bottles, if of a capacity of one-half pint or greater and not exceeding 1 gallon, must conform to the requirements of Regulations 13 (26 CFR, Part 175). The new label must be covered by an appropriate certificate of label approval or a certificate of exemption from label approval. If the new label is covered by a certificate of exemption from label approval, it must conform to the requirements of Part 175 of this chapter. If the spirits have left the possession of the original bottler and are to be relabeled without rebottling, authorization to relabel the spirits must be obtained in accordance with regulations issued under the Federal Alcohol Administration Act and submitted to the Government officer assigned to the plant. Whenever bottled distilled spirits are dumped for rebottling, the red strip stamps on the bottles must be destroyed at the time of dumping, and new red strip stamps must be affixed to the bottles in which the spirits are rebottled. Such rebottling, relabeling, and restamping operations will be performed under the supervision of the Government officer. All products rebottled will be dumped pursuant to Form 230 and will be reported in Part 4 of Form 45 in accordance with the instructions thereon. (Sects. 2803, as amended, 2871, I. R. C.)

STAMPS

RECTIFIED SPIRITS STAMPS (FOR BOTTLING TANKS)

§ 190.361a Denominations; purchase and use. Stamps for the tax-payment of rectified spirits in bottling tanks may be purchased in various denominations.

The denominations of such stamps are set forth on Form 427-C. Rectified spirits stamps for tax-paying the contents of bottling tanks should be purchased by rectifiers from the collector of internal revenue of the district in which the rectifying plant is located. Stamps may not be purchased by one rectifier from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Stamps may be sold only to proprietors of rectifying plants and only for the payment of tax on rectified spirits. Rectifiers shall not sell or transfer stamps except that they may (a) transfer such stamps to other rectifying plants operated by themselves as provided in § 190.361e pursuant to the prior approval of the district supervisor; or (b) return such stamps for redemption in accordance with § 190.361f. Rectified spirits stamps used or unused may not be purchased, sold, or possessed, except as specifically provided by law or regulations. (Secs. 3175, 3300, I. R. C.)

§ 190.361b *Form 427-C.* With each purchase of stamps the rectifier will submit to the collector Form 427-C, "Order for Stamps—Rectified Spirits," in triplicate, properly filled out. The collector will stamp the date of sale on all copies of Form 427-C, return one copy to the rectifier with the stamps and send one copy to the appropriate district supervisor. The remaining copy of Form 427-C will be filed in the collector's office so that all purchase of stamps may be verified at any time. The collector will refuse to sell stamps when such form is not submitted.

§ 190.361c *Remittance; delivery.* All orders for stamps must be accompanied by cash, certified, cashiers' and treasurers' checks drawn on National and State banks and trust companies, United States postal notes, and postal, bank, express, and telegraph money orders, in a sum equal to the value of the stamps. Unless the stamps are called for by the rectifier or his agent in person, they will be sent to him by ordinary mail, registered mail, or express, at the expense of the rectifier. When the stamps are not called for in person, the rectifier will specify on Form 427-C the means (ordinary mail, registered mail, or express) by which he desires the stamps sent to him. If the stamps are ordered sent by ordinary mail, the rectifier shall enclose with his order sufficient postage stamps, or a separate remittance to cover the postage; if the stamps are ordered sent by registered mail, the rectifier shall include the postage and registry fee and any required registry surcharge, as provided by the postal laws and regulations. If the remittance is other than cash, the sum to cover the postage, registry fee, or surcharge, must not be included in the remittance covering the cost of the stamps. The local postmaster should be consulted relative to the amount of the registry fee and surcharge required. Stamps forwarded by express will be sent "collect." (Sec. 3656, I. R. C., Supp.)

§ 190.361d *Manner of cancelling stamps.* At the time of delivery of the stamps to the Government officer for payment of the rectified spirits tax, the rectifier shall cancel the stamps by leg-

ibly writing or stamping on each stamp with indelible (India) ink his name, registry number, and the serial number of Form 237. The tax-paid stamps must be further canceled by being signed by the Government officer, followed by his title. Facsimile signatures of Government officers on stamps may be affixed by the use of hand stamps, provided care is taken to use only such ink as will neither fade nor blur.

§ 190.361e *Transfer to other premises.* When the rectifying plant is permanently discontinued, or the proprietor has no use for the stamps thereat and the proprietor operates other rectifying plants in which the stamps could be used, he may transfer the stamps to such other premises for use thereat. Permission to so transfer stamps to other premises must be first obtained from the district supervisor. If the rectifying plant to which the stamps are to be transferred is located in another supervisory district, the district supervisor granting authority to transfer the stamps will advise the district supervisor of the other district so that he may know that the receiving rectifying plant is entitled to receive the stamps. The latter district supervisor will also inform the Government officer assigned to the receiving rectifying plant of the authority to receive stamps from other rectifying plants. Record of such transfers of stamps must be made on Form 45, as provided in § 190.361i.

§ 190.361f *Redemption of rectified spirits stamps.* Section 3304, Internal Revenue Code, provides as follows:

(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and condition of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decisions.* The finding of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

§ 190.361g *Claim to collector.* Rectifiers desiring to have rectified spirits stamps redeemed under the foregoing provisions of law must make claim on Form 843 to the collector of internal revenue. The stamps, for which redemption is claimed, must be attached to the claim, and the number and denominations thereof must be listed on the claim or on a sheet of paper attached thereto. Where the stamps have been destroyed, evidence satisfactory to the Commissioner establishing such destruction must accompany the claim. (Sec. 3304, I. R. C.)

§ 190.361h *Unredeemable stamps.* Rectified spirits stamps may not be redeemed while rectified spirits, on which the stamps can be used in tax-payment, remain on hand and while the rectifying plant remains in a qualified status. When a rectifying plant is discontinued and stamps remain on hand, such stamps are not redeemable if the proprietor operates other rectifying plants at which the stamps could be used. In such cases the stamps will be transferred to the other premises for use thereat. Notation of the transfer must be made on Form 45 of both premises. (Sec. 3304, I. R. C.)

§ 190.361i *Stamp record.* The rectifier shall keep a record on Form 45 of all rectified spirits stamps for bottling tanks received and used at his rectifying plant. When rectified spirits stamps are surrendered for redemption, in accordance with §§ 190.361f and 190.361g, or are transferred to, or received from, other rectifying plants operated by the proprietor, as authorized in § 190.361e, record thereof must be made on Form 45, giving the reason for such surrender, transfer, or receipt, the date thereof, and the denominations of the stamps surrendered, transferred, or received, and, in cases of transfer or receipt, the name, registry number, and location of the premises to which the stamps were transferred or from which they were received.

RECTIFIED SPIRITS STAMPS (FOR PACKAGES)

WHOLESALE LIQUOR DEALER'S STAMPS

§ 190.374 *Government officer's certificate.* All copies of Form 92 will be submitted to the Government officer assigned to the rectifying plant, who, if he finds after inspection of the spirits and verification of the entries and statements in the application that the spirits are correctly described and have been properly tax-paid and have not been subjected to any act of rectification, will execute his certificate on each copy of the form and return all copies to the rectifier. (Sec. 2863, I. R. C.)

§ 190.384 *Records.* Where distilled spirits which have been dumped for bottling without rectification are packaged under wholesale liquor dealer's stamps, the rectifier shall enter a full description of the packages and their contents in his certificate on Form 230, together with a reference to the Form 92 under which the spirits were authorized to be so packaged. The rectifier shall also make appropriate entries and notations on Form 45 whenever any dis-

tilled spirits are packaged and removed under wholesale liquor dealer's stamps. (Sec. 2863, I. R. C.)

WINE STAMPS

§ 190.385 *Purchase, transfer, record, etc., of wine stamps.* Wine stamps for the payment of taxes on rectified spirits or products under section 3030 (a), I. R. C., will be provided in the denominations set forth on Form 427-B. Such stamps will be purchased by rectifiers pursuant to application on Form 427-B from the collector of the district in which the rectifying plant is located, in accordance with the provisions of § 190.361a. Wine stamps may also be received from another rectifying plant operated by the rectifier pursuant to § 190.361e. The provisions of §§ 190.361a to 190.361i, inclusive, shall be applicable to the procurement, possession, use, and record of wine stamps. (Sec. 3030 (b) (1), I. R. C.)

RED STRIP STAMPS

§ 190.390 *Approval of requisition.* The proprietor will submit all copies of the requisition, Form 428, to the Government officer for approval. Before approving the requisition, the approving officer will see that it is properly executed and will satisfy himself that the number of stamps for which requisition is made is necessary for the current needs of the rectifier. No red strip stamps may be issued for use at a rectifying plant unless Form 428 is approved. Upon approval of the form, the approving officer will return all copies to the rectifier. (Sec. 2803 (d), I. R. C.)

RECTIFIER'S RECORDS AND REPORTS

§ 190.437 *Forms to be provided by users.* Records 52 and Forms 45, 52A, 52B, 122, 230, 237, and 338 will be provided by users at their own expense but must be in the form prescribed by the Commissioner: *Provided*, That, with the approval of the Commissioner, the forms may be modified to adapt their use to tabulating or other mechanical equipment: *And provided further*, That, where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the flyleaf of the book instead of on the individual form.

§ 190.440 *Examination by Government officers.* Government officers inspecting rectifying plants, or assigned to duty thereat, will examine Form 45 (and 52, if kept) from time to time to see that they are being properly kept and will see that copies of Forms 122, 230, 237, and 45 are being retained in proper order by the rectifier at the rectifying plant, available for inspection by Government officers.

OPERATING UNDER A NEW NAME OR UNDER DIFFERENT TRADE NAMES OR STYLES

§ 190.453 *Records.* Separate records on Forms 45 and 182, will not be required for operations under a new individual or corporate name or under each trade name or style. The rectifier shall, however, note on Form 45 the individual or corporate name or the trade names or styles under which operations were con-

ducted during the month, and the dates of operation under each. The storekeeper-gauger will make a similar notation on Form 182.

CHANGE OF PROPRIETORSHIP

§ 190.458 *Tax-payment of partially rectified products.* Upon receipt from the district supervisor of Form 237, with the tax or taxes due duly specified, the outgoing rectifier shall, in the case of all partially rectified products in packages, forward all copies of the form to the collector with remittance for the rectification tax due, if any. The collector will execute the certificate of tax-payment, in all cases where remittance is received, retain one copy, and return the remaining copies to the rectifier, together with the required number of the appropriate class of rectified spirits stamps where packages are listed on the form. The outgoing rectifier will affix the rectified spirits stamps to the packages for which they were issued, and will cancel such stamps and mark and brand the packages, as provided in §§ 190.362 to 190.404, inclusive, and 190.412 to 190.423, inclusive. In the case of partially rectified products in tanks, the rectification tax of 30 cents per proof gallon shall be paid in accordance with § 190.295. If the Form 237 covers a partially rectified product in a tank, one copy thereof will be attached to the tank pending transfer to the successor, and the original copy with the canceled stamps attached will be disposed of as provided in § 190.296. If the partially rectified product is subject to tax under section 3030 (a), I. R. C., wine stamps representing such tax will be canceled and attached to Form 237 in the manner provided by §§ 190.295 and 190.296.

§ 190.459 *Completion and disposition of Form 237.* When the partially rectified products in packages have been tax-paid (if subject to tax) and removed to the finished products room, and such products in tanks have been tax-paid (if subject to tax) and transferred to the successor, the outgoing rectifier shall make appropriate notation of the disposition of the products on Form 237, and, after approval by the Government officer, will retain one copy of the form and forward the original copy to the district supervisor.

§ 190.460 *Rectification of partially rectified products by successor.* When rectified products contained in tanks are to be further rectified by the successor, he shall, immediately upon receipt thereof from the outgoing rectifier, prepare and submit Form 122 to show a constructive dumping of the products by him for rectification. The form will be prepared and submitted in the manner prescribed by §§ 190.177 to 190.201, inclusive, for the regular dumping of spirits for rectification, except that the copy of Form 237 attached to the tank by the outgoing rectifier will be removed and attached to the district supervisor's copy of Form 122 as evidence of the tax-paid character of the product, in lieu of the cut-out portions of the stamps required to be attached to the form when packages are dumped. Upon completion of the process of rectification, pursuant to an

approved formula, the successor shall prepare and submit Form 237 and pay all taxes due on the product in accordance with the procedure prescribed in §§ 190.276 to 190.312, inclusive. Partially rectified products received from the outgoing rectifier in packages may be returned to the rectifying room and dumped for further rectification, pursuant to Form 122, provided appropriate entries are made in Form 45 to show a constructive transfer of the products from the finished products room to the receiving room.

§ 190.461 *Bottling of partially rectified products by successor.* Where partially rectified products in bottling tanks are transferred to the successor and such products are to be bottled without further rectification, the successor shall prepare and submit Form 230 in the manner prescribed by §§ 190.340 to 190.361, inclusive, except that the copy of Form 237 attached to the bottling tank by the outgoing rectifier will be removed and attached to the district supervisor's copy of Form 230 as evidence of the tax-paid character of the product in lieu of the cut-out portions of stamps required to be attached to the form when packages are dumped.

§ 190.464 *Transfer of stamps forbidden—(a) Strip stamps.* The outgoing rectifier may not transfer any strip stamps to his successor. Where the change of proprietorship of the plant is to be of a temporary nature, any strip stamps on hand belonging to the outgoing proprietor may be retained in the custody of the storekeeper-gauger pending the qualification and resumption of operations by such proprietor.

(b) *Rectified spirits stamps and wine stamps.* The outgoing rectifier may not transfer any rectified spirits stamps or wine stamps to his successor, nor may such stamps be otherwise transferred except as provided by § 190.361e. Where the change of proprietorship of the plant is to be of a temporary nature, any rectified spirits stamps and wine stamps on hand will be retained in the custody of the outgoing proprietor (the owner of the stamps) and proper report will be rendered on Form 45. The rectifier will submit a monthly report of such stamps due at the end of any monthly period during the period of temporary discontinuance in accordance with § 190.361i during such period of temporary discontinuance. (Sec. 2803 (d), I. R. C.)

§ 190.465 *Records and reports.* Where there is a change in proprietorship otherwise than by operation of law, the outgoing rectifier shall make appropriate entries on Form 45 covering all spirits transferred to his successor, who shall in turn enter such items on his Form 45 as received from his predecessor. The storekeeper-gauger will keep a separate record on Form 182 for the successor.*

§ 190.466 *Succession by fiduciary.* Where a change of proprietorship is brought about by operation of law, the administrator, executor, assignee, receiver, trustee, or other fiduciary may not continue the business until the required qualifying documents have been filed and approved. In the case of such

change, the fiduciary shall make appropriate notation of his succession on Form 45 and on all copies of each outstanding Form 230 and Form 237, and upon completion of the bottling of spirits covered by Form 230 or Form 237, he shall complete the execution of the forms and dispose of the same as provided in §§ 190.276 to 190.312 inclusive and §§ 190.340 to 190.361. The storekeeper-gauger will make similar notation of such succession on Form 182.

BOTTLING AND LABELING OF SPIRITS AND WINES UNDER AN APPROVED NAME OR NAMES

§ 190.466e *Records.* Separate records on Forms 45 and 182 will not be required for the bottling and labeling of spirits or wines under a name other than the real name or trade name in which the rectifying plant is operated.

DISCONTINUANCE OF OPERATIONS

§ 190.469a *Disposition of rectified spirits and wine stamps.* All of the rectified spirits stamps and wine stamps, if any, belonging to the proprietor at the time of permanent discontinuance of business will be inventoried by denomination by the storekeeper-gauger after which the same may be disposed of and an account made in accordance with §§ 190.361e to 190.361i, inclusive.

CONCERNING LOCKS AND SEALS

§ 190.473 *Where locks are required.* District supervisors will bear in mind that Government locks are required upon the door of the Government cabinet; upon the entrance doors of the wine bottling and export storage rooms, if any; upon the manheads, inlets, outlets, and other openings of storage tanks, receiving tanks, and bottling tanks; upon the manheads of gravity tanks; upon the valves in pipe lines which convey spirits from rectifying stills to receiving tanks where the pipe lines are equipped for refluxing the spirits to the stills or for bypassing the berry basket in the case of gin stills, or which convey spirits from bottling tanks in the rectifying plant to bottling tanks in a contiguous tax-paid bottling house or rectifying plant; and upon such other valves, stopcocks, and openings in equipment and apparatus as are required by these regulations or deemed necessary by the district supervisor to be secured with Government locks.

(Secs. 2801 (e) (1) and 3176, Internal Revenue Code)

[SEAL] STEWART BERKSHIRE,
Acting Commissioner
of Internal Revenue.

Approved: September 10, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of Treasury.

[F. R. Doc. 46-16801; Filed, Sept. 13, 1946;
9:00 a. m.]

[T. D. 5536]

Subchapter E—Administrative Provisions Common to Various Taxes

PART 469—TAX-FREE SALES TO FOREIGN GOVERNMENTS OF ARTICLES FOR EXPORT

Inasmuch as the emergency which existed at the time of the promulgation of

Treasury Decision 5115 (Part 469, Title 26, Code of Federal Regulations, Cum. Sup.), approved February 6, 1942, outlining the procedure to be followed with respect to article within the scope of Chapters 25 and 29 of the Internal Revenue Code sold by manufacturers or producers to foreign governments for export, no longer exists, such Treasury decision is hereby revoked as of the end of September 30, 1946. On and after October 1, 1946 the procedure outlined in §§ 314.25 and 314.26 of Regulations 44, §§ 316.25 and 316.26 of Regulations 46, articles 16 and 17 of Regulations 47, or § 319.34 of Regulations 88, whichever is applicable, shall be followed with respect to sales by manufacturers and producers of the articles enumerated in Chapters 25 and 29 of the Internal Revenue Code, when such articles are sold to foreign governments for export.

(Sections 2705, 2732, and 3791 of the Internal Revenue Code (53 Stat. 289, 294, 467; 26 U. S. C., 1940 ed. 2705, 2732, 3791))

[SEAL]

WM SHERWOOD,
Acting Commissioner
of Internal Revenue.

Approved: September 10, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the
Treasury.

[F. R. Doc. 46-16595; Filed, Sept. 13, 1946;
9:02 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter IV—Oil and Gas Division
Department of the Interior

PART 403—REPORTS AND INSPECTIONS OF FACILITIES AND AGENCIES FOR THE PRODUCTION, PROCESSING, STORAGE AND TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

SHIPMENT BY BARGE, TANKER, OR OTHER VESSEL; REPORTS; CERTIFICATES

By virtue of the authority vested in me by Executive Order No. 7756 of December 1, 1937 (30 C. F. R. 401.1), as amended by Executive Order No. 9732 of June 3, 1946 (11 F. R. 5985), § 403.11 of the regulations governing the administration and enforcement of the act of February 22, 1935 (49 Stat. 30; 15 U. S. C. 715-715i), as amended by the acts of June 14, 1937 (50 Stat. 257), June 29, 1939 (53 Stat. 927), and June 22, 1942 (56 Stat. 381), is amended to read as follows:

§ 403.11 *Shipment by barge, tanker, or other vessel; reports; certificates.* The shipper, or duly authorized agent of the shipper, a copy of whose authorization has been filed with the Oil and Gas Division of the Department of the Interior at its office in Washington, D. C., of a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas, Louisiana, Arkansas, or Mississippi, for shipment by tanker, barge, or other vessel, in whole or in part in interstate or foreign commerce, shall transmit by mail to the Oil and Gas Division of the Department of the

Interior at its office in Washington, D. C. with full postage paid, not later than twenty-four (24) hours after the date of sailing, a report and certification in duplicate on form designated OCR-1, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon. No such report on Form OCR-1 is required covering the shipment of petroleum or petroleum products where the cargo is loaded and unloaded wholly within a State.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

AUGUST 13, 1946.

Approved: September 10, 1946.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 46-16510; Filed, Sept. 13, 1946;
9:10 a. m.]

PART 400—ORGANIZATION AND PROCEDURE
Correction

In Federal Register document 46-15041, appearing at page 177A-224 of Part II of the issue for September 11, 1946, the reference to Part I in § 400.105 (a) (4) should read "Part T".

Chapter VI—Solid Fuels Administration for War

[Rev. Reg. 32, Amdt. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

SHIPMENTS OF DISTRICTS 7 AND 8 COALS TO RETAIL DEALERS

In order to facilitate increased shipments of Districts Nos. 7 and 8 coal to retail dealers, the third paragraph of § 602.876 (b) of Revised Regulation No. 32 is hereby amended to read as follows:

In complying with § 602.876 (b), each shipper of coal produced in Districts 7 and 8 shall, so far as practicable, make distribution to each of his retail dealer accounts so that during each of the periods indicated below, there shall be shipped not less than the minimum nor more than the maximum percentage of the tonnage each shipper is obligated to ship to each dealer under this section, as follows:

2-month period	Minimum shipments	Maximum shipments
Percent	Percent	Percent
June-July 1946.....	10	15
August-September 1946.....	10	20
October-November 1946.....	10	22

The remainder of the tonnage due to each dealer shall be shipped in equal monthly instalments during the period December 1, 1946 to March 31, 1947, provided, however, the maximum shipments herein prescribed shall not be applicable to dealers who purchase 5 carloads or

less per year from such shipper. The limitation as to periodic shipments is not applicable to shipments to tidewater receivers.

This amendment shall become effective immediately and shall remain in effect until further notice.

(E. O. 9332, 8 F. R. 5355; E. O. 9125, 7 F. R. 2719; sec. 2 (a) 54 Stat 676, as amended by 55 Stat 236, 56 Stat. 176, 58 Stat. 827 and 59 Stat. 658)

Issued this 10th day of September 1946.

OSCAR L. CHAPMAN,
Acting Solid Fuels Administrator
for War.

[F. R. Doc. 46-16547; Filed, Sept. 13, 1946;
8:59 a. m.]

TITLE 32—NATIONAL DEFENSE
Chapter IX—Civilian Production
Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong., and Pub. Laws 270 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F. R. 13714.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-968]

SUPERBUILT CONSTRUCTION CORP.

Superbuilt Construction Corporation is engaged in business as a general contractor with offices located at 10 East Park Avenue, Long Beach, Long Island, New York. Subsequent to March 26, 1946 the corporation began without authorization from the Federal Housing Administration the construction of five family residences located at 216 and 220 West Beach Street and 38, 62, and 66 West Penn Street, at Long Beach, Long Island, New York. The estimated cost of each of these dwellings exceeded the limit permitted by Veterans' Housing Program Order No. 1, and the beginning and carrying on of such construction constituted a wilful violation of that order. These violations have diverted the critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.968 Suspension Order No. S-968. (a) The temporary suspension order issued against the Superbuilt Construction Corporation dated July 8, 1946 is hereby revoked.

(b) Neither the Superbuilt Construction Corporation, its successors or assigns, nor any other person shall do any further construction on any of the premises located at 216 and 220 West Beach Street and 38, 62, and 66 West Penn Street, Long Beach, Long Island, New York, including the putting up, completing or altering of any of the structures located on the premises, unless hereafter specifically authorized in writing by the Civilian Pro-

duction Administration or the Federal Housing Administration.

(c) The Superbuilt Construction Corporation shall refer to this order in any application or appeal which it may file for authorization to carry on construction or for priorities assistance.

(e) Nothing contained in this order shall be deemed to relieve Superbuilt Construction Corporation, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 11th day of September 1946.

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

[F. R. Doc. 46-16591; Filed, Sept. 13, 1946;
8:58 a. m.]

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

[Priorities Reg. 13, Direction 16, as Amended
Sept. 13, 1946]

**URGENCY CERTIFICATES FOR SURPLUS
MATERIALS AND EQUIPMENT**

The following amended direction is issued pursuant to PR 13.

(a) *What this direction does.* There is an urgent need for materials and equipment required in essential reconversion programs (except the Veterans' Emergency Housing Program) and many of these are not readily obtainable in sufficient quantities from new production. This direction describes how a person meeting the criteria described below may apply for a Civilian Production Administration Urgency Certificate which may help him to acquire surplus materials or equipment from the War Assets Administration if the material or equipment is available in surplus. Preference ratings have no effect on sales by WAA either by way of obliging it to sell or by way of determining as among several buyers who shall get the material or product. The urgency certificates issued under this direction are not preference ratings and may not be used to obtain materials or equipment from new production.

Housing Expediter Priorities Regulation 4 explains when the Housing Expediter may issue Housing Expediter certificates for surplus materials and equipment for the Veterans' Emergency Housing Program.

(b) *How to apply for an urgency certificate.* Application for a Civilian Production Administration urgency certificate to acquire government owned surplus material or equipment should be made on Form CPA-4425, addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR-13, Direction 16. Form CPA-4425 can be obtained from the Civilian Production Administration, Washington 25, D. C., or Civilian Production Administration District Construction Offices. In those cases where a certification from another Government agency is required as described in paragraph (c) (1) (ii), such certification should accompany the application when filed with the Civilian Production Administration.

(c) *When the Civilian Production Administration may issue urgency certificates.* (1) It is the general policy of the Civilian Production Administration not to grant urgency

certificates for Government-owned surplus property. However, if an applicant has been unable to obtain the material or equipment from new production as soon as required, the Civilian Production Administration may in limited cases grant such certificates good for 60 days for items of materials or equipment needed to support essential production under the following conditions:

(1) The material or equipment is required to sustain or increase his production of products listed in Schedule I of Priorities Regulation 28 (except products which are also listed in the table of Critical Products at the end of Housing Expediter Priorities Regulation 4), and priorities assistance would be given to obtain the particular item or items from new production. (Persons eligible for assistance under Housing Expediter Priorities Regulation 4 should apply to the appropriate Regional Housing Expediter or the Housing Expediter in accordance with that regulation.); or

(ii) The material or equipment is needed by a war contractor for production which cannot be deferred without serious results to the defense program or to the health and welfare of the enlisted personnel. In this case a certification from the War or Navy Department or the Maritime Commission recommending the issuance of a Civilian Production Administration urgency certificate is required.

(2) If a CC rating has already been assigned or an application has already been submitted for a rating and the desired material or equipment is not obtainable from new production as soon as required, an urgency certificate may be issued in place of the rating if the applicant meets the criteria stated in paragraph (c) (1). A request to substitute an urgency certificate under this direction for a rating may be made by letter addressed to Civilian Production Administration, Washington 25, D. C., Ref: PR-13, Direction 16, instead of using CPA-4425.

(3) The Civilian Production Administration will carefully screen all requests and issue urgency certificates only when in its judgment such action is deemed necessary in the interests of the overall reconversion. Urgency certificates will not be issued to any applicant for more materials than the quantity which he will require to meet his current or scheduled operations during the 60 days immediately following the date of the application, less the amount he has on hand and expects to receive from other sources during that period.

(4) No urgency certificate will be issued or renewed for any item listed on Exhibit A of WAA Regulation 2 "Property to be Set-aside for Veterans."

(d) *How to use an urgency certificate.* If a CPA urgency certificate is issued, it will be given to the applicant in duplicate. These certificates are good only for government property which has been declared surplus to WAA and will cover material or equipment of the type requested or equivalent material or equipment. The certificate holder should present both copies of the certificate to a local sales office of WAA together with his written order or bid as required by it. It is important that these certificates be filed with WAA promptly since every urgency certificate expires 60 days after its issuance by CPA.

(e) *Effect of urgency certificates on WAA.* (1) Unless CPA specifically directs otherwise, the local sales office of WAA must give precedence to holders of CPA urgency certificates over any other class of buyers (except hold-

ers of Housing Expediter certificates) in selling any surplus materials or equipment of the type covered by urgency certificates which have been filed with it and which have not expired. The relative precedence among holders of CPA urgency certificates and Housing Expediter certificates will be determined by the WAA local sales offices based on the order of receipt of the certificates by WAA. CPA urgency certificates are not valid against any particular lot of materials or equipment which WAA has advertised or publicly offered for sale. Also they are not valid against any particular lot of materials or equipment which is covered by a directive issued by the Housing Expediter. The price and terms of sale of specific materials or equipment to a holder of an urgency certificate will be determined by WAA. However, in view of the conditions under which CPA urgency certificates are issued, WAA is required to effect the transaction as quickly as possible. If the sale is made through a dealer, WAA will designate the certificate holder who is to receive the material or equipment, and the dealer must give WAA a certification in substantially the following form:

The undersigned certifies to the seller and to the Civilian Production Administration, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code that he will resell promptly the material or equipment obtained with this certificate to _____
(insert name of urgency certificate holder designated by WAA).

The standard certification described in Priorities Regulation 7 may not be used instead of this certification. Any person giving the certification described above must dispose of the material or equipment he gets with it in accordance with its terms.

(2) If a holder of an urgency certificate is unwilling or unable to meet the price and terms of sale determined by WAA, it is not required to make the sale.

(f) *Expiration of urgency certificates.* Every urgency certificate expires 60 days after its issuance by CPA. If any person to whom an urgency certificate has been issued is unable to obtain the material or equipment covered by the certificate before it expires, he may file an application on Form CPA-4425 for renewal, after the original certificate has expired. CPA may issue a new certificate if the applicant still meets the criteria described in paragraph (c).

(g) *Effect of this direction on other directions to Priorities Regulation 13.* Certain other directions issued pursuant to Priorities Regulation 13 limit sales of specific materials to buyers who certify that they will use the material for a particular purpose. Notwithstanding the provisions of any such directions, holders of urgency certificates for materials of the type covered by these directions may acquire such materials and their purchase orders take precedence over buyers eligible to purchase under the terms of the directions.

Issued this 13th day of September 1946.

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

[F. R. Doc. 46-16717; Filed, Sept. 13, 1946;
11:24 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Amdt. 9 to Supp. 11.]

SUGAR

Section 4.1 of Supplement 1 to Third Revised Ration Order 3 is amended to read as follows:

SEC. 4.1 Areas have had a substantial increase in population and the percentage for each such area.

For periods commencing on or after
October 1, 1946

Alabama:	Colorado—Con.	Montana:
Baldwin 20	Otero 10	Cascade 10
Calhoun 30	Connecticut:	Nebraska:
Colbert 10	Fairfield 10	Adams 20
Dale 0	Hartford 10	Box Butte 0
Etowah 10	Delaware:	Cheyenne 10
Houston 0	New Castle 10	Hall 15
Jefferson 0	Sussex 10	Sarpy 10
Madison 10	District of Co-	St. Joseph 10
Mobile 60	lumbia 30	Clark 120
Russell 15	Florida:	Starke 15
Talladega 20	Alachua 10	Tippecanoe 15
Arizona:	Bay 110	Vandenburgh 20
Apache 20	Bradford 60	Iowa:
Cochise 15	Brevard 40	Des Moines 10
Gila 10	Broward 20	Story 10
Greenlee 20	Charlotte 15	Kansas:
Maricopa 20	Clay 40	Barton 10
Mohave 50	Dade 30	Douglas 10
Navajo 15	De Soto 10	Finney 20
Pima 40	Duval 30	Geary 15
Pinal 30	Escambia 40	Johnson 30
Yuma 20	Franklin 40	Pratt 10
Arkansas:	Gulf 10	Riley 15
Jefferson 15	Highlands 80	Saline 20
Pulaski 15	Hillsborough 20	Sedgwick 30
Saline 20	Indian River 10	Seward 20
Sebastian 10	Lee 40	Shawnee 30
California:	Leon 20	Kentucky:
Alameda 50	Monroe 50	Christian 0
Butte 15	Okaloosa 40	Hardin 40
Contra Costa 160	Okeechobee 10	Henderson 10
Fresno 15	Orange 20	Jefferson 15
Inyo 30	Palm Beach 15	Union 0
Kern 30	Pinellas 15	Louisiana:
Lassen 20	Polk 10	Beauregard 15
Los Angeles 20	St. Lucie 20	Calcasieu 40
Madera 15	Sarasota 30	East Baton Rouge 30
Marin 40	Volusia 10	Jefferson 30
Merced 15	Georgia:	La Salle 15
Monterey 30	Bartow 10	Orleans 15
Napa 40	Bibb 30	Rapides 30
Orange 20	Camden 20	St. Bernard 10
Riverside 30	Chatham 40	St. Mary 10
Sacramento 15	Cobb 20	Vermilion 10
San Benito 0	Dougherty 20	Vernon 70
San Luis Obispo 20	Fulton 10	Maine:
San Mateo 50	Glynn 60	Cumberland 10
Santa Barbara 20	Houston 60	Sagadahoc 15
Santa Clara 20	Liberty 30	York 10
Santa Cruz 15	McIntosh 15	Maryland:
Solano 160	Muscogee 50	Anne Arundel 20
Stanislaus 30	Peach 10	Baltimore 30
Tulare 15	Richmond 20	Calvert 10
Ventura 15	Stephens 15	Cecil 50
Yuba 60	Thomas 15	Charles 20
Colorado:	Whitfield 10	City of Baltimore 15
Arapahoe 15	Idaho:	Harford 40
Denver 10	Ada 10	Howard 10
Dolores 10	Bannock 10	Montgomery 30
El Paso 15	Elmore 60	Prince Georges 40
Jefferson 10	Kootenai 20	St. Mary's 30
Lake 15	Valley 15	Michigan:
	Illinois:	Bay 10
	Arapahoe 15	Berrien 10
	Denver 10	Calhoun 15
	Dolores 10	Ingham 0
	El Paso 15	Macomb 30
	Jefferson 10	Midland 10
	Lake 15	Monroe 10
	Winnebago 10	Muskegon 15
		Oakland 20
		Washtenaw 20
		Wayne 15
		Pennsylvania:
		Delaware 10
		Rhode Island:
		Kent 10
		Newport 20
		Washington 15
		South Carolina:
		Beaufort 10
		Charleston 30
		Dorchester 15
		Greenville 10
		Kershaw 15
		Richland 20

South Dakota:	
Fall River	20
Pennington	10
Tennessee:	
Anderson	50
Blount	15
Coffee	40
Davidson	10
Knox	10
Loudon	15
Montgomery	0
Roane	10
Rutherford	10
Shelby	15
Sullivan	20
Texas:	
Bailey	20
Bastrop	15
Bell	40
Bexar	20
Bowie	20
Braxoria	90
Brazos	10
Brewster	20
Brown	40
Cameron	10
Childress	20
Cochran	50
Cooke	15
Cottle	10
Crosby	20
Dallam	30
Dallas	20
Dawson	40
Dickens	10
Ector	10
El Paso	20
Galveston	40
Garza	30
Hale	15
Hansford	10
Harris	20
Hays	20
Hockley	70
Howard	30
Hudson	20
Hutchinson	15
Jefferson	30
Kleberg	20
Lamb	20
Loving	0
Lubbock	30
Lynn	50
McLennan	10
Martin	20
Matagorda	20
Maverick	20
Medina	15
Midland	20
Moore	110
Nueces	40
Oldham	15
Orange	180
Palo Pinto	15
Pecos	10
Potter	20
Reeves	40
Tarrant	20
Taylor	20
Terry	30
Tom Green	10
Val Verde	20
Victoria	20
Ward	20
Webb	10
Wichita	15
Utah:	
Carbon	15
Davis	80
Millard	15
Salt Lake	20
Tooele	60
Uintah	10
Utah	20
Weber	30
Virginia:	
Arlington	100
Dinwiddie	15
Elizabeth	
City	50
Fairfax	30
Giles	10
Henry	10
King George	15
Montgomery	20
Norfolk	160
Nottoway	50
Princess Anne	40
Pulaski	10
Warwick	210
York	30
Independent Cities:	
Alexandria	80
Bristol	50
Buena Vista	50
Charlottesville	15
Fredericksburg	30
Hampton	60
Hopewell	20
Martinsville	10
Newport News	50
Norfolk	50
Petersburg	30
Portsmouth	30
Radford	30
Richmond	20
South Norfolk	30
Suffolk	20
Williamsburg	210
Washington:	
Benton	130
Clallam	10
Clark	60
Franklin	30
Island	20
Jefferson	10
King	30
Kitsap	100
Mason	10
Okanogan	10
Pierce	20
Spokane	10
Thurston	10
West Virginia:	
Kanawha	20
Mingo	10
Wisconsin:	
Dane	10
Door	20
Monroe	15
Sauk	15
Wyoming:	
Laramie	20
Park	15
Sweetwater	10
Territory of Alaska	
Territory of Hawaii	35
Panama Canal Zone	60

Persons who apply for allotments for the third period of 1946 will be entitled to the population increase effective for that period on September 14, 1946 subject to the deductions for late application provided in section 2.2 (b) of this order.

This amendment shall become effective September 15, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16605; Filed, Sept. 13, 1946;
8:50 a.m.]

PART 1351—FOOD AND FOOD PRODUCTS
[RMPR 296, Amdt. 13]

**FLOUR FROM WHEAT, SEMINOLA AND FARINA
SOLD BY MILLERS, BLENDERS, PRIMARY
DISTRIBUTORS AND FLOUR JOBBERS**

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

Revised Maximum Price Regulation 296 is amended in the following respects:

1. Paragraph VIII (c) is amended to read as follows:

(c) The maximum price per hundred weight in 100 pound cotton sacks may be converted to a maximum price per hundred weight bulk by deducting 24 cents per hundred weight.

2. Paragraph XVI of Appendix A is amended to read as follows:

XVI. *Temporary increases in maximum prices.* On and after September 11, 1946, the following price increases shall be in effect:

(a) All of the maximum prices in paragraphs I, III (b), III (c), IV, VI, XII (a), XII (b), XII (c) and XII (f) of Appendix A are increased by \$1.38 per hundred weight.

(b) All of the maximum prices in paragraphs II, XII (d) and XII (e) of Appendix A are increased by \$1.45 per hundred weight.

(c) The prices in the table in paragraph V of Appendix A are increased to the following amounts:

Per hundred weight

Colorado, east of the Rocky Mountains	\$5.08
Montana, Wyoming	5.21
Colorado, west of the Rocky Mountains	5.40
Kansas, Nebraska, New Mexico, North Dakota, South Dakota	5.33
Oregon, Washington	5.53
Idaho	5.58
Arizona, Oklahoma	5.59
Utah	5.66
Iowa and Missouri	5.67
Texas	5.69
Arkansas, Minnesota	5.72
Illinois	5.77
Indiana, Wisconsin	5.82
Nevada	5.91
Michigan, Ohio	5.87
Delaware, District of Columbia, Maryland, Pennsylvania, West Virginia	5.97
New Jersey, New York	6.00
The New England States	6.02
California	6.17
Kentucky, Louisiana, Virginia	6.07
Tennessee	6.20
Alabama, Georgia, Mississippi, South Carolina, Florida	6.25
North Carolina	6.30

This amendment shall become effective September 11, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

Approved: September 11, 1946.
CHARLES F. BRANNAN,
Acting Secretary of Agriculture.
[F. R. Doc. 46-16603; Filed, Sept. 13, 1946;
8:49 a.m.]

PART 1306—IRON AND STEEL

[MPR 4, Amdt. 8]

IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith,

has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 4 is amended in the following respects:

1. In section 1, between the third and fourth paragraphs, the following is added:

No industrial producer or government or governmental agency (whether federal, state or local) shall sell or deliver unprepared iron or steel scrap to any person at prices higher than the applicable maximum prices set forth in this Regulation. No person shall buy or receive unprepared iron or steel scrap from such industrial producer or government or governmental agency at prices higher than the applicable maximum prices established by this Regulation.

2. Section 1 is amended by adding, immediately before the last paragraph, the following:

No person shall sell or deliver iron or steel scrap upon condition that the buyer shall sell or deliver to any person any other commodity. No person shall buy or receive iron or steel scrap upon the condition that he shall sell or deliver to any person any other commodity.

3. The table in section 11 (a) is amended to read as follows:

Grades	Zone A	Zone B	Zone C
1. Cast iron No. 1 (cupola cast)	\$23.00	\$24.00	\$25.00
2. Cast iron No. 2 (charging box cast)	19.00	20.00	21.00
3. Cast Iron No. 3 (heavy breakable cast)	18.00	19.00	20.00
4. Cast Iron No. 4 (burnt cast)	15.75	16.75	17.75
5. Cast iron brake shoes	15.75	16.75	17.75
6. Stove plate	21.00	22.00	23.00
7. Clean auto cast	25.00	26.00	27.00
8. Unstripped motor blocks	18.00	19.00	20.00
9. Wheels No. 1	20.00	21.00	22.00
10. Malleable	22.00	23.00	24.00

4. Section 20 (b) is amended to read as follows:

(b) The maximum basing point prices for unprepared iron or steel scrap (other than material suitable for hydraulic compression) when sold to any person other than a consumer or his broker shall be \$3.50 per gross ton beneath the maximum basing point prices of the prepared base grades, No. 1 heavy melting steel or No. 1 railroad heavy melting steel, as established in section 3 or 7. The maximum basing point prices for unprepared iron or steel scrap (other than material suitable for hydraulic compression) when sold to a consumer or his broker shall be \$4.00 per gross ton beneath the maximum basing point prices of the prepared base grade, No. 1 heavy melting steel or No. 1 railroad heavy melting steel, as established in section 3 or 7.

5. Section 20 (c) is amended to read as follows:

(c) The maximum basing point prices for unprepared material which when compressed constitutes a No. 1, No. 2 or No. 3 bundle, when sold to any person other than a consumer or his broker, shall be \$4.00 per gross ton beneath the maximum basing point prices for those prepared grades as established in section 3. The maximum basing point prices

for unprepared material, which when compressed constitutes a No. 1, No. 2 or No. 3 bundle, when sold to a consumer or his broker shall be \$4.50 per gross ton beneath the maximum basing point prices for the prepared grades as established in section 3.

6. Section 20 (d) is amended to read as follows:

(d) The maximum basing point prices for tin cans or other tin or terne coated material from which Grade No. 30 (tin can bundles) is produced, when sold to any person other than a consumer or his broker shall be \$3.50 per gross ton less than the maximum basing point prices established for that prepared grade in section 3. The maximum basing point prices for tin cans or other tin or terne coated material from which Grade No. 3 (tin can bundles) is produced when sold to a consumer or his broker shall be \$4.00 per gross ton less than the maximum basing point prices established for that prepared grade in section 3.

7. In section 3 (b) a new subparagraph (1) is added to read as follows:

(1) The premiums established for grades 14, 15, 16, 17, 18, 19 and 20 may be charged only for steel scrap sold for use in electric furnaces, and acid open hearth furnaces, or foundries. No person shall charge, and no person shall pay, when purchasing such grades for use in basic open hearth or blast furnaces, a price in excess of the price for the corresponding basic open hearth or blast furnace grades unless the material is allocated to such person by the Civilian Production Administration.

8. Section 3 (a) (1) is amended to eliminate the following grades:

13. Billet, bloom and forge crops.....	5.00
22. Two foot foundry steel.....	1.50
23. One foot foundry steel.....	2.00
24. Springs and crankshafts.....	1.00

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

(2) The prices established for Grade 25 (alloy free turnings) and Grade 26 (heavy turnings) may be charged only when shipped to a consumer directly from an industrial producer of such grades; otherwise the maximum price for such grades shall not exceed the price established for the corresponding grade of basic open-hearth and blast furnace scrap.

10. Section 23 is amended to eliminate items 13, 22, 23, and 24.

11. Section 28 is amended by adding a new paragraph (1) to read as follows:

(1) "Industrial producer" includes any person who generates iron or steel scrap as a result of manufacturing or fabricating operations. It also includes any common carrier, transportation company, or public utility company.

This amendment shall become effective September 11, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16604; Filed, Sept. 13, 1946;
8:50 a. m.]

PART 1389—APPAREL

[RMPR 506; Amdt. 5]

MAXIMUM PRICES FOR STAPLE WORK GLOVES

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

Revised Maximum Price Regulation 506 is amended in the following respects:

1. A new paragraph (d) is added to section 1.

(d) *Computations under this regulation.* The wholesalers' and manufacturers' ceiling prices for work gloves provided in this regulation shall be rounded to the nearest one-half cent, as follows:

From 0.00¢ to 0.24+¢=0¢
From 0.25¢ to 0.74+¢=0.5¢
From 0.75¢ to 0.99+¢=1¢

2. Section 2 is amended to read as follows:

SEC. 2. *How to find retail ceiling prices.* Ceiling prices for sales at retail are listed in the tables in Appendix B. Two tables of ceiling prices are provided. Table I lists retail ceiling prices for gloves purchased from a wholesaler (the term "wholesaler" is defined in section 3 (a)). Table II lists retail ceiling prices for gloves purchased direct from the manufacturer. The tables show the retail ceiling price which corresponds to each different supplier's net ceiling price. Before using the tables, the retailer must find his supplier's net ceiling price according to the instructions given below. Retailers should also pay particular attention to section 6 (Marking of gloves).

The "supplier's net ceiling price" is the supplier's ceiling price, less 2% (the discount available on all purchases from manufacturers).

(a) *Where retailer does not know the supplier's ceiling price.* If the retailer does not know the ceiling price of the manufacturer or wholesaler who supplies him, he may inquire of the supplier, who is required to disclose his ceiling price.

(b) *Where retailer's suppliers have different ceiling prices.* Some manufacturers have two ceiling prices for the same number—a Group I ceiling and a Group II ceiling. If the retailer pays the Group I ceiling price (or less), he takes that ceiling to figure his retail price; but if he pays the manufacturer's a higher price, he takes the Group II ceiling. If, however, he buys gloves with the identical manufacturer's lot number or brand name at different prices, making one purchase at or below the Group I ceiling and another above, he must use the Group I ceiling to figure his retail price on all gloves of this lot number or brand name. Moreover, if he buys gloves with the identical manufacturer's lot number or brand name from a wholesaler and also from the manufacturer, he must use Table II in

determining his retail ceiling price, and must take the manufacturers' ceiling, not the wholesalers' ceiling, to figure his retail ceiling for this number.

Example. Retailer B buys lot No. 902 from the X Company, the manufacturer, at \$2.40, 2/20, net 40, per dozen, which is the manufacturer's ceiling. Later he gets more gloves of lot No. 902 from a wholesaler, who charges him \$2.85 per dozen, the wholesalers' ceiling. In figuring his retail ceiling for work gloves of this lot number, B takes \$2.40 less 2% as his supplier's net ceiling price, or \$2.35. In Table II of Appendix B, he finds 26¢ per pair as his ceiling price for this lot number (not 32¢ based on \$2.95).

(c) *Where gloves are bought at a "special sale".* Sales which are neither sales by a manufacturer nor "regular sales" at wholesale are called "special sales". These include sales by retailers to retailers, sales by brokers, commission merchants, job-lot dealers or like persons and sales of other types. (The difference between "regular" and "special" sales is more fully explained in section 3.)

If the retailer has bought a glove at a "special sale," he does not figure his ceiling price by taking the price of his own supplier. Instead, he takes the ceiling price of the supplier of the person who made the "special sale." If a succession of special sales has been made, he takes the ceiling price of the supplier of the person who made the first of these special sales. Thus, the retail ceiling price of a pair of gloves is the same as if the retailer had bought directly from the original supplier, without any special sale intervening.

Example 1. C, a retail chain, buys one dozen gloves from a manufacturer at \$1.76, 2/20 net 40, which is the manufacturer's ceiling. C sells them to D, another retail chain for \$1.81 (which is equal to C's cost plus freight actually paid by him).

In figuring his retail ceiling D assumes his supplier's ceiling to be \$1.72 (\$1.76 less 2%), the net ceiling of C's supplier, not \$1.81, the price D actually paid. Accordingly, from Table II in Appendix B, D finds a retail ceiling of 19¢ per pair.

Example 2. E, an independent retailer, buys one dozen gloves from a wholesaler at \$3.15 (the jobber's ceiling). He decides to liquidate and sells them to an auctioneer for \$2.75 a dozen. The auctioneer resells them to F, another retailer, for \$3.20 (this being the price paid by E, plus transportation charges incurred by the auctioneer).

In figuring his retail ceiling F takes \$3.15 as his supplier's ceiling, so that his retail ceiling, found from Table I in Appendix B, is 35¢ (not 36¢).

(d) *Where a retail sale is made by manufacturer.* Where a sale at retail is made by a manufacturer, the retail ceiling is found from Table II in Appendix B. But since the manufacturer has no "supplier," he takes the Group I manufacturers' ceiling for these gloves and uses this as his "supplier's ceiling price."

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

(2) *Ceiling prices for "regular sales."* The ceiling price for regular sales at wholesale is the manufacturer's Group I

gross ceiling price for the gloves being priced multiplied by 1.168.

Manufacturers' Group I gross ceiling price is the manufacturer's authorized Group I ceiling price before deduction of discounts, but not including transportation and delivery charges.

The above wholesale prices are net 30 days. If the seller wishes he may extend more favorable terms, but no seller may chance these terms if the change would result under any circumstances in a higher net price.

4. In section 3 (b) (1), Examples 1 and 2 are amended to read as follows:

Example 1. G, a large retailer, buys a dozen gloves from a manufacturer at \$1.76, 2/20 net 40, the manufacturer's ceiling price, and pays 10¢ per dozen freight. He now wants to sell them to H, a second retailer. G's ceiling price for this sale is \$1.82 (\$1.76 less 2%, plus the 10¢ freight).

Example 2. L, a wholesaler, buys one dozen gloves from a manufacturer at \$3.61, 2/20 net 40, the manufacturer's ceiling price. L now liquidates and resells the gloves to auctioneer M for \$3.30 per dozen. Now M wants to resell the gloves to another wholesaler.

In figuring his price for this second special sale, M takes as his cost \$3.54 per dozen (\$3.01 less 2%), the price paid by L, and adds freight paid by M. If M pays 10¢ for freight, M's ceiling is \$3.64.

5. The first two undesignated paragraphs of section 4 (a) preceding subparagraph (1) are amended to read as follows:

SEC. 4. How to find manufacturers' ceiling prices—(a) Work gloves specified in Appendix A. For a work glove specified in Appendix A, the ceiling price for a sale by a manufacturer is the appropriate "base price" specified in Column A of the tables in Appendix A (multiplied by the "Band A Multiplier" provided in Instruction 4 of paragraph (a) of that appendix, where the manufacturer qualifies therefor) plus the "materials cost adjustment" for that glove, computed in accordance with Appendix E.

Column A of the tables in Appendix A lists two manufacturers' prices for each glove specified—a Group I base price and a Group II base price. For sales at Group I ceiling prices, a manufacturer must use the Group I base price to compute his ceiling price. The Group II base price must be used to compute the Group II ceiling price. Some manufacturers must use the Group I ceiling price only, some may use the Group II ceiling price only, and some may use both, according to the rules contained in the following subparagraphs (1), (2) and (3).

6. Section 4 (b) is amended to read as follows:

(b) Other work gloves covered by this regulation. For work gloves covered by this regulation but not specified in Appendix A, a manufacturers' ceiling price is that established pursuant to authorization of the Office of Price Administration, upon application therefor by the manufacturer. The price authorization

granted by the Office of Price Administration will establish a base price for each glove applied for and an adjustment factor for each of the principal materials contained in the glove. The manufacturers receiving such authorization will then determine his ceiling price in accordance with (a) above and Appendix E, using the base price and the "materials cost adjustment" factors authorized by the Office of Price Administration in place of those set forth in Appendix A.

An application for a price authorization under this section must be filed with the Apparel Price Branch, Office of Price Administration, Washington 25, D. C. The application must contain information in the detail indicated by the suggested form in Appendix C and must be accompanied by a sample of the glove.

Pending action on such an application a person must not sell or deliver the

glove except in accordance with the provisions of section 10 (b) (Adjustable pricing agreements).

Where an order has been issued under this provision prior to May 20, 1946, the manufacturer may use, as his base price for a glove, the ceiling price authorized therefor in that order, adjusted in accordance with steps 1, 2 and 3 below:

Step 1. Multiply the price authorized in the order by the applicable percentage multiplier:

Adjustment multiplier for manufacturers (to be applied to Group I and Group II authorized ceilings)

Type of gloves:
Canton flannel \$1.10
Jersey 1.03
Leather combinations 0.141

Step 2. Add the amount, if any, specified in the following table to the figure found in Step 1.

Type of glove and group of purchaser	Addition to be made to ceiling determined by step 1 for				
	Men's	Extra large men's	Women's	Small women's	Childs'
Group I ceilings:					
Knit-wrist gloves	\$0.03 1/4	\$0.03 1/4	\$0.03	\$0.03	\$0.02 3/4
Single-thickness jersey gloves	.18 3/4	.21	.14	.11	.09
Full-lined jersey gloves	.30 1/2	.34 1/2	.27 1/2	.21 1/2	.15
Split leather palm gloves, clute pattern	.06	.06	.06	.06	.06
Split leather palm gloves, gunn pattern	.10 1/2	.10 1/2	.10 1/2	.10 1/2	.10 1/2
Side split leather palm gloves, clute pattern	.10 1/2	.10 1/2	.10 1/2	.10 1/2	.10 1/2
Side split leather palm gloves, gunn pattern	.16	.16	.16	.16	.16
Group II ceilings:					
Knit-wrist gloves	.04	.04	.03 1/4	.03 1/4	.02 1/4
Single-thickness jersey gloves	.20	.22 1/4	.15 1/2	.12	.10
Full-lined jersey gloves	.33	.38	.30	.28 1/2	.16 1/2
Split leather palm gloves, clute pattern	.07	.07	.07	.07	.07
Split leather palm gloves, gunn pattern	.11	.11	.11	.11	.11
Side split leather palm gloves, clute pattern	.11	.11	.11	.11	.11
Side split leather palm gloves, gunn pattern	.17 1/2	.17 1/2	.17 1/2	.17 1/2	.17 1/2

Step 3. If the manufacturer meets the conditions specified in Instruction No. 4 to paragraph (a) of Appendix A, multiply the figure found in Step 2 by 1.035.

The base price found above may be adjusted by the "materials cost adjustment" provided in Appendix E. However, since the manufacturer, in order to be eligible for the adjustment provided in Appendix E, must make application to the Apparel Price Branch, Office of Price Administration, Washington, D. C., for authorization of materials cost adjustment factors, for each glove covered by an order issued under this provision prior to May 20, 1946. Pending the authorization by the Office of Price Administration of such materials cost adjustment factors, the manufacturer may, in making an Appendix E adjustment for a glove, use the materials cost adjustment factors set forth in Column B of the tables of Appendix A for a glove which contains the same materials, in the same quantity or less, as the glove whose price is being adjusted. In making application for authorization of materials cost adjustment factors under this provision, a manufacturer shall state: his name and address, the Office of Price Administration order number under which ceiling prices were authorized for his gloves prior to May 20, 1946, and the lot no. of each glove for which materials cost adjustment factors are requested.

7. A new paragraph, designated paragraph (c) is added to section 4 to read as follows:

(c) Ceiling price for seconds. The manufacturer's ceiling prices provided for in (a) and (b) above apply only to first quality work gloves. The ceiling price for "seconds" of a glove is 75% of the ceiling price for the first quality of that glove.

8. The figures in the last column of the "Retail Ceiling Price List" in section 6 (b), are deleted and the following language substituted therefor:

Retail price per pair

(Here indicate correct retail ceiling price for each glove.)

9. A new subparagraph (4) is added to section 8 (c) to read as follows:

(4) Records of ceiling price calculations. Every manufacturer must keep, and make available upon request, records of all his computations of ceiling prices made under the provisions of section 4 and Appendix E of this regulation.

10. The example in section 9 (f) is amended to read as follows:

Example. X, a wholesaler, customarily grants a trade discount of 3% to its customers. In selling gloves with ceiling of

\$2.02½ net, it may prepare the invoice as follows: Terms: 3%.

Lot No.	Quan- tity (dozen)	Description	Price	Amount
723	50	(Here give complete description of glove sold) \$2.02½ net per dozen. Retail ceiling price 23¢ per pair	\$2.08½	\$104.25

11. Appendix A is amended to read as follows:

APPENDIX A—TABLES OF BASE PRICES AND MATERIALS COST ADJUSTMENT FACTORS FOR COMPUTING CEILING PRICE FOR SALES BY MANUFACTURERS

(a) *Instructions for manufacturers.* 1. In using the following tables, bear in mind the rules for pricing by manufacturers which are stated in section 4 (How to find manufacturers' ceiling prices).

2. Base prices are stated in column A of the tables, per dozen pair of gloves. On shipments weighing 100 pounds, or more, the seller must prepay or allow transportation costs to the city of destination. However, where such shipments are made at transportation rates higher than freight rates, the seller is required to allow or prepay only that portion of the transportation cost which is equal to the freight cost on such shipments. On less than 100 pound shipments, the seller need not allow or prepay any transportation costs.

3. All ceiling prices are net 40 days, less 2% in 20 days. If the seller wishes, he may extend more favorable terms. But no seller may change these terms if the change would result under any circumstances in a higher net price.

4. If you meet the following conditions, you may multiply the appropriate base price listed in the tables by 1.035 (the "Band A Multiplier"):

(1) The "average straight time hourly earnings" for all "employees" in all plants, during the four weeks preceding the date of the certification described in (iii) below, was at least 69 cents per hour.

(a) "Average straight time hourly earnings" shall be computed by dividing the amount paid to all "employees" for straight time work during the period by the number of hours of straight time worked by "all employees" during the period. In computing the amount paid to "all employees," exclude all payments for overtime during the period. Exclude any amounts attributable to wage increases which are not "approved," within the requirements of subpart C of the Supplementary Wage and Salary Regulations issued by the Office of Economic Stabilization on March 8, 1946. Vacation pay may be included if actually paid during the four week period, but the amount of vacation pay so included shall not exceed one thirteenth of the amount of vacation pay to "employees" during the manufacturer's most recent fiscal year.

(b) "Employees" means those who perform productive or related operations in the manufacture of staple work gloves. Include working foremen and all non-supervisory workers engaged in fabricating, assembling, inspection, receiving, storage, handling, packing, shipping, maintenance, repair, janitorial, and record-keeping and other services closely associated with the above production operations. Exclude supervisory employees (above the working foreman level) and their clerical staffs.

(ii) The "average straight time hourly earnings" for all "experienced stitchers" in all plants, during the period in (i) above, was at least 69 cents per hour.

(a) Determine your "average straight time hourly earnings" according to the rules set forth in (i) (a) above.

(b) "Experienced stitchers" are those who have been employed as work glove stitchers for at least six months.

(iii) You have certified to the Office of Price Administration (on a form similar to that set forth in Appendix D) that you meet conditions (i) and (ii). Certifications shall be filed with the Apparel Price Branch, Office of Price Administration, Washington 25, D. C.

You must not sell or deliver at prices increased by the "Band A Multiplier" until you have received Office of Price Administration acknowledgment of your certification. Certifications which meet the requirements of this instruction will be acknowledged within 10 days of their mailing, and the acknowledgment will bear a number and the following words: "Band A, Revised Maximum Price Regulation 506, Office of Price Administration No. ."

After receiving your acknowledgment, and until three months after the beginning date of the period reported, you may sell and deliver at prices increased by the "Band A Multiplier" without recomputing your "average straight time hourly earnings." Thereafter, you must not sell or deliver any gloves at prices increased by the "Band A Multiplier" unless you have maintained the averages provided in (i) and (ii), above, for a period of three months prior to any such sale or delivery.

5. In Column B of the tables below the manufacturer will find the materials cost adjustment factor for each principal material used in the gloves specified. These materials cost adjustment factors must be used only in accordance with the provisions of section 4 and Appendix E of this regulation.

(b) *Tables of base prices and materials cost adjustment factors.*

TABLE 2—CANTON FLANNEL GLOVES, WITH DOUBLE THICKNESS NAP OUT PALM AND SINGLE THICKNESS BACK

	Column A		Column B	
	Manufacturers' base prices	Materials cost adjustment factors	Group I base price	Group II base price
Quilted palm:				
Knit wrist: ¹				
Men's 14½ oz. palm, 8 oz. stripe back	\$2.48½	\$2.70½	4.28	0.43
Men's 18 oz. palm, 8 oz. stripe back	2.68½	2.92½	4.93	0.43
Women's 18 oz. palm, 8 oz. stripe back	2.65½	2.89½	3.91	0.38
Men's 18 oz. palm, 10 oz. white back	2.73½	2.98	5.33	0.43
Women's 18 oz. palm, 10 oz. white back	2.70½	2.94½	4.23	0.38
Double safety:²				
Men's 18 oz. palm, 8 oz. stripe back	3.05	3.32½	5.86	---
Men's 18 oz. palm, 8 oz. stripe back with turtle neck not less than 10 oz.	3.10	3.38	6.30	---
Men's 18 oz. palm, 10 oz. white back	3.10	3.38	6.26	---
Men's 18 oz. palm, 10 oz. white back with turtle neck not less than 10 oz.	3.15	3.43½	6.70	---
Double gauntlet:³				
Men's 18 oz. palm, 8 oz. stripe back	3.55	3.87	7.24	---
Men's 18 oz. palm, 8 oz. stripe back with turtle neck not less than 10 oz.	3.60	3.92½	7.34	---
Men's 18 oz. palm, 10 oz. white back	3.60	3.92½	7.64	---
Men's 18 oz. palm, 10 oz. white back with turtle neck not less than 10 oz.	3.65	3.98	7.74	---
Processed palm:				
Knit wrist: ¹				
Men's 14½ oz. material palm, 8 oz. stripe back	2.56	2.70	4.28	0.43
Men's 18 oz. material palm, 8 oz. stripe back	2.73½	2.98	4.93	0.43
Women's 18 oz. material palm, 8 oz. stripe back	2.70½	2.95	3.91	0.38
Men's 18 oz. material palm, 10 oz. white back	2.76½	3.03½	5.33	0.43
Women's 18 oz. material palm, 10 oz. white back	2.78½	3.00	4.23	0.38
Double safety:¹				
Men's 18 oz. material palm, 8 oz. stripe back	3.10	3.38	5.86	---
Men's 18 oz. material palm, 8 oz. stripe back with turtle neck not less than 10 oz.	3.15	3.43½	6.30	---
Men's 18 oz. material palm, 10 oz. white back	3.15	3.43½	6.26	---
Men's 18 oz. material palm, 10 oz. white back with turtle neck not less than 10 oz.	3.20	3.49	6.70	---
Double gauntlet:²				
Men's 18 oz. material palm, 8 oz. stripe back	3.60	3.92½	7.24	---
Men's 18 oz. material palm, 8 oz. stripe back with turtle neck not less than 10 oz.	3.65	3.98	7.34	---
Men's 18 oz. material palm, 10 oz. white back	3.65	3.98	7.64	---
Men's 18 oz. material palm, 10 oz. white back with turtle neck not less than 10 oz.	3.70	4.03½	7.74	---

TABLE 3—HOT MILL GLOVES (INSEAM OR OUTSEAM, NAP IN OR NAP OUT)

	Quilted palm:			
Knit wrist: ¹ men's 12 oz. palm, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	\$3.61½	\$3.93½	8.25	0.43
Band top: ¹ men's 12 oz. palm and pull, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	4.02½	4.38½	9.45	---
Band top: ² men's 12 oz. palm, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	3.77½	4.11½	9.30	---

See footnotes at end of table.

TABLE 3—HOT MILL GLOVES (INSEAM OR OUT-SEAM, NAP IN OR NAP OUT)—Continued

	Column A	Column B		
	Manufacturers' base prices	Materials cost adjustment factors		
	Group I base price	Group II base price	Flannel factor	Tubing factor
Quilted palm:				
Double gauntlet, ³ men's 12 oz. palm and pull, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	\$4.67 ^{1/2}	\$5.00 ^{1/2}	10.56	---
Double gauntlet, ³ men's 12 oz. palm, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	4.47 ^{1/2}	4.87 ^{1/2}	10.41	---

TABLE 4—WHITE FLANNEL GLOVES, WITH DOUBLE THICKNESS PALM AND SINGLE THICKNESS BACK, NAP IN

	Group I base price	Group II base price	Flannel factor	Tubing factor
Quilted palm:				
Knit wrist, ¹ men's 18 oz. palm, 10 oz. back	\$2.68 ^{1/2}	\$2.92 ^{1/2}	5.83	0.43
Band top, ² men's 18 oz. palm, 10 oz. back	2.70	2.94	6.08	---
Double gauntlet, ³ men's 18 oz. palm, 10 oz. back	3.55	3.87	7.64	---

TABLE 5—DOUBLE THROUGHOUT, NAP OUT FLANNEL "CHORE" GLOVES

	Group I base price	Group II base price	Flannel factor	Tubing factor
Quilted material:				
Knit wrist:				
Men's 12-13 ^{1/2} oz.	\$2.61	\$2.84 ^{1/2}	4.60	0.43
Men's extra large 12-13 ^{1/2} oz.	2.73 ^{1/2}	2.98	5.10	.43
Women's 12-13 ^{1/2} oz.	2.58	2.81	3.91	.38
Men's 14 ^{1/2} oz.	2.71	2.95 ^{1/2}	5.34	.43
Men's extra large 14 ^{1/2} oz.	2.83 ^{1/2}	3.09	5.92	.43
Women's 14 ^{1/2} oz.	2.68	2.92	4.54	.38
Men's 16 oz.	2.81	3.06	5.90	.43
Men's extra large 16 oz.	2.93 ^{1/2}	3.20	6.54	.43
Women's 16 oz.	2.78	3.03	5.02	.38
Men's 18 oz.	3.00	3.27	6.64	.43
Men's extra large 18 oz.	3.13 ^{1/2}	3.41 ^{1/2}	7.36	.43
Double safety:				
Men's 12-13 ^{1/2} oz.	2.97 ^{1/2}	3.24	5.57	---
Men's 14 ^{1/2} oz.	3.07 ^{1/2}	3.35	6.46	---
Men's 16 oz.	3.17 ^{1/2}	3.46	7.14	---
Processed material:				
Knit wrist:				
Men's 12-13 ^{1/2} oz. material.	2.71 ^{1/2}	2.96	4.60	.43
Men's extra large 12-13 ^{1/2} oz. material.	2.83 ^{1/2}	3.09	5.10	.43
Women's 12-13 ^{1/2} oz. material.	2.68	2.92	3.91	.38
Men's 14 ^{1/2} oz. material.	2.78 ^{1/2}	3.04	5.34	.43
Men's extra large 14 ^{1/2} oz. material.	2.91	3.17	5.92	.43
Women's 14 ^{1/2} oz. material.	2.75 ^{1/2}	3.00	4.54	.38
Men's 16 oz. material.	2.88 ^{1/2}	3.14 ^{1/2}	5.90	.43
Men's extra large 16 oz. material.	3.01	3.28	6.54	.43
Women's 18 oz. material.	2.85 ^{1/2}	3.11	5.02	.38
Men's 18 oz. material.	3.11	3.39	6.64	.43
Men's extra large 18 oz. material.	3.23 ^{1/2}	3.52 ^{1/2}	7.36	.43
Double safety:				
Men's 12-13 ^{1/2} oz. material.	3.07 ^{1/2}	3.35	5.57	---
Men's 14 ^{1/2} oz. material.	3.15	3.43 ^{1/2}	6.46	---
Men's 16 oz. material.	3.25	3.54	7.14	---

TABLE 6—GUNN AND FOURCHETTE PATTERN TWO-THUMB (NOT REINFORCED), WHITE NAP OUT SINGLE THICKNESS CANTON FLANNEL GLOVES ("HUSKING" GLOVES)

	Group I base price	Group II base price	Flannel factor	Tubing factor
Gunn pattern:				
Knit wrist: ¹				
Men's 8 oz.	\$1.96	\$2.13 ^{1/2}	3.12	.43
Women's 8 oz.	1.93	2.10 ^{1/2}	2.47	.38
Men's 10 oz.	2.18 ^{1/2}	2.38	3.90	.43
Women's 10 oz.	2.15 ^{1/2}	2.35	3.29	.38
Men's 12 oz.	2.41	2.62 ^{1/2}	4.68	.43
Fourchette pattern:				
Knit wrist: ¹				
Men's 8 oz.	2.11	2.30	3.35	.43
Women's 8 oz.	2.08	2.26 ^{1/2}	2.70	.38
Men's 10 oz.	2.33 ^{1/2}	2.54 ^{1/2}	4.19	.43
Women's 10 oz.	2.30 ^{1/2}	2.51	3.38	.38
Men's 12 oz.	2.56	2.79	5.03	.43

TABLE 7—TWO-THUMB WHITE NAP OUT SINGLE THICKNESS CANTON FLANNEL WELT SEAM MITTENS

	Column A	Column B		
	Manufacturers' base prices	Materials cost adjustment factors		
	Group I base price	Group II base price	Flannel factor	Tubing factor
Knit wrist: ³				
Men's 12 oz. palm and thumb, with 6 oz. thumb reinforcement	\$2.56	\$2.79	4.92	0.43
Women's 10 oz. palm and thumb, with 6 oz. thumb reinforcement	2.15 ^{1/2}	2.35	3.63	.38

TABLE 12—LEATHER COMBINATION GLOVES (LINED LEATHER PALM, 8 OZ. CANTON FLANNEL BACK)—Continued

	Column A	Column B		
	Manufacturers' base prices	Materials cost adjustment factors		
	Group I base price	Group II base price	Flannel factor	Tubing factor
No. 12/1. Clute pattern—split palm, ⁶ 5 oz. or heavier lining, without leather finger tips, not more than $\frac{3}{4}$ leather thumb, 6 oz. canton back:				
A. Men's knit wrist ¹	\$3.52	\$3.83 ^{1/2}	1.91	.43
B. Women's knit wrist ¹	3.41 ^{1/2}	3.72	1.60	.38
C. Men's single ply safety (not less than $\frac{2}{3}$ " finished)	3.62 ^{1/2}	3.96	2.38	---
D. Men's single ply gauntlet (not less than $\frac{4}{5}$ " finished)	3.76	4.10	2.89	---
E. Women's single ply gauntlet (not less than 4" finished)	3.66	3.99	2.43	---
No. 13. Gunn pattern—knit wrist, ¹ 6 oz. or heavier palm lining, leather finger tips:				
A. Men's split palm, ⁶ $\frac{3}{4}$ leather thumb	5.14	5.60 ^{1/2}	1.90	.45
B. Men's side split palm, ⁶ $\frac{3}{4}$ leather thumb	6.07	6.62	1.90	.45
C. Men's heavy side split palm, ⁶ $\frac{3}{4}$ leather thumb	6.34 ^{1/2}	6.92	1.90	.45
D. Men's side split palm, ⁷ full leather thumb and forefinger	7.22	7.87	1.41	.45
E. Men's heavy side split palm, ⁷ full leather thumb and forefinger	6.39 ^{1/2}	6.97	1.80	.45
F. Men's heavy side split palm, ⁷ full leather thumb and forefinger	6.59 ^{1/2}	7.19	1.80	.45
No. 13/1. Gunn pattern—knit wrist, ¹ 6 oz. or heavier palm lining, leather finger tips:				
A. Men's single safety (not less than $\frac{2}{3}$ " finished)	5.20 ^{1/2}	5.67 ^{1/2}	2.37	---
B. Men's double safety	5.40 ^{1/2}	5.87	2.83	---
C. Men's single gauntlet (not less than $\frac{4}{5}$ " finished)	5.30 ^{1/2}	5.78	2.88	---
D. Men's double gauntlet (not less than $\frac{4}{5}$ " finished)	5.68	6.19	3.86	---
No. 14. Gunn pattern, 6 oz. or heavier palm lining, leather finger tips, waterproof safety: ²				
A. Men's split palm, ⁶ $\frac{3}{4}$ leather thumb	5.45 ^{1/2}	5.94 ^{1/2}	2.65	---
Women's split palm, ⁶ $\frac{3}{4}$ leather thumb	5.35 ^{1/2}	5.83 ^{1/2}	2.28	---
B. Men's split palm, ⁶ $\frac{3}{4}$ leather thumb, leather pull, leather knuckle strap	6.15 ^{1/2}	6.71	2.65	---
C. Men's side split palm, ⁷ full leather thumb, leather pull, leather knuckle strap	7.18 ^{1/2}	7.83	2.55	---
Women's side split palm, ⁷ full leather thumb, leather pull, leather knuckle strap	7.08 ^{1/2}	7.72 ^{1/2}	2.10	---
C/1. Men's heavy side split palm, ⁷ full leather thumb, leather pull, leather knuckle strap	7.43 ^{1/2}	8.10 ^{1/2}	2.55	---
Women's heavy side split palm, ⁷ full leather thumb, leather pull, leather knuckle strap	7.33 ^{1/2}	7.99 ^{1/2}	2.18	---
D. Men's side split palm, ⁷ full leather thumb and forefinger, leather pull, leather knuckle strap	7.38 ^{1/2}	8.05	2.55	---

See footnotes at end of table.

TABLE 12—LEATHER COMBINATION GLOVES
(LINED LEATHER PALM, 8 OZ. CANTON FLANNEL
BACK)—Continued

	Column A		Column B	
	Manufacturers' base prices	Materials cost adjustment factors	Flannel factor	Tubing factor
	Group I base price	Group II base price		
No. 14—Continued.				
D/1. Men's heavy side split palm, ⁸ full leather thumb and forefinger, leather pull, leather knuckle strap.	\$7.71	\$8.40 ^{1/2}	2.55	----
E. Men's side split palm, ⁷ full leather thumb and forefinger, leather pull, $\frac{3}{4}$ length leather back.	7.71	8.40 ^{1/2}	2.55	----
E/1. Men's heavy side split palm, ⁸ full leather thumb and forefinger, leather pull, $\frac{3}{4}$ length leather back.	7.96	8.67 ^{1/2}	2.55	----
G. Men's side split palm, ⁷ full leather thumb and forefinger, leather pull, $\frac{3}{4}$ length leather back.	7.91	8.62	2.55	----
G/1. Men's heavy side split palm, ⁸ full leather thumb and forefinger, leather pull, $\frac{3}{4}$ length leather back.	8.23 ^{1/2}	8.97 ^{1/2}	2.55	----
H. Men's heavy side split palm, ⁸ full leather thumb and finger backs, leather pull, leather knuckle strap.	8.23 ^{1/2}	8.97 ^{1/2}	2.55	----
Men's heavy side split palm, ⁸ full leather thumb and finger backs, leather pull.	8.01	8.73	2.55	----
H/1. Clute pattern—Men's heavy side split palm, ⁸ full leather thumb and finger backs, leather pull, leather knuckle strap.	8.08	8.80 ^{1/2}	2.64	----
Clute pattern—Men's heavy side split palm, ⁸ full leather thumb and finger backs, leather pull.	7.85 ^{1/2}	8.56	2.64	----
No. 15. Gunn pattern—6 oz. or heavier palm lining, leather finger tips, waterproof gauntlet:				
A. Men's split palm, ⁸ $\frac{3}{4}$ leather thumb, gauntlet cuff ¹⁰ .	5.93	6.46 ^{1/2}	3.48	----
Women's split palm, ⁸ $\frac{3}{4}$ leather thumb, gauntlet cuff ¹⁰ .	5.83	6.35 ^{1/2}	3.02	----
B. Men's split palm, ⁸ $\frac{3}{4}$ leather thumb, leather pull, leather knuckle strap, gauntlet cuff ¹⁰ .	6.65 ^{1/2}	7.25 ^{1/2}	3.48	----
C. Men's side split palm, ⁷ full leather thumb, leather pull, leather knuckle strap, gauntlet cuff ¹⁰ .	7.71	8.40 ^{1/2}	3.38	----
Women's side split palm, ⁷ full leather thumb, leather pull, leather knuckle strap, gauntlet cuff ¹⁰ .	7.56	8.24	2.92	----
C/1. Men's heavy side split palm, ⁸ full leather thumb, leather pull, leather knuckle strap, gauntlet cuff ¹⁰ .	7.96	8.67 ^{1/2}	3.38	----
Women's heavy side split palm, ⁸ full leather thumb, leather pull, leather knuckle strap, gauntlet cuff ¹⁰ .	7.86	8.56 ^{1/2}	2.82	----
D. Men's side split palm, ⁷ full leather thumb and forefinger, leather pull, leather knuckle strap, gauntlet cuff ¹⁰ .	7.91	8.62	3.38	----
D/1. Men's heavy side split palm, ⁸ full leather thumb and forefinger, leather pull, leather knuckle strap, gauntlet cuff ¹⁰ .	8.23 ^{1/2}	8.97 ^{1/2}	3.49	----

TABLE 12—LEATHER COMBINATION GLOVES
(LINED LEATHER PALM, 8 OZ. CANTON FLANNEL
BACK)—Continued

	Column A		Column B	
	Manufacturers' base prices	Materials cost adjustment factors	Flannel factor	Tubing factor
	Group I base price	Group II base price		
No. 15—Continued.				
E. Men's side split palm, ⁸ full leather thumb and forefinger, leather pull, $\frac{3}{4}$ length leather back, gauntlet cuff ¹⁰ .	\$8.18 ^{1/2}	\$8.92	3.38	----
E/1. Men's heavy side split palm, ⁸ full leather thumb and forefinger, leather pull, $\frac{3}{4}$ length leather back, gauntlet cuff ¹¹ .	8.48 ^{1/2}	9.25	3.49	----
G. Men's side split palm, ⁷ full leather thumb and forefinger, leather pull, $\frac{3}{4}$ length leather back, gauntlet cuff ¹¹ .	8.38 ^{1/2}	9.14	3.49	----
G/1. Men's heavy side split palm, ⁸ full leather thumb and forefinger, leather pull, $\frac{3}{4}$ length leather back, gauntlet cuff ¹¹ .	8.76	9.55	3.49	----
H. Men's heavy side split palm, ⁸ full leather thumb and finger backs, leather pull, leather knuckle strap, gauntlet cuff ¹¹ .	8.76	9.55	3.49	----
Men's heavy side split palm, ⁸ full leather thumb and finger backs, leather pull, gauntlet cuff ¹¹ .	8.53 ^{1/2}	9.30 ^{1/2}	3.49	----
H/1. Clute pattern—men's heavy side split palm, ⁸ full leather thumb and finger backs, leather pull, leather knuckle strap, gauntlet cuff ¹¹ .	8.58	9.35	3.58	----
Clute pattern—men's heavy side split palm, ⁸ full leather thumb and finger backs, leather pull, gauntlet cuff ¹¹ .	8.38	9.13 ^{1/2}	3.58	----

¹ Knit wrist—Maximum weight of tubing 12 yards per pound. Minimum wrist length: men's, $2\frac{1}{2}$ " finished; women's and small women's $2\frac{3}{4}$ " finished; men's extra large, $2\frac{3}{4}$ " finished.

² Band top—Same weight material as glove. Minimum wrist length: men's $1\frac{1}{2}$ " finished; women's and small women's $1\frac{1}{2}$ " finished.

³ Gauntlet cuff—Double, 2-ply thickness, not less than $5^{\prime\prime}$ finished.

⁴ Gauntlet cuff—Double, 2-ply thickness, not less than $4\frac{1}{2}$ " finished.

⁵ Safety cuff—Double, 2-ply thickness, not less than $2\frac{1}{2}$ " finished.

⁶ Shoulders and other pound stock (except middle splits), and light weight side split leather not in excess of 2 oz. per square foot.

⁷ Average minimum weight of palm leather $2\frac{1}{4}$ oz. per square foot. Either cow or horse side split.

⁸ Average minimum weight of palm leather 3 oz. per square foot. Either cow or horse side split.

⁹ Safety cuff—Waterproofed. Minimum length of cuff: Men's $2\frac{1}{2}$ " finished; women's $2\frac{1}{2}$ " finished. Weight of cuff material not less than 23 oz. per square yard.

¹⁰ Gauntlet cuff—Waterproofed. Minimum length of cuff: Men's, $4\frac{1}{2}$ " finished; women's, $4\frac{1}{2}$ " finished. Weight of cuff material not less than 23 oz. per square yard.

¹¹ Gauntlet cuff—Waterproofed, not less than $5^{\prime\prime}$ finished. Weight of cuff material not less than 23 oz. per square yard.

12. An undesigned paragraph is added to be inserted between the fourth and fifth undesigned paragraphs of Appendix B, as follows:

Where the supplier's net ceiling price per dozen is higher than the highest price listed in Column 1 of the tables the retail ceiling price per pair is found as follows:

(1) Take one-half of the supplier's net ceiling price per dozen and find the retail ceiling price per pair listed in Column 2 opposite that amount:

(2) Multiply that retail ceiling price per pair by 2.

13. The title of Appendix C and the title of the form therein are amended to read as follows:

APPENDIX C—SUGGESTED FORM TO BE USED BY MANUFACTURERS IN APPLYING FOR BASE PRICES AND MATERIALS COST ADJUSTMENT FACTORS UNDER SECTION 4 (B)

APPLICATION FOR AN AUTHORIZED BASE PRICE AND MATERIALS COST ADJUSTMENT FACTORS

14. Appendix D is amended to read as follows:

APPENDIX D—SUGGESTED FORM TO BE USED BY MANUFACTURERS FOR CERTIFICATION OF RIGHT TO USE "BAND A MULTIPLIER"

(This is a suggested form. Copies will not be supplied by the Office of Price Administration.)

CERTIFICATION FOR RIGHT TO USE BAND A MULTIPLIER FOR STAPLE WORK GLOVES UNDER RMPR 506

Date of certification _____

1. Name and address of company: _____

2. Addresses of all plants manufacturing staple work gloves: _____

3. Four-week period covered by this certification:

4. (a) Average number of factory employees (as defined in Instruction 4 in Appendix A) during period indicated in (3) above: _____

(b) Total straight time manhours worked by factory employees during the same period: _____

(c) Total amount paid to employees for straight time work for the same period: \$ _____

(d) Average straight time hourly wage: (c) \div (b) = \$ _____ per hour.

5. (a) Average number of experienced stitchers (as defined in Instruction 4 in Appendix A) employed during period indicated in (3) above: _____

(b) Total straight time manhours worked by stitchers during the same period: _____

(c) Total amount paid to stitchers for straight time work for the same period: \$ _____

(d) Average hourly wage: (c) \div (b) = \$ _____ per hour.

For the purpose of qualifying to use Band A Multiplier, I hereby certify that the foregoing information is correct and true.

Signed _____
Position _____

15. A new Appendix, designated Appendix E, is added, to read as follows:

APPENDIX E—MATERIALS COST ADJUSTMENT FOR MANUFACTURERS

(a) *What this Appendix does.* This Appendix provides a method whereby a manufacturer who has a properly established base price for any work glove under this regulation may add to such base price an adjustment for specified changes in materials cost to arrive at his ceiling price for that glove.

The adjustment shall be computed by a manufacturer as directed in (c) below.

(b) *Effective period for "material cost adjustment" under this Appendix.* A new material cost adjustment, computed in accordance with (c) below, shall be made every month. Such material cost adjustment shall become effective on the 25th day of every calendar month. It shall remain in effect for all gloves delivered by the manufacturer through the 24th day of the following calendar month. For gloves delivered from September 11, 1946, through September 24, 1946 the material cost adjustment, computed by the manufacturer under (c) below (on the basis of the ceiling prices prevailing on August 10, 1946 for the principal materials used in the glove), shall become effective September 11, 1946.

(c) *How materials cost adjustment is computed.* The materials for which adjustments are provided by this section are canton flannel, cotton jersey and cotton tubing. To calculate the materials cost adjustment which he may add as of the 25th day of any calendar month, to his base price for any work glove covered by this regulation, manufacturer shall follow the procedure set forth below:

Step I. In Column B of each of the tables in Appendix A there is provided an adjustment factor for each of the principal materials (canton flannel, jersey or cotton tubing) used in each glove listed in Column A of that Appendix. For the particular glove being priced, find the applicable adjustment factor, or factors, in Column B. (For a glove not listed in Appendix A, the manufacturer will find the adjustment factors specified in the order of authorization granted him by the Office of Price Administration under section 4 (b) or if no adjustment factors have yet been authorized him after application therefor, he may use temporary factors in accordance with the provisions of section 4 (b).

Step II. Find the "difference in ceiling price" for each of the principal materials for which an adjustment factor is provided, as follows:

(1) *Canton flannel.* Subtract the ceiling price per yard of 8 oz. white canton flannel in effect on June 30, 1946, from the ceiling price per yard of that material in effect on the 10th day of the calendar month in which the materials cost adjustment becomes effective.

(2) *Cotton jersey.* Subtract the ceiling price per pound of cotton jersey in effect on June 30, 1946, from the ceiling price per pound of that material in effect on the 10th day of the calendar month in which the materials cost adjustment becomes effective.

(3) *Cotton tubing.* Subtract the ceiling price per pound of cotton tubing in effect on June 30, 1946, from the ceiling price per pound of that material in effect on the 10th day of the calendar month in which the materials cost adjustment becomes effective.

As used in (1), (2), and (3) above, the ceiling price of any material means the maximum net price which the manufacturer could lawfully be charged for such material if purchased on his customary terms from the source of supply most used by him in purchasing these materials during the six months ending March 31, 1942.

Step III. Multiply each principal material adjustment factor found in Step I by the amount of the difference in ceiling price for that principal material found in Step II above. The sum of all such multiplications is the amount of the materials cost adjustment factor for the glove being priced.

(d) *Example of computation of materials cost adjustment under this Appendix.* The following example illustrates how a manufacturer computes his materials cost adjustment for the period September 25, 1946 through October 24, 1946. The figures used

as ceiling prices for materials are illustrative only.

Example: Manufacturer X has a Group I base price of \$1.58½ per dozen for a 6 oz. men's Clute pattern knit wrist glove. Under Step I of (c) above, he finds in Column B of Table I of Appendix A a flannel adjustment factor of 2.03 and a tubing adjustment factor of .43 for this glove. Under Step II of (c) above he finds the difference in ceiling price for 8 oz. white canton flannel and for cotton tubing between June 30, 1946 and September 10, 1946 to be 5¢ per yard for flannel and 5¢ per pound for cotton tubing. Under Step III he multiplies the 5¢ per yard canton flannel difference by 2.03 and the 5¢ per pound tubing difference by .43 and arrives at a total materials cost adjustment of 12½¢ (5¢ × 2.03 + 5¢ × .43 = 12.30¢, rounded out to 12½¢). Therefore, X's ceiling price for this glove for the period from September 25, 1946 through October 24, 1946 is \$1.71 per dozen (base price of \$1.58½ plus materials cost adjustments of 12½¢). For the period October 25, 1946 through November 24, 1946 X will calculate a new adjustment on the basis of materials ceiling prices in effect on October 10, 1946.

This amendment shall become effective September 11, 1946.

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

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16607; Filed, Sept. 13, 1946;
9:00 a.m.]

PART 1375—EXPORT PRICES

[3d Rev., Max. Export Price Reg., Amdt. 1]

EXPORT PRICES

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

Third Revised Maximum Export Price Regulation is amended in the following respects:

1. Section 6 (d) is amended by inserting the following phrase between the date "August 20, 1946" and the words "a producer-exporter": "or which is not specifically set out in this regulation."

2. Section 24, Appendix A, is amended by adding the following commodities and markups to the table of specific commodity export markups listed thereunder:

Commodity	Export markup (need not be less than \$20)	Special provisions
	Percent	
Cement.....	10	
Hops.....	25 40	On sales to Canada. On sales to destinations other than Canada.

3. Table 1 under Appendix B is amended to read as follows:

TABLE 1—COAL

The maximum price for export sales including sales to purchasing missions of foreign

governments of coal to all areas except Canada shall be determined for the types of sellers named below by taking the basic price specified below and adding the applicable expenses shown below and markups if qualified as shown below:

Type of seller	Basic price	Markups per net ton of 2,000 pounds
Producer.....	Exporter's maximum domestic price for the particular type or grade of coal as established by MPR 112 or MPR 120.	Cents 40
Export merchant or producer buying and reselling for his own account.	Maximum domestic price applicable to a current sale of the coal to the exporter as established by MPR 112, MPR 120 or RMPR 122.	60

Additions: 1. If the contract of sale stipulates that railroad demurrage charges shall be for the account of the exporter and not charged to the buyer outside of the continental United States, add 15 cents per net ton to the above markups.

2. On sales of less than 2,000 net tons, add 10 cents per net ton to the above markups.

3. If coal is bagged for shipment, add in lieu of all other markups under this table the following:

Number of net tons	Mark-up per net ton of 2,000 pounds	Total mark-up need not be less than
1 to 50.....	\$3.00	
51 to 100.....	2.00	\$150.00
101 to 250.....	1.50	200.00
251 to 500.....	1.00	375.00
Over 500.....	.80	500.00

4. Add actual export expenses incurred as determined under Section 4 not included above.

Qualifications for mark-ups. Notwithstanding any other provisions of this regulation, a seller may add a mark-up under this Table 1 if he qualifies by performing all of the following functions:

1. Inspects or arranges for inspection of coal at mines or at dock.

2. Arranges for all necessary permits and governmental clearances.

3. Assembles cargo.

4. Prepays railroad freight.

5. Makes shipment to purchaser outside of the continental United States either directly or through the seller's or purchaser's agent or confirming house.

6. Sends an invoice (original or copy) directly to the purchaser located outside the continental United States and not through the medium of a third party; except, however, that if the exporter receives payment from a commercial bank located in the continental United States and the terms of payment require that invoices be presented to and forwarded by the bank, this function may be so performed.

7. Obtains an export license (where one is required) in his own name unless a blanket license is issued to the foreign purchaser or agent of such purchaser.

8. Keeps records of the transactions as required in section 17.

Note: The maximum prices for bituminous coal delivered or handled from shore facilities in the continental United States for use as bunker fuel on the vessel to which the delivery is made shall be determined in accordance with the provisions of Maximum

Price Regulation 189, regardless of the nationality of the vessel.

4. Table 7 under Appendix B is amended to read as follows:

TABLE 7—LUMBER—HARDWOOD

The maximum price for export sales of hardwood lumber, the domestic prices for which are established under RMPR 97, MPR 146 and MPR 155 shall be determined for any seller by taking the applicable basic price specified below and adding the mark-ups and expenses shown below:

Type of seller	Basic price	Mark-up
Any person	Maximum price, f. o. b. mill, applicable under RMPR 97, MPR 146, and MPR 155.	To Cuba—20 percent of basic price; all other destinations (except Canada) 25 percent of basic price.

Add actual export expenses incurred as determined under section 4.

5. Table 12 under Appendix B is amended to read as follows:

TABLE 12—TEXTILES

The maximum price for export sales of textiles, whether woven, twisted, or knitted, containing 75% or more by weight of cotton or artificial fibre, or a mixture of cotton and artificial fibre, including but not limited to finished piece goods and grey goods regardless of width, and articles which are transformed from piece goods into finished articles simply by cutting and/or hemming and/or overedging (but not including wearing apparel), and yarn, thread, twine and rope of cotton or artificial fibre for the types of sellers as shown below shall be determined by taking the applicable basic price specified below and adding the applicable markup and expenses and making the deductions shown below:

Type of seller	Basic price	Mark-up
Manufacturer, producer or converter.	Maximum price applicable on a sale to a domestic purchaser similar to his foreign purchaser.	3% of basic price on sales to Canada; 7% of basic price for all other destinations.

Additions: Add actual export expenses incurred as determined under section 4.

Deductions: Make the deductions required under section 5.

This amendment shall become effective September 11, 1946.

Issued this 11th day of September 1946.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 46-16806; Filed, Sept. 13, 1946; 8:51 a. m.]

PART 1340—FUEL
[MPR 120, Amdt. 162]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

Correction

In Federal Register Document 46-14673, appearing on page 9127 of the issue for Thursday, August 22, 1946, the second line of the second paragraph of the document should read: "nated § 1340. 210 (a) (4) (i) and a new".

PART 1351—FOOD AND FOOD PRODUCTS
[FPR 11, Amdt. 2 to Supp. 19 (§ 1351.485)]
PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1946 AND LATER PACKS

Correction

In Federal Register Document 46-14490, appearing at page 9118 of the issue for Thursday, August 22, 1946, the bracket heading should read as set forth above.

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

[RMPR 129, Amdt. 13]

CERTAIN CONVERTED PAPER PRODUCTS AND CERTAIN INDUSTRIAL PAPERS

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

Revised Maximum Price Regulation 129 is amended in the following respects:

To footnote 5 in Appendix A the following paragraph is added:

Each manufacturer of jumbo rolls of toilet tissue or towels containing 50% or more of chemical pulp may increase his maximum prices prevailing during the base period on these commodities by an amount not exceeding 5% on sales to converters; *Provided*, That if such a manufacturer has been granted an individual adjustment of his maximum price on such a commodity, he may charge either his adjusted price or his unadjusted price plus 5%, whichever is higher.

This amendment shall become effective September 18, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 13 TO REVISED MAXIMUM PRICE REGULATION 129

The accompanying amendment provides an increase not to exceed 5 per cent in the maximum base period prices of jumbo roll toilet tissue and jumbo roll paper toweling having a chemical pulp content of 50 per cent or more, when sold by the manufacturer to a toilet tissue or paper towel converter.

A study has been made which reveals that the production and sales of jumbo rolls of tissue and toweling to converters has declined from 10 per cent to approximately 6.5 per cent of the normal volume of the toilet tissue and toweling industry. Thus during the first five months of 1946 the manufacturers of jumbo rolls of toilet tissue and toweling stock have supplied the independent converters with 33 per cent less jumbo roll stock than during the comparable period in 1945. This situation has arisen because the manufacturers, faced with increased costs and not realizing sufficient profit from the manufacture of toilet tissue and toweling jumbo roll stock, have diverted production to more profitable products. Reports indicate that this trend has accelerated during July and August. Consequently, the converters of jumbo rolls are

confronted with a serious lack of their prime conversion material. This maladjustment is significant not only because current operations are impaired, but because the relationship of converters to the large vertically-integrated producers of tissue and toweling may be jeopardized for many years.

This action is necessary in the judgment of the Administrator to maintain the present supply of jumbo rolls of toilet tissue and toweling to the converters, and thereby to permit converters to continue their operations during the transition period. In view of the recent increase of 6% granted on the converted product, this increase in jumbo roll prices can be absorbed by the converters since the converters will net an increase of approximately 2 per cent as a result of the two amendments.

Since some manufacturers of jumbo rolls of toilet tissue and toweling stock have already received adjustments, each manufacturer may, under this amendment, elect to take his individual adjustment or the industry-wide adjustment, whichever is higher, but in no event may he add the industry adjustment to his individual adjustment.

After due consideration of the foregoing, I find that Amendment 13 to Revised Maximum Price Regulation 129 is in accordance with and will effectuate the purposes of Executive Order 9599 and the Emergency Price Control Act of 1942, as amended.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16743; Filed, Sept. 13, 1946; 12:03 p. m.]

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

[RMPR 187, Amdt. 13]

CERTAIN PAPERBOARD PRODUCTS

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

Revised Maximum Price Regulation 187 is amended in the following respects:

In Appendix C (b) (1) a footnote reference⁸ is added after each listed price, and a footnote⁹ is added to read as follows:

⁸ If the bottles are manufactured east of the Rocky Mountains and sold for delivery west of the Rocky Mountains or manufactured west of the Rocky Mountains and sold for delivery east of the Rocky Mountains, the maximum price established shall be f. o. b. seller's plant.

This amendment shall become effective September 18, 1946.

Issued this 13th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

⁸ F. R. 14395, 17367; 9 F. R. 1320, 2464, 4782; 10 F. R. 7851, 12446; 11 F. R. 7081, 8219, 8677.

STATEMENT OF CONSIDERATIONS INVOLVED
IN THE ISSUANCE OF AMENDMENT 13 TO
RMPR 187

This amendment extends the prices established by Amendment 11 to Revised Maximum Price Regulation 187 to sales by Eastern manufacturers to purchasers on the Pacific Coast. Amendment 11 to Revised Maximum Price Regulation 187 inadvertently excluded this class of sales.

This action is required to maintain the normal price relations established in the industry and to maintain the supply of Pure Pak milk bottles to Pacific Coast users. This amendment will permit the Eastern manufacturers to sell to their several Pacific Coast customers at prices set forth in Appendix C of Revised Maximum Price Regulation 187, f. o. b. seller's plant. Prior to the issuance of this amendment, the Eastern manufacturers were required to sell to Pacific Coast customers at prices based on the prices in effect during the October 1-31, 1941, base period and, as a result had practically discontinued such sales. Since the prices established are f. o. b. mill the present action will not increase the mfr's return but will make it possible for Pacific Coast customers to purchase milk bottles at the same prices paid by other purchasers.

Although there is considerable difference between the selling practices of the Eastern and the Western manufacturers, this amendment will result in approximately equal average prices for these groups of manufacturers on sales west of the Rocky Mountains.

The action also establishes maximum prices for sales by Pacific Coast manufacturers to areas east of the Rocky Mountains in order to provide comparable prices for sales which are expected but on which no price has hitherto been established. The prices established are the same as prices established for sales of producers located east of the Rocky Mountains and, therefore, they represent no price increase.

The accompanying amendment has been discussed with representative manufacturers of Pure Pak milk bottles and due consideration has been given to their recommendations.

In view of the foregoing considerations, it has been determined that the accompanying amendment to Revised Maximum Price Regulation 187 is consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Order 9599.

Issued this 13th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16745; Filed, Sept. 13, 1946;
12:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14F, Amdt. 23]

CHLORINE, CAUSTIC SODA AND SODA ASH

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

has been filed with the Division of the Federal Register.

Supplementary Regulation 14F is amended as follows:

Section 38 is added to read as follows:

SEC. 38. *Chlorine, caustic soda, and soda ash*—(a) *Sales by producers*. The maximum prices for a producer's sales of chlorine, caustic soda, or soda ash to any class of purchasers shall be the producer's maximum price for sales to that class of purchasers of chlorine, caustic soda, or soda ash established under the General Maximum Price Regulation increased by 5%.

(b) *Sales by resellers*. The maximum prices per pound for sales by resellers of chlorine, caustic soda, or soda ash shall be the sum of (1) the reseller's cost of acquisition per pound of chlorine, caustic soda, or soda ash and (2) the percentage markup he had in effect on March 31, 1946, to the same class of purchaser on sales of chlorine, caustic soda, or soda ash, as the case may be.

(c) *Notification*. Every seller, who increases his maximum price on or after September 16, 1946, for sales of chlorine, caustic soda, or soda ash, under the provisions of this section shall with or prior to the first delivery to any buyer at the increased price, furnish such buyer a written notice with the invoice or bill, setting forth the seller's maximum price for the sale of chlorine, caustic soda, or soda ash, as the case may be, established under the General Maximum Regulation, and the adjusted ceiling price (not in excess of the maximum price under this section), for such sale.

(d) *Freight and trade practices*. The maximum prices established by paragraphs (a) and (b) above shall be subject to the freight and trade practices in effect on sales of chlorine, caustic soda, or soda ash, as the case may be, by that seller in March 1942.

This amendment shall become effective September 16, 1946.

Issued this 13th day of September 1946.

JAMES G. ROGERS, JR.,
Acting Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED
IN THE ISSUANCE OF AMENDMENT 23 TO
SUPPLEMENTARY REGULATION 14F

The accompanying amendment increases the maximum prices established by the General Maximum Price Regulation for producer's sales of chlorine, caustic soda, and soda ash and adjusts maximum prices for sales by resellers.

These products are a group of related products produced jointly by electrolytic and chemical methods. They are among the most important basic chemicals and are used in various ways in the basic industries and the manufacture of finished products.

The previously prevailing maximum prices for sales of these products were established by individual seller sales during March 1942, the base period for the General Maximum Price Regulation. The manufacturers who produce these commodities are multi-line companies.

This Office has completed a survey of the first quarter 1946 costs and the first half of 1946 overall earnings of 5 companies whose operations are believed to be representative of the industry and account for approximately 38% of the merchant production of these products. The sales of subject commodities represent 42% of the total sales made by these companies in 1945. The present overall earnings position of these companies is unfavorable compared with a normal peacetime period (1936-1939). Since none of the subject products is manufactured by single line companies, the industry earnings standard would not apply to this product group. The application of the transition product standard in the pricing of these items however, would result in the granting of a price sufficient to enable these producers to recover no more than the total costs of production of these products. Manifestly, the extension of this principle to all the product lines of these multi-line companies would result only in a recovery of overall total costs, without any allowance for a profit. Under the circumstances, the Administrator finds that there should be an increase in the ceiling prices of the subject products which will allow total costs plus a margin of profit which, if similarly realized on the sale of all other products, would result in the attainment of the desired base period profit ratio.

At the present time, based on the first half 1946 earnings, the over-all rate of return on net worth is 7.16%. In order for these companies to get their base period return on net worth each product would have to earn a profit of 11.71% on its sales price. During the first quarter of 1946 the ratio of profit to sales of the subject commodities was 9.03%. The first quarter 1946 cost statements covering these three products were adjusted to take into consideration subsequent increases in the cost of coal and approved wage increases. After adjustment for these known cost increases the industry earns 6.82% on net sales of subject products. No adjustment in costs reflecting anticipated changes in sales volume has been made since it is expected that the rate of production experienced during the reporting period will not change materially during the next 12 months. Accordingly, an increase of 5% over the previously prevailing prices is required for producer's sales of these three products.

The maximum prices established by this amendment for sales of subject commodities by resellers are computed by adding the reseller's cost of acquisition of the specific lot of chlorine, caustic soda, or soda ash and the percentage markup the reseller had in effect on March 31, 1946, to the same class of purchasers on sales of chlorine, caustic soda, or soda ash, as the case may be.

Insofar as practicable the industry was consulted and due consideration was given to its recommendations.

In the opinion of the Administrator, the present action is consistent with and effectuates the purposes of the Emergency Price Control Act of 1942, as

amended, and the Executive Orders of the President.

Issued this 13th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16740; Filed, Sept. 13, 1946;
12:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14,¹ Amdt. 42]

FACIAL TISSUES

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

A new section 4.3 is added to Article IV of 2d Revised Supplementary Regulation 14 to read as follows:

SEC. 4.3 *Facial tissue.* (a) Each manufacturer may add to his maximum price of packaged facial tissue prevailing during March 1942, as established under the General Maximum Price Regulation, a sum not to exceed 8.0%. This increase shall not apply to packaged facial tissue made wholly of wood pulp of high alpha cellulose content, tissues which have been perfumed or medicated, tissues with an area of less than 80 sq. in. or more than 90 sq. in.

(b) A manufacturer who has received an individual adjustment of his maximum price of packaged facial tissue may elect to charge the industry-wide increase granted in paragraph (a) above, or his adjusted prices, whichever is higher, but in no event shall this industry-wide increase be added to an individually adjusted maximum price.

(c) Whenever the application of the 8% increase results in a fraction of $\frac{1}{2}\%$ or more, the maximum price may be rounded out to the nearest cent by a manufacturer on a gross basis, by a distributor on a case basis and by a retailer on a package basis, but if the fraction results in less than $\frac{1}{2}\%$, the seller shall drop the fraction in computing his maximum price for the appropriate unit.

(d) Instead of applying the 8% increase as provided in paragraph (a) above, each manufacturer and reseller may elect to reduce his sheet count per package by not more than 7.4% and sell the package at a price not to exceed the maximum price in effect during March 1942.

This amendment shall become effective September 18, 1946.

Issued this 13th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 42 TO REVISED SUPPLEMENTARY REGULATION 14

The accompanying amendment provides for an 8 percent increase in the

ceiling prices of packaged facial tissue. This increase does not apply to facial tissue made wholly of woodpulp of high alpha cellulose content, tissues which have been perfumed or medicated, or tissues with an area of less than 80 sq. in. or more than 90 sq. in.

The Office of Price Administration in a survey embracing companies producing over 75 percent of facial tissue output, found that an increase in the maximum prices was required by law to return the industry to its base period earnings rate during the next 12 months.

The total sales of this product are estimated at \$27,500,000 for the current year. The increase allowed by this action will result in an estimated \$2,200,000 of increased returns to the manufacturers. This amount of relief is computed by using the 1945 experience of the companies under survey and the experience of the first accounting quarter of 1946. Adjustments are made for known recurring cost increases (other than wage increases) which arose subsequent to March 31, 1946. No average wage increase has been projected for the industry as a whole. However, the use of current costs as a basis for the action presumes the inclusion of recent approved wage increases which were in effect during the first quarter of 1946. The study indicated that a price increase aggregating slightly over \$2,000,000 is necessary to restore the industry's return on net worth to the 1936-1939 level.

A few manufacturers of facial tissue (accounting for only a small portion of total production) have already received individual price adjustments. This amendment will allow a manufacturer to adhere to his individually adjusted prices or to adopt the 8 percent increase granted to the industry, but in no event may the industry increase be added to the individual adjustment.

A percentage increase for all manufacturers of facial tissues and for all subsequent resellers, is considered the most expedient and just method of apportioning the adjustment required by the industry. This percentage increase will assure continuance of distribution at all levels and in all areas. Resellers margins prevailing on March 31, 1946, are maintained by Amendment 37 to 2d Revised Supplementary Regulation 14.

The figure of 8 per cent will, on the basis of the data collected, result in an apparent earnings rate slightly above the rate prevailing for the industry in the base period. Any increase at the manufacturing level necessitates an increase at the retail level of approximately 8 per cent to permit the retailer to round out his increase to the full cent. Anything less than 8 per cent at the manufacturing level would result in a distortion of the normal mark-up at the retail level. No smaller increase could be equitably granted and maintain the industry practice of pricing at even pennies at retail.

Furthermore, during the processing of this action additional increases in costs have been incurred, of which this Office is fully aware and the effect of which was not used in our calculations. Failure to

grant an industry wide increase will cause the manufacturers to petition for individual relief under SO 156, and would place a heavy administrative burden on this Office.

The industry concerned has been consulted and concurs with the purpose and form of the amendment.

The amendment also permits manufacturers to reduce their sheet count by 7.4 per cent without reduction in price as an alternative to increasing the price on the present size package by 8 per cent. Such a reduction in count will result in the same price per sheet as an 8 per cent price increase. This alternative is provided to permit manufacturers to continue to produce packages which can be sold at 10 cents and 25 cents at retail through variety stores which follow the practice of selling only 5, 10, or 25 cent items.

After due consideration of the foregoing, I find that Amendment 42 to Revised Supplementary Regulation 14 is in accordance with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Issued this 13th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16741; Filed, Sept. 13, 1946;
12:02 p. m.]

PART 1412—SOLVENTS

[MPR 37, Amdt. 20]

BUTYL ALCOHOL AND ESTERS THEREOF

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

Maximum Price Regulation 37 is amended as follows:

1. The table of prices contained in § 1412.116, Appendix A (a) (1) (i) (a) is amended by adding the following:

	Butyl alcohol	Butyl acetate	Base average cost per bushel of whole grain
Produced by U. S. Industrial Chemicals, Inc., by fermentation of molasses at Curtis Bay, Md.			\$0.2235

2. Section 1412.116 (d) is amended to read as follows:

(d) *Special pricing*—(1) *Sales of butyl alcohol produced wholly from grain or molasses at separate times at one plant during a given month.* The maximum prices per pound for each monthly period commencing September 1, 1946, for sales by producers of butyl alcohol produced wholly from grain or wholly from molasses at one plant at separate times during such month, shall be the weighted average of the maximum prices per pound applicable to the butyl alcohols estimated to be produced during that month. At the end of each monthly period commencing September 1, 1946, such producer shall recompute the weighted average maximum price of the butyl al-

¹ 10 F. R. 1154, 2026, 2161, 2432, 2618, 3551, 4107, 4855, 8820, 9276, 9929, 10200, 10025, 11934, 13121, 14738; 11 F. R. 676, 1039, 2379, 2833, 3299, 3540, 3879, 3602, 4439, 4340, 5314, 5601, 6092, 6338, 6683, 6982, 7423.

cohols actually produced at such plant during such period and shall calculate the amount by which the estimated exceeds or falls short of the actual weighted average price per pound. Such excess or deficit per pound, multiplied by the pounds of butyl alcohol actually produced during the monthly period, shall be a deduction or an addition, respectively, to the aggregate dollar value of the butyl alcohols estimated to be produced during the ensuing month and the maximum price per pound for the ensuing month shall be reduced or increased, respectively.

(2) *Sales of butyl alcohol produced at separate plants having different maximum prices and which are owned by the same producer.* Where a producer operates two or more plants having different maximum prices per pound applicable to the production of butyl alcohol at the several plants during any month, such producer may establish a uniform ceiling price per pound for that month for its entire butyl alcohol production equivalent to the weighted average maximum price per pound for the butyl alcohols estimated to be produced at all plants, combined, during that month. At the end of each monthly period commencing September 1, 1946, such producer shall recompute the weighted average maximum price of the butyl alcohols actually produced at such plant during such period and shall calculate the amount by which the estimated exceeds or falls short of the actual weighted average price per pound. Such excess or deficit per pound, multiplied by the pounds of butyl alcohol actually produced during the monthly period, shall be a deduction or an addition, respectively, to the aggregate dollar value of the butyl alcohols estimated to be produced during the ensuing month and the maximum price per pound for the ensuing month shall be reduced or increased, respectively.

(3) *Sales of butyl acetate by a producer pricing under paragraphs (d) (1) or (d) (2).* The base delivered maximum prices for sales of butyl acetate by a producer whose maximum prices for sales of butyl alcohol are determined pursuant to paragraphs (d) (1) or (d) (2) of this section shall be \$.2115 per pound. For every increase or decrease of \$.005 per pound in the weighted delivered average price of butyl alcohol as established by paragraphs (d) (1) or (d) (2) of this section from a base delivered price of \$.226 per pound, the base delivered maximum price for butyl acetate shall be increased or decreased, as the case may be, by \$.0035 per pound.

This amendment shall become effective September 13, 1946.

Issued this 13th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 20 TO MAXIMUM PRICE REGULATION 37

The accompanying amendment accomplishes the following:

1. Increases the maximum prices for sales of butyl alcohol produced by United

States Industrial Chemicals, Inc. by fermentation of molasses at its Curtis Bay, Maryland, plant.

2. Permits the averaging of maximum prices prevailing for a producer's sales of butyl alcohol when the production of butyl alcohol during a given month at one plant is made at one time wholly from molasses and at another time wholly from grain.

3. Permits the averaging of maximum prices prevailing for a producer's sales of butyl alcohol when the same producer operates two or more plants for the manufacture of butyl alcohol and the butyl alcohol produced at each of these plants has a different maximum price.

4. Establishes the producer's maximum prices for sales of butyl acetate produced from butyl alcohol as set forth in 2 and 3.

(1) Butyl alcohol is a very important organic solvent and is in short supply. Butyl alcohol and acetone are joint products resulting from the fermentation of carbohydrate containing materials such as grain or molasses. Because of their joint nature, it is necessary in determining the cost of production of normal fermentation butyl alcohol to set off against costs the value of the jointly produced acetone.

Since V-J Day the market for acetone has so declined that its net price at the plant is 5½¢ per pound, after freight absorption. Moreover, molasses has increased in price from \$2.685 to \$2.818 per cwt sugars. The present maximum prices for sales by the United States Industrial Chemical Company of its butyl alcohol produced from molasses at its Curtis Bay plant do not cover total costs. Total costs are being allowed for this plant's output because it is essential that all available production capacity be fully utilized.

Accordingly, this amendment permits sales by this producer of butyl alcohol, produced at its Curtis Bay plant from molasses, at \$0.2235 per pound delivered.

(2) and (3) Normal fermentation butyl alcohol is principally made from grain and/or molasses. Butyl alcohols whether produced from grain or molasses serve the same purpose and are indistinguishable from each other. Maximum Price Regulation 37 provides for formula prices on butyl alcohol produced from grain which gears the prices of the finished product to the costs of grain. The regulation provides for changes in the maximum prices for fluctuations in the actual average cost of grain up or down from the base average cost of grain. Since molasses prices have been stabilized by the Reconstruction Finance Corporation, the regulation provides a fixed ceiling on butyl alcohol produced from this ingredient. Currently, the ceiling prices for butyl alcohol produced from grain are substantially higher than those for butyl alcohol produced from molasses.

Molasses at the present time is in short supply. This Office has been informed that producers of molasses butyl alcohol operating one or more plants may be compelled to use part or all of their plants for the production of butyl alcohol from grain. In addition, the U. S. Industrial's Curtis Bay plant's molasses butyl alcohol price is higher than this com-

pany's New Orleans plant's molasses butyl alcohol price. As a result, such producers on sales to the same purchaser would have two different prices depending upon the origin of the butyl alcohol. This leads to an undesirable result. In addition, the CPA has requested this Office to assist it in making greater grain utilization possible and to encourage the production of butyl alcohol by allowing averaging. In view of the foregoing, this amendment allows producers who operate more than one plant in the production of butyl alcohol when one plant's maximum price is higher than the other, to sell at a maximum price during any given month which shall be the weighted average price for the estimated production of such plants during such month. Any excess or deficit in price arising from over-estimation or under-estimation shall be added or deducted, as the case may be, to the maximum price established for the following month.

This amendment also allows a producer, whose plant during a given month produces butyl alcohol from only grain or molasses at different times, to sell at a maximum price for that month which shall be the weighted average price for the estimated production during that month. Any excess or deficit in price arising from an over-estimation or under-estimation shall be added or deducted, as the case may be, to the maximum price established for the following month. Unless, this were permitted, wide fluctuations in a producer's quotations would result. During the portion of the month when molasses was utilized, his ceiling price would be 18½¢ per pound of butyl alcohol while during the balance of the month, prices in excess of 28¢ per pound might apply to the grain butyl alcohol.

(4) Butyl alcohol also is a raw material used in the production of butyl acetate. The price of butyl acetate depends, among other things, upon the value of the butyl alcohol used in its production. Generally, seven-tenths of a pound of butyl alcohol is used to make a pound of butyl acetate. This gives rise to a ratio of \$0.0035 per pound change in the price of butyl acetate with every change of a half-cent per pound in the price of butyl alcohol. The average price of the butyl alcohol used in butyl acetate production by a producer, described in (2) and (3), is the weighted average of the total butyl alcohol production. Consequently, if butyl acetate is produced from molasses butyl alcohol having different prices, the value at which the butyl alcohol is charged against the cost of butyl acetate is the weighted average price for all butyl alcohols produced by such producer. If this were not the case, such producer would not receive on that portion of butyl alcohol used to produce butyl acetate the weighted average price of molasses butyl alcohols to which he is entitled. Moreover, with butyl alcohol and acetate used interchangeably for some solvent purposes, a distorted price relationship between the two products would exist if the producer's butyl acetate prices reflected molasses butyl alcohol prices while his butyl alcohol sales were made at the weighted average of the prices for grain and molasses butyl alcohol. Accordingly, this amendment establishes

a floating ceiling for sales of such butyl acetate which provides for changes in the maximum prices for changes in the average price of such butyl alcohols. This amendment establishes a base price of \$0.2115 per pound for such acetate and provides for every increase or decrease of \$0.005 per pound in the weighted average price of such butyl alcohol from a base price of \$0.226 per pound, the price for such butyl acetate may be increased or decreased as the case may be, by \$0.0035 per pound.

In the opinion of the Administrator, this amendment is consistent with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the executive orders of the President.

Issued this 13th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16742; Filed, Sept. 13, 1946;
12:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165. Amdt. 13]

SERVICES

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

Revised Maximum Price Regulation No. 165 is amended in the following respects:

1. Paragraph (a) (2) of section 16 is amended by the deletion of the semicolon and the word "and" at the end thereof; and by adding a period immediately after the word "elsewhere".

2. Section 16 is amended by the deletion of paragraph (a) (3) together with the first undesigned paragraph immediately following.

This amendment shall become effective September 18, 1946.

Issued this 13th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 13 TO RMPR NO. 165

The accompanying amendment to RMPR 165 removes the provision in Section 16 (a) (3) that no adjustments can be made above the prevailing level of prices in the applicant's area for the same or equivalent service.

The supply of services generally has increased sufficiently to permit the removal of this limitation without danger of increasing the general level of prices. Now, the occasional applicant who formerly would have been adversely affected by the limitation can secure the full measure of relief in accordance with the established criteria under Section 16 (a).

Issued this 13th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16744; Filed, Sept. 13, 1946;
12:03 p. m.]

Chapter XVIII—Office of Economic Stabilization, Office of War Mobilization and Reconversion

PART 4001—STABILIZATION OF WAGES AND PRICES

SUPPLEMENTARY WAGE AND SALARY REGULATIONS¹

Supplementary Wage and Salary Regulations are amended by adding a new § 4001.205 to read as follows:

§ 4001.205 *Wage or salary increases in government operations.* (a) In accordance with long established governmental policy, the government agency responsible for operations conducted by or for the United States may pay (or authorize the payment of) wages and salaries in such operations, comparable to the wages and salaries paid, for the same or comparable services, by other operations in the same industry. However, this applies only if both the following conditions are satisfied:

(1) Such government operations constitute less than half the total operations of the industry, when measured by either the total number of persons employed or the total dollar volume of business done; and

(2) A substantial part of the remaining operations in the industry (as above measured) are paying the comparable wages or salaries.

(b) For the purposes of this section, "operations conducted by or for the United States" do not include operations in plants, mines, or facilities in the possession of the United States under section 3 of the War Labor Disputes Act or similar laws.

(c) A wage or salary increase made under the provisions of this section may be used as a basis for reimbursement by the United States but shall be deemed an unapproved increase for the other purposes of these regulations; *Provided, however,* That all other provisions of these regulations (except § 4001.103) are superseded insofar as they are inconsistent with the making of a wage or salary increase (or reimbursement therefor) otherwise permitted by this section.

This amendment shall become effective September 12, 1946.

Issued this 12th day of September 1946.

JOHN R. STEELMAN,
Director of Economic Stabilization.

[F. R. Doc. 46-16696; Filed, Sept. 12, 1946;
5:12 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 2—GENERAL RULES AND REGULATIONS

GUIDE FEES FOR MAMMOTH CAVE

Paragraph (o) (1) of § 2.55 Fees is amended to read as follows:

(o) *Guide fees for Mammoth Cave.* (1) In Mammoth Cave National Park, no person shall be permitted to enter the cave unless accompanied by National Park Service personnel. Competent

guide service will be provided by the Government, and for this service fees shall be charged as follows:

Route:	Fee per person
No. 1—Echo River	\$1.25
No. 2—Frozen Niagara	1.00
No. 3—Historical	1.00
No. 4—All day	2.25

This amendment shall become effective September 16, 1946.

(39 Stat. 535; 16 U. S. C. 3)

Issued this 9th day of September 1946.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 46-16481; Filed, Sept. 13, 1946;
10:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2248]

PART 4—DELEGATION OF AUTHORITY

SUBPART C—BUREAU OF LAND MANAGEMENT

Paragraph (c) of § 4.275 (11 F. R. 9080) is revoked.

J. A. KRUG,
Secretary of the Interior.

SEPTEMBER 5, 1946.

[F. R. Doc. 46-16480; Filed, Sept. 13, 1946;
10:46 a. m.]

[Order 2252]

PART 4—DELEGATION OF AUTHORITY

SUBPART J—BUREAU OF INDIAN AFFAIRS

Sec.

4.700	Appeals.
4.710	Functions relating to Indian health and welfare matters.
4.711	Functions relating to Indian funds and fiscal matters.
4.712	Functions relating to Indian education.
4.713	Functions relating to Indian lands and minerals.
4.714	Functions relating to irrigation matters.
4.715	Functions relating to Indian forestry and grazing matters.
4.725	Subdelegation.

AUTHORITY: §§ 4.700 to 4.725, inclusive, issued under authority of R. S. 161, 463; 5 U. S. C. 22; 25 U. S. C. 2; act of August 8, 1946 (Public Law 687, 79th Cong., 2d sess.).

The following sections are added to Part 4:

§ 4.700 *Appeals.* (a) Any action taken by the Commissioner of Indian Affairs under the authority of this Subpart shall be subject to the right of appeal to the Secretary of the Interior. All appeals must be filed in writing with the Commissioner, who will thereafter transmit them promptly to the Secretary, together with the complete record in the case.

(b) The Under Secretary and the Assistant Secretaries of the Interior are severally authorized to dispose finally of any appeal taken pursuant to paragraph (a) of this section.

§ 4.710 *Functions relating to Indian health and welfare matters.* The Com-

missioner may act in relation to the following classes of matters without obtaining Secretarial approval:

(a) The commitment of insane Indians to Federal or State hospitals or institutions pursuant to the provisions of 25 CFR, Part 86.

(b) The quarantine of Indians refusing to submit to remedial treatment of contagious or infectious diseases, pursuant to the provisions of 25 CFR, Part 84.

(c) The extension of State health laws and regulations to Indian Reservations, pursuant to the provisions of 25 CFR, Part 84.

(d) The negotiation and execution of contracts with States or Territories, or political subdivisions thereof, or with private organizations, for medical, nursing or hospital services, as authorized by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. 452-454), and pursuant to the provisions of 25 CFR, Part 84.

(e) The negotiation and execution of contracts with States or Territories, or political subdivisions thereof, or with private organizations, for social service, relief, and child welfare, authorized by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. 452-454).

§ 4.711 Functions relating to Indian funds and fiscal matters. The Commissioner may act in relation to the following classes of matters without obtaining Secretarial approval:

(a) The approval of per capita or annuity payments from Indian tribal funds, pursuant to the provisions of 25 CFR, Part 224.

(b) The incurring of obligations in excess of appropriations currently available for the benefit of natives of Alaska, in conformity with the provisions of the act of June 1, 1944 (58 Stat. 266).

(c) The approval of expenditures of individual Indian moneys held in the custody of the Department. This authority extends to and includes investments, loans and donations by individual Indians.

(d) The approval of surety bonds. *Provided*, That in the case of a corporate surety the bonding company has been approved by the Treasury Department.

(e) The approval of the employment of attorneys for individual Indians and the determination and payment of fees paid on a quantum meruit basis from restricted or trust funds.

(f) The approval of attorney contracts with Indian tribes and the payment of fees and expenses thereunder, pursuant to the provisions of 25 CFR, Part 15.

(g) The approval and transmittal to the General Accounting Office, Audit Division, of accounts between the United States and Indian tribes under reimbursable appropriations, as required by the acts of April 4, 1910 (36 Stat. 270) and June 10, 1921 (42 Stat. 24; 25 U. S. C. 145).

(h) The approval of applications of individual Indians of the Sioux Nation for cash benefits under the acts of March 2, 1889 (25 Stat. 888, 894), June 10, 1896 (29 Stat. 321, 334), and June 18, 1934 (48 Stat. 984, 987; 25 U. S. C. 474).

(i) The approval of applications of individual Indians for their pro rata shares

of tribal trust funds, made pursuant to the provisions of 25 CFR, Part 233.

§ 4.712 Functions relating to Indian education. The Commissioner may act in relation to the following classes of matters without obtaining Secretarial approval:

(a) The negotiation and execution of contracts with State Boards of Education, as authorized by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. 452-454), and pursuant to the provisions of 25 CFR, Part 46.

§ 4.713 Functions relating to Indian lands and minerals. The Commissioner may act in relation to the following classes of matters without obtaining Secretarial approval:

(a) The approval of leases for oil, gas, or other mining purposes covering restricted allotted Indian lands, pursuant to the provisions of 25 CFR, Parts 183, 189 and 201. The authority conferred by this subsection extends to and includes the approval or other appropriate administrative action required on all assignments of mineral leases now or hereafter in force on restricted allotted Indian lands, bonds and other instruments required in connection with such leases or assignments thereof, and the acceptance of the voluntary surrender of such leases by lessees.

(b) The approval of applications for patents in fee or certificates of competency, pursuant to the provisions of 25 CFR, Part 241.

(c) The approval of partitions of lands held in trust or subject to restrictions against alienation, pursuant to the provisions of 25 CFR, Part 241.

(d) The approval of sales and conveyances of original allotments and inherited lands pursuant to the provisions of 25 CFR, Part 241. The authority conferred by this subsection extends to and includes the sale of inherited lands without the consent of the Indian owners, the approval of deeds or other instruments of conveyance, the issuance of certificates or memoranda of purchase to purchasers on deferred payment sales, the reduction or waiver of sales fees, the granting of extensions of time to purchasers to make payment, the cancellation of deferred payment sales in case of default, the approval of the negotiation of notes given in connection with deferred payment sales of restricted lands to the Five Civilized Tribes.

(e) The approval of exchanges of lands between individual Indians and Indian tribes, and between individual Indians and non-Indians.

(f) The approval of the purchase of lands for individual Indians and Indian tribes. This authority extends to and includes the acceptance of options for the acquisition of lands.

(g) The removal of restrictions against alienation of Indian lands, pursuant to the provisions of 25 CFR, Part 241.

(h) The approval and certification of applications for allotments on the public domain under authority of section 4 of the act of February 8, 1887 (24 Stat. 388, 389; 25 U. S. C. 334).

(i) The approval of authorizations for the sale of restricted Indian lands

pledged as security for the repayment of tribal loans to individuals, and the approval or acceptance of conveyances of such lands in accordance with the terms of the pledge in the event of default.

(j) The approval and certification of allotment exchanges, correction of patent descriptions and cancellation of multiple allotments, as authorized by the act of April 23, 1904 (33 Stat. 297; 25 U. S. C. 343).

(k) The approval of permits for the excavation of ruins and archeological sites and the gathering of objects of antiquity on Indian reservations, pursuant to the provisions of 25 CFR, Part 11.

(l) The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the act of June 20, 1936 (49 Stat. 1542), as amended by the act of May 19, 1937 (50 Stat. 188; 25 U. S. C. 412a).

(m) The cancellation of fee patents, under authority of the act of February 26, 1927 (44 Stat. 1247; 25 U. S. C. 352a), as amended by the act of February 21, 1931 (46 Stat. 1205; 25 U. S. C. 352b).

(n) The approval of leases and permits of tribal lands for farming, grazing, or business purposes, pursuant to the provisions of 25 CFR, Part 171.

(o) The approval of rights-of-way for railroads, including ballast or material pits, oil and gas pipe lines, telephone and telegraph lines, irrigation projects, public highways, and drainage projects, pursuant to the provisions of 25 CFR, Part 256. This authority extends to and includes the issuance of advance authority for preliminary surveys and permission to begin construction prior to final approval of the right-of-way.

(p) The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians, upon proof of payment of the loan.

(q) The approval of transfers of Osage headrights belonging to any person not an Indian by blood, pursuant to the provisions of the act of April 12, 1924 (43 Stat. 94).

(r) The approval of sand, gravel, pumice and building stone leases and permits of tribal lands, pursuant to the provisions of 25 CFR, Part 186.

(s) The approval, with tribal consent, of sales of improvements made upon tribal lands by individual Indians.

§ 4.714 Functions relating to irrigation matters. The Commissioner may act in relation to the following classes of matters without obtaining Secretarial approval:

(a) The issuance of irrigation operation and maintenance orders fixing per-acre assessments against lands included in Indian Irrigation Projects, under authority of the acts of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385), and March 7, 1928 (45 Stat. 210; 25 U. S. C. 387).

(b) The approval of the purchase price of privately owned lands within the San Carlos Irrigation Project, Arizona, under authority of section 4 of the act of June 7, 1924 (43 Stat. 475).

(c) The approval of contracts for the sale of water on an annual basis to lot owners in unorganized towns on the

Crow Indian Irrigation Project, Montana, operated pursuant to the provisions of 25 CFR, Part 94.

§ 4.715 *Functions relating to Indian forestry and grazing matters.* The Commissioner may act in relation to the following classes of matters without obtaining Secretarial approval:

(a) The approval of timber sale contracts involving an estimated stumpage volume of not to exceed 40,000,000 feet board measure, and the readjustment of stumpage rates under such contracts, pursuant to the provisions of 25 CFR, Part 61.

(b) The fixing of the fair stumpage value of the annual timber cut on the Menominee Indian Reservation, Wisconsin, and the approval of stumpage payments to the Menominee Indians, pursuant to the provisions of the act of March 28, 1908 (35 Stat. 51), as amended by the act of June 15, 1934 (48 Stat. 964).

(c) The negotiation and execution of cooperative fire suppression agreements with Federal, State, and private agencies.

§ 4.725 *Subdelegation.* Any or all of the authority conferred upon the Commissioner in this subpart may be delegated by him to the Assistant Commissioners of Indian Affairs, to District Directors of the Bureau of Indian Affairs, or to Superintendents of Indian agencies. The Commissioner also may delegate to the Assistant Commissioners, the District Directors, or to the Superintendents of Indian agencies any or all of the powers and duties conferred upon the Commissioner by the general regulations appearing in Title 25, CFR, insofar as such powers and duties relate to action in individual cases. Any delegation of authority pursuant to this section shall provide for appeals to the Commissioner, and therefore to the Secretary of the Interior, from actions taken by District Directors and Superintendents.

J. A. KRUG,

Secretary of the Interior.

SEPTEMBER 9, 1946.

[F. R. Doc. 46-16562; Filed, Sept. 13, 1946; 9:28 a. m.]

New Mexico Principal Meridian
T. 10 S., R. 25 E., Sec. 29, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
The area described contains 40 acres.

OSCAR L. CHAPMAN,

Acting Secretary of the Interior.

AUGUST 30, 1946.

[F. R. Doc. 46-16567; Filed, Sept. 13, 1946; 8:58 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G. O. 56, Supp. 2]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION PAYABLE TO GENERAL AGENTS, AGENTS AND BERTH AGENTS; DRY CARGO VESSELS

1. Section 306.173 *Compensation for port services in continental United States* is amended, effective as of July 1, 1946, as follows:

- a. Paragraph (a) (1) is revoked.
- b. Paragraph (a) (3) is stricken out and the following inserted in lieu thereof:

(3) *Passengers.* (The term passenger is defined in § 306.200.)

(i) *Agents, General Agents or Berth Agents.* The Agent, General Agent or Berth Agent, as the case may be, shall be paid \$3.75 for each passenger embarked, maximum fee \$1500.00 for each port; \$2.50 for each passenger landed, maximum fee \$1000.00 for each port.

(ii) *General Agents.* For extra husbanding duties and other miscellaneous services, each General Agent shall be paid for services rendered by him.

(a) *For passengers embarked.*

To 300 passengers, \$1.00 per passenger.
301 to 600 passengers, \$0.75 per passenger.
601 passengers or over, \$0.50 per passenger.

Maximum \$750.00 regardless of number of ports of embarkation.

(b) *For passengers landed.* \$1.00 per passenger, maximum \$300.00.

(iii) *When the General Agent also performs the Berth Agent's functions.* When the General Agent also performs Berth Agent's functions, he may be paid in lieu of the fees authorized in subdivisions (i) and (ii) of this paragraph, 5% of vessel's revenue for each passenger embarked, and 2% of vessel's revenue for each passenger landed, at the General Agent's option.

(iv) *Agents and Berth Agents.* In lieu of the fees authorized in subdivision (i) of this paragraph, the Agent performing Berth Agent's functions or the Berth Agent, at his option, may be paid 5% of vessel's revenue for each passenger embarked, and 2% of vessel's revenue for each passenger landed, less the extra husbanding fees authorized in (ii) of this paragraph.

c. Paragraph (b) (1) is revoked.

d. Paragraph (b) (3) is stricken out and the following inserted in lieu thereof:

(3) *Passengers.* (The term passenger is defined in § 306.200.)

(i) *Agents, General Agents or Berth Agents.* The Agent, General Agent or Berth Agent, as the case may be, shall be paid \$3.75 for each passenger embarked; maximum fee \$1500.00 for each port, and \$2.50 for each passenger landed; maximum fee \$1000.00 for each port.

(ii) *General agents.* For extra husbanding duties and other miscellaneous services, each General Agent shall be paid for services rendered by him.

(a) *For passengers embarked.*

To 300 passengers, \$1.00 per passenger.
301 to 600 passengers, \$0.75 per passenger.
601 passengers or over, \$0.50 per passenger.

Maximum \$750.00 regardless of the number of ports of embarkation.

(b) *For passengers landed.* \$1.00 per passenger, maximum \$300.00.

(iii) *When the General Agent also performs the Berth Agent's functions.* When the General Agent also performs Berth Agent's functions, he may be paid in lieu of the fees authorized in subdivisions (i) and (ii) of this paragraph, 5% of vessel's ocean revenue for each passenger embarked, and 2% of vessel's ocean revenue for each passenger landed, at the General Agent's option.

(iv) *Agents and Berth Agents.* The Agent who performs Berth Agent's functions or the Berth Agent, may at his option, be paid in lieu of the fees provided in subdivision (i) of this paragraph, 5% of vessel's ocean revenue for each passenger embarked, and 2% of vessel's ocean revenue for each passenger landed, less the extra husbanding fees authorized in subdivision (ii) of this paragraph.

2. Section 306.175 *Compensation of sub-agents at ports outside of the continental United States* is amended as follows:

- a. Effective as of July 1, 1946, paragraph (a) is revoked.
- b. Effective as of July 1, 1946, paragraph (b) is revoked.
- c. Effective as of July 1, 1946, paragraph (e) is amended to read:

(e) *Miscellaneous.* If the maximum compensation provided in this section for a port of call amounts to less than \$50.00, the sub-agent or branch house may be paid the commercial rate, but not in excess of \$50.00. Vessels calling for orders, ballast or fuel; or to load or discharge cargo transported on an F. I. O. basis, \$50.00.

PASSENGER VESSELS

3. Section 306.187 is amended, effective as of January 1, 1946, to read:

§ 306.187 *Compensation for port services in the continental United States and for services incident to way cargo, passengers and mail.* (a) Except as otherwise provided, the General Agent or Berth Agent who performs services for passenger vessels in connection with the activities set forth in §§ 306.173 and 306.174, shall be compensated therefor at the rates provided in said sections.

(b) Out of the revenue authorized by this section, the General Agent or Berth Agent, as the case may be, shall pay all branch houses, sub-agents and customs brokers performing services required to

Chapter I—Bureau of Land Management

Appendix—Public Land Orders

[Public Land Order 326]

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE, REDUCED

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U. S. C. title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 7724 of October 8, 1937, establishing the Bitter Lake Migratory Waterfowl Refuge, now the Bitter Lake National Wildlife Refuge, in New Mexico, is hereby revoked so far as it affects the following described land:

be performed by him under his service agreement, except as provided in § 306.138.

TUGS AND BARGES

4. Section 306.196 *Compensation of General Agents*, paragraph (a) (3) is amended, effective as of January 1, 1946, to read:

(3) *Sea towage.* V-4 tugs engaged in seagoing service.

First tug, \$1,200.00 per month.

Each of next five (5) tugs, \$1,000.00 per month.

Each of next nine (9) tugs, \$850.00 per month.

Each tug in excess of fifteen (15), \$800.00 per month.

GENERAL PROVISIONS

5. Section 306.200 *Definitions* is amended, effective as of July 1, 1946, as follows:

a. Paragraph (g) is amended to read:

(g) *Passenger.* A "passenger" is a person transported on the vessel, other than the master and licensed or unlicensed members of the crew.

b. Paragraphs (h) and (t) are revoked.

(E. O. 9054, 3 CFR Cum. Supp.)

[SEAL] GRANVILLE CONWAY,
Administrator,
War Shipping Administration.

AUGUST 30, 1946.

[F. R. Doc. 46-16479; Filed, Sept. 13, 1946;
9:37 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

The Commission, in meeting on August 9, 1946, effective immediately, amended the title of Part 3 of the rules and regulations to read as set forth above.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46-16506; Filed, Sept. 13, 1946;
9:26 a. m.]

PART 3—RADIO BROADCAST SERVICES

SUBPART F—INTERNATIONAL BROADCAST STATION

The Commission, in meeting on August 9, 1946, effective September 10, 1946, repealed §§ 4.41 through 4.47 (International Broadcast Stations) of Part 4, Rules Governing Broadcast Services Other Than Standard Broadcast, and, in lieu thereof, adopted new Subpart F (Rules Governing International Broadcast Stations) to Part 3, Rules Governing Radio Broadcast Services, which reads as follows:

No. 180—7

Definition of International Broadcast Stations and Allocation of Frequencies

Sec.

3.701 *Defined.*

3.702 *Frequency assignment.*

Rules Governing Administrative Procedure

3.711 *Application for international broadcast stations.*

3.712 *Full disclosures.*

3.713 *Installation or removal of apparatus.*

3.714 *Period of construction.*

3.715 *Forfeiture of construction permits: Extension of time.*

3.716 *Equipment tests.*

3.717 *Program tests.*

3.718 *Normal license period.*

3.719 *License, simultaneous modification and renewal.*

3.720 *Renewal of license.*

3.721 *Temporary extension of station licenses.*

3.722 *Repetitious applications.*

3.723 *Assignment or transfer of control.*

Rules Relating to Licensing Policies

3.731 *Licensing requirements, necessary showing.*

Rules Relating to Equipment

3.751 *Power requirement.*

3.752 *Frequency control.*

3.753 *Antenna.*

3.754 *Frequency monitors.*

3.755 *Modulation monitors.*

3.756 *Required transmitter performance.*

3.757 *Auxiliary transmitters.*

3.758 *Alternate main transmitters.*

3.759 *Changes in equipment and antenna system.*

Rules Relating to Technical Operation

3.761 *Time of operation.*

3.762 *Station inspection.*

3.763 *Station license, posting of.*

3.764 *Operator requirements.*

3.765 *Operating power; how determined.*

3.766 *Modulation.*

3.767 *Frequency tolerance.*

3.768 *Inspection of tower lights and associated control equipment.*

Other Rules Relating to Operation

3.781 *Logs.*

3.782 *Logs, retention of.*

3.783 *Logs, by whom kept.*

3.784 *Log form.*

3.785 *Correction of logs.*

3.786 *Rough logs.*

3.787 *Station identification.*

3.788 *Service; commercial or sponsored programs.*

3.789 *Sponsored programs, announcement of.*

3.790 *Rebroadcasts.*

3.791 *Supplemental report with renewal application.*

AUTHORITY: Secs. 4 (i), 303 (b), 303 (c), 303 (e), 325 (a), 325 (c), 48 Stat. 1066, 1082, 1082, 1082, 1091, 1091; 47 U. S. C. 154 (1), 303 (b), 303 (c), 303 (e), 325 (a), 325 (c).

Definition of International Broadcast Stations and Allocation of Facilities

§ 3.701. *Defined.* The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. (Frequencies for these stations are allocated from bands assigned (between 6000 and 21700 kilocycles) for broadcasting by international agreement.)

§ 3.702 *Frequency assignment.* (a) The following groups of frequencies are

allocated for assignment to international broadcast stations:

Group A	Group B	Group C
Kilocycles	Kilocycles	Kilocycles
6040	9530	11710
6060	1 ² 9550	1 ² 11730
6080	9570	11790
6100	9590	11820
6120	9650	11830
6140	9670	11870
6170		11890
6190		

Group D	Group E	Group F
Kilocycles	Kilocycles	Kilocycles
15130	17750	21460
15150	17760	21500
15210	17780	21520
15250	17800	21540
15270	17830	21570
15330		21590
15350		21610
		21630
		21650

¹ Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that the authorizations for these frequencies may be modified by the Commission to delete these frequencies without advance notice or hearing.

² Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that there shall be no commercial or advertising announcements of any kind in the programs broadcast through the medium of these frequencies, and that the names of program sponsors shall not be broadcast.

(b) Additional frequencies allocated by international agreement may be assigned to international broadcast stations subject to the conditions that no objectionable interference results to the service of foreign international broadcast stations which, in the opinion of the Commission, have priority of assignment.

(c) Any frequency licensed to an international broadcast station shall also be available for assignment to other international broadcast stations, provided no objectionable interference is caused to the service of any United States international broadcast station.

(d) An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) of this section without a showing of technical necessity.⁴

(e) Not more than one frequency shall be used simultaneously under the same authorization and call letter designation.⁵

Rules Governing Administrative Procedure

§ 3.711 *Application for international broadcast stations.* Each applicant for a construction permit for a new international broadcast station, change in facilities of any existing international broadcast station, or international station license or modification of license shall file with the Commission in Washington, D. C., three copies of applications on the appropriate form designated by

⁴ Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new international station, Form FCC No. 309 should be filed; for an international station license, Form FCC No. 310 should be filed; for modification of an international station license or for change in facilities of an existing international station, Form FCC No. 312 should be filed.

§ 3.712 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.713 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.714 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.715 *Forfeiture of construction permits: extension of time.*—(a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 3.716 *Equipment tests.* (a) Upon completion of construction of an international station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and prior to filing of application for license, the permittee is authorized to

test the equipment for a period not to exceed 30 days: *Provided*, That the inspector in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) The Commission may grant extensions of time upon showing of reasonable need therefor.

§ 3.717 *Program tests.* (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and after an application for station license has been filed with the Commission showing the equipment to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the inspector in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or § 3.716 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.718 *Normal license period.* All international broadcast station licenses will be issued so as to expire at the hour of 3 a. m. E. S. T. and will be issued for a normal license period of 1 year expiring November 1.

§ 3.719 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.720 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of an international station license shall be filed

at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 311). No application for renewal of license of an international broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.301-1.304, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an international station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.721 *Temporary extension of station licenses.*—Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing international license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however*, That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further*, That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.722 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new international broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.723 *Assignment or transfer of control.*—(a) *Voluntary.* Application for consent to voluntary assignment of an international station construction permit or license or for consent to voluntary transfer of control of a corporation holding an international station construction permit or license shall be filed with the

* Order No. 110, dated and effective December 29, 1942, suspends this section until further order of the Commission and ordered: "The license term for every international broadcast station, either licensed at this date or licensed hereafter, shall end at the earlier of the following dates: (a) November 1, 1945, or (b) the first day after October 31, 1943, on which its operations are not controlled, by agreement or otherwise, by the Department of State".

Commission on Form FCC No. 314 (assignment of license) or Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) the Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) within thirty days after the occurrence of such death or legal disability, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such international station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

Rules Relating to Licensing Policies

§ 3.731 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That there is a need for the international broadcast service proposed to be rendered.

(b) That the necessary program sources are available to the applicant to render an effective international service.

(c) That the technical facilities are available on which the proposed service can be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequency requested.

(d) That directive antennas and other technical facilities will be employed to deliver maximum signals to the country or countries for which the service is designed.

(e) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(f) That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(g) That the public interest, convenience and necessity will be served through the operation of the proposed station.

Rules Relating to Equipment

§ 3.751 *Power requirement.* No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts.

⁶See General Radio regulations annexed to the International Telecommunications Convention, Madrid, 1932, art. 7. Prior to September 1, 1939, and thereafter see Cairo General Radio Regulations, art. 7, annexed to the International Telecommunications Conferences, Cairo, Egypt, 1938. Also, see list of assignments to international channels prepared by the Bureau of the International Telecommunications Union, Berne, Switzerland.

§ 3.752 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.005 percent of the assigned frequency.

§ 3.753 *Antenna.* The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).

§ 3.754 *Frequency monitors.* (a) The licensee of each international broadcast station shall operate at the transmitter a frequency monitor independent of the frequency control of the transmitter.

(b) The frequency monitor shall be designed and constructed in accordance with good engineering practice and shall have an accuracy sufficient to determine that the operating frequency is within one-half (1/2) of the allowed tolerance.

§ 3.755 *Modulation monitors.* The licensee of each international broadcast station shall have in operation at the transmitter a modulation monitor.

§ 3.756 *Required transmitter performance.* The construction, installation, operation, and performance of the international broadcast transmitter system shall be in accordance with good engineering practice.

§ 3.757 *Auxiliary transmitters.* Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of an international station, a license therefor may be issued provided that:

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitters.

(2) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted pro-

vided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c).

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.758 *Alternate main transmitters.* The licensee of an international broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of good engineering practice.

§ 3.759 *Changes in equipment and antenna system.* Licensees of international broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(b) Specific authority, upon filing formal application (Form FCC No. 312) therefor, is required for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(5) Change in the power delivered to the antenna.

(6) Change in frequency control and/or modulation system.

(c) Other changes, except as above provided for in this section may be made at any time without the authority of the Commission: *Provided*, That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

Rules Relating to Technical Operation

§ 3.761 *Time of operation.* (a) All international broadcast stations will be licensed for unlimited time operation except as may be directed by the Commission from time to time. In an emergency, however, when due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days: *Provided*, That the Commission and the inspector in charge

⁶This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.365 of this chapter.

of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

(b) Persons desiring to enter into a voluntary sharing arrangement of an international channel may file application therefor with the Commission. Copies of the time-sharing agreement should be filed with the application.

§ 3.762 *Station inspection.* The licensee of any international broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.763 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.764 *Operator requirements.* One or more licensed radio-telephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an international broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 3.765 *Operating power; how determined.* The operating power, and its maintenance, of each international broadcast station shall be in conformity with good engineering practice.

§ 3.766 *Modulation.* The percentage of modulation of the transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 50 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.767 *Frequency tolerance.* The operating frequencies of international broadcast station transmitters shall be maintained within .005% of the assigned frequencies.

§ 3.768 *Inspection of tower lights and associated control equipment.* The licensee of any international station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph

shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

Other Rules Relating to Operation

§ 3.781 *Logs.* The licensee of each international broadcast station shall maintain program and operating logs in the following manner:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, language, and the sponsor's name, with the time of the beginning and ending of the complete program.

(3) An entry showing, for each program of network origin, the name of the network originating the program.

(b) Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(1) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of two years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(2) If the broadcast is in a language other than English the licensee shall furnish the Commission upon request such record and scripts together with complete translations in English.

(c) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the transmitter (total plate current and plate voltage).

(ii) Frequency monitor reading.

(5) A log must be kept of all experimental operation. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(d) Where an antenna or antenna supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log appropriate to the requirements of § 3.768 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light:

¹ Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 3.782 *Logs, retention of.* Logs of international broadcast stations shall be retained by the licensee for a period of 2 years. However, logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.783 *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again which going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.784 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.785 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or wilfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.786 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case, the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.787 *Station identification.* (a) A licensee of an international broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour.

(b) Station identification, program announcements, and oral continuity shall be made with international significance (language particularly) which is designed for the foreign country or coun-

tries for which the service is primarily intended.

(c) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

§ 3.788 *Service; commercial or sponsored programs.* (a) A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding, and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.

(b) Such international broadcast service may include commercial or sponsored programs: *Provided*, That:

(1) Commercial program continuities give no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.

(2) In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with paragraph (c) of this section.

(3) In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with paragraph (c) of this section.

(4) In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.

(5) In case of any other type of advertising, such advertising is directed to the foreign country or countries and to which the program is directed in accordance with paragraph (c) of this section and is consistent with the purpose and intent of this section.

(c) The areas or zones established to be served by international broadcast stations are the foreign countries of the world, and directive antennas shall be employed to direct the signals to specific countries.

(d) An international broadcast station may transmit the program of a standard broadcast station or network system: *Provided*, The conditions in paragraph (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on

⁸ The Commission on July 14, 1939, suspended the operation of § 3.788 (a) until further order of the Commission.

its assigned frequency: *And provided further*, That in the case of chain broadcasting¹⁰ the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same foreign country or countries.

§ 3.789. *Sponsored programs, announcements of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however*, That only one such announcement need be made in the case of any such program of five minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in subsection (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in subsection (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corpo-

ration, committee, association or other unincorporated group shall be made available for public inspection at one of the television broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.790 *Rebroadcasts.*¹¹ (a) The licensee of an international broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, noncommercial educational, or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certified that express authority has been received from the licensee of the station originating the program.¹¹ (See § 3.788 concerning commercial announcements.)

(b) No licensee of an international broadcast station shall rebroadcast the programs of any other class of United States radio station without written authority having first been obtained from the Commission.

(c) A licensee of an international broadcast station may authorize the rebroadcast of its programs by any station outside the limits of the North American Continent without permission from the Commission: *Provided, That* the station rebroadcasting the programs cannot be received consistently in the United States.

§ 3.791¹² *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency.

(b) A list of programs transmitted of special international interest.

(c) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46-16507; Filed, Sept. 13, 1946;
9:27 a. m.]

¹⁰ The broadcasting of a program relayed by a relay broadcast station is not considered a rebroadcast.

¹¹ The notice and certification of consent must be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of another broadcast station several times during a license period, notice and certification of consent must be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

¹² Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

⁸ See section 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting".

PART 3—RADIO BROADCAST SERVICES
CODIFICATION OF RULES GOVERNING INTERNATIONAL BROADCAST STATIONS

The Federal Communications Commission has approved the transfer of the provisions governing international broadcast stations from Part 4 to Part 3 of the rules and regulations as Subpart F of the latter. These rules have been revised in accordance with the Commission policy of rendering separate sections of the rules independent and complete by the incorporation of appropriate general rules. The present revisions are merely a codification of the previous regulations and do not involve any significant substantive changes. The issuance of these rules is not to be construed as an expression of the Commission's views on policy problems which may arise in connection with the changed conditions controlling the operation of international broadcast stations in the postwar period.

Dated: September 10th, 1946.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46-16508; Filed, Sept. 13, 1946;
9:27 a. m.]

PART 4—BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

INTERNATIONAL BROADCAST STATIONS

The Commission in meeting on August 9, 1946, repealed §§ 4.41 through 4.47 (International Broadcast Stations) of Part 4, Rules Governing Broadcast Services Other Than Standard Broadcast, and, in lieu thereof, adopted new Subpart F (Rules Governing International Broadcast Stations) to Part 3, Rules Governing Radio Broadcast Services, the effective date of such action to be September 10, 1946.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46-16509; Filed, Sept. 13, 1946;
9:27 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 112, Amdt. 6]

PART 95—CAR SERVICE

DESTINATION FREE TIME ON FRESH OR GREEN FRUITS OR VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of September, A. D. 1946.

Upon further consideration of Revised Service Order No. 112 (9 F. R. 11278-79) as amended (9 F. R. 12656; 10 F. R. 341, 8867, 14575; 11 F. R. 2383), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 112, as amended, be, and it is hereby, further amended by substituting the following paragraph (1) for paragraph (1) thereof:

(1) *Expiration date.* This order and all amendments shall expire at 7:00 a. m., December 18, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 15, 1946; that a copy of this order and direction be served upon each State Commission, 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. 46-16554; Filed, Sept. 13, 1946;
9:34 a. m.]

[S. O. 369, Amdt. 6]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of September A. D. 1946.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F. R. 15073; 11 F. R. 639, 2383, 7857, 8453), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 369, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 7:00 a. m., December 18, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 15, 1946; that a copy of this order and direction be served upon each State Commission, 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. 46-16555; Filed, Sept. 13, 1946;
9:34 a. m.]

[S. O. 370, Amdt. 4]

PART 95—CAR SERVICE

DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of September A. D. 1946.

Upon further consideration of Service Order No. 370 (10 F. R. 14031), as amended (10 F. R. 15176; 11 F. R. 639, 2383), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 370, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 7:00 a. m., December 18, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 15, 1946; that a copy of this order and direction be served upon the California State Railroad Commission and the State Belt Railroad of California, 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. 46-16556; Filed, Sept. 13, 1946;
9:35 a. m.]

[S. O. 454-A]

PART 95—CAR SERVICE

PREFERENCE FOR EXPORT WHEAT, CORN, MEAT AND OTHER ESSENTIAL FOODS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of September A. D. 1946.

Upon further consideration of Service Order No. 454 (11 F. R. 1748), as amended (11 F. R. 7283, 9192), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 454, as amended, be, and it is hereby, suspended until 11:59 p. m., October 31, 1946.

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 11, 1946; that a copy of this order and direction be served upon each State railroad regulatory body, 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 Com-

mission 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. 46-16557; Filed, Sept. 13, 1946;
9:35 a. m.]

[S. O. 575, Amdt. 1]

PART 95—CAR SERVICE

PRE-ICING POTATOES PROHIBITED IN CERTAIN
WESTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of September A. D. 1946.

Upon further consideration of Service Order No. 575 (11 F. R. 8739), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 575 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p. m., October 12, 1946, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

It is further ordered. That this amendment shall become effective at 12:01 a. m., September 12, 1946; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Idaho, Oregon and Washington, 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. 46-16558; Filed, Sept. 13, 1946;
9:35 a. m.]

PART 0—ORGANIZATION AND ASSIGNMENT
OF WORK

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of September A. D. 1946.

It appearing that the organization of all Government agencies is required to be published in the FEDERAL REGISTER under the Administrative Procedure Act (60 Stat. 237).

It is ordered. That the following be submitted for publication in the FEDERAL REGISTER:

Section 0.1, *Effective date*, be canceled, and the following § 0.1, *The Commission*, be substituted therefor:

Sec.

0.1 The Commission.
0.10 Secretary's Office.
0.11 Bureau Organization,

AUTHORITY: §§ 0.1 to 0.11, inclusive, issued under 24 Stat. 385, 25 Stat. 861, 40 Stat. 270, 41 Stat. 492, 493, 47 Stat. 1368, 54 Stat. 913; 49 U. S. C. 17.

§ 0.1 *The Commission.* The Interstate Commerce Commission is a Federal independent regulatory agency existing under the Interstate Commerce Act, (49 U. S. C. 11, 24.)

(a) *Principal office.* The principal office of the Commission is located at 12th Street and Constitution Avenue, NW., Washington 25, D. C.

(b) *Field offices.* Field offices are maintained at various points in the United States, the location and function of which will be indicated below in connection with the activity to which they appertain.

(c) *Hours.* Offices are open on each business day from 8:30 a. m. to 5:00 p. m. United States Standard Time, of the places where they are located.

(d) *Sessions.* General sessions of the Commission are held at Washington, D. C., but special sessions may be held at any place in the United States. Hearings or investigations may be conducted by one or more Commissioners, by one or more hearing examiners, by joint boards authorized by sections 17 and 205 of the Interstate Commerce Act, or by other authorized personnel, at any place in the United States or its territories. (Sections 17, 19, and 205; 49 U. S. C. 17, 19, 305)

(e) *Definitions*—(1) *Act.* The words "Act" or "the Act" used in this part shall be construed to mean the Interstate Commerce Act, unless the context indicates that a different meaning is intended.

(2) *Commission.* Where reference is made to the exercise of any authority or the determination of any matter by "the Commission", the term shall be construed to mean the entire Commission, a division thereof, an individual Commissioner, or a board of employees to whom, according to the assignment of duties, that authority or the determination of such matters has been assigned, unless the context indicates that a different meaning was intended.

(3) *Carrier.* Where reference is made to a carrier, for brevity the term will also include freight forwarders.

§ 0.10 *Secretary's office.* The Secretary is the Chief Administrative Officer of the Commission and the custodian of its seal, records, papers and property. Orders of the Commission are signed by the Secretary.

(a) *Public information*—(1) *Releases by the Commission.* All releases to the public and press are issued through the Office of the Secretary, which is the first point of contact for information relating to any matter or proceeding pending before the Commission.

(2) *Requests for information.* Requests for information or advice concerning any matter within the jurisdiction of the Commission may be addressed to the Secretary, the Director of the Bureau which handles the particular subject matter, or to field offices of various bureaus to the extent stated in the description of bureau organization.

(3) *Reports and orders.* The reports and orders of the Commission are initially prepared for service upon the parties to the proceedings in mimeographed form. Copies of all such mimeographed reports and orders are made available for public inspection at the time of issuance through the office of the Secretary, and to the extent that copies are available are furnished to interested persons without charge.

The more important reports of the Commission are printed and sold in advance sheet form and in bound volumes by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The less important cases are summarized in the bound volumes. Reports concerning other than motor carrier matters are published in volumes entitled "Interstate Commerce Commission Reports," commonly cited—"I. C. C.—". Reports concerning motor carrier matters are published in a separate series of reports entitled, "Interstate Commerce Commission Reports, Motor Carrier Cases," commonly cited—"M. C. C.—". The first 21 volumes of reports relating to valuation matters are included in the "I. C. C." series of reports, but beginning with Volume 22, these reports are published in a separate series entitled, "Interstate Commerce Commission Reports", commonly cited—"Val. Rep.—".

Copies of reports and orders, other than those printed as described above may be examined at the Washington office of the Commission in accordance with section 3 (b).

(b) *Inspection of records*—(1) *List of records.* The following files and records of the Commission are public records in the custody of the Secretary, sections 16, 204, 316 and 417 of the act (49 U. S. C. 16, 304, 916, and 1017), and may be inspected at the Commission's office in Washington, upon reasonable request:

Copies of tariffs, rate schedules, classifications, powers of attorney, concurrences, and contracts filed with the Commission pursuant to sections 6, 217, 218, 306 and 405 of the act (49 U. S. C. 6, 317, 318, 906, and 1005).

Annual and other periodical reports filed with the Commission pursuant to sections 20, 220, 313, and 412 of the act (49 U. S. C. 20, 320, 913, and 1012).

All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceeding. Other files in the discretion of the Commission.

(2) *Requests to inspect records.* Requests to inspect such records should be made at the Secretary's office or at one of the public reference rooms, in the Commission's Washington office. Copies of certain rate schedules, tariffs, and copies of certain reports filed by motor carriers are available for inspection at

the district offices of the Bureau of Motor Carriers.

(3) *Limited inspection of maps and certain records.* Maps, photographs, profiles or other records disclosing the exact location of pipe lines, refineries, or storage facilities are open to the inspection only of persons legitimately interested therein, or their representatives; close supervision is exercised by the Bureau of Valuation and its staff over all such records, maps, plans, photographs, instructions, and documents, made, acquired, developed, or used in inventorying, auditing and valuing properties of carriers by pipe line, and over any documents or reports showing changes in such data. All such records, maps, profiles, and other papers, and all field notes, photographs and negatives made or acquired in the field in such work shall be accessible only to those using them in connection with their official duties, and shall not be disclosed to any one other than owners, or their representatives, of the individual properties concerned except that other persons who have a legitimate interest in the said records and data may be permitted to inspect them upon written approval by the Director of the Bureau of Valuation.

Files of correspondence between sections, departments and bureaus and instructions to employees, all other correspondence, all interbureau and intrabureau memoranda, special reports or reports in process of preparation, and memoranda the Director may consider of a confidential nature, pricing books in the Engineering Section containing underlying details and computations used in the development of unit prices and their indices, shall not be open for inspection by other than employees of the Commission. All other records and data, in the discretion of the Commission, shall be subject to public examination; such records and data hereby made subject to public inspection may be examined upon approval by the Director of the Bureau of Valuation after application in writing stating the name and address of the applicant, and the applicant's principal, if acting in a representative capacity. Examination shall be made at the office of the Commission during official business hours in the presence of an employee of the Commission.

(4) *Certified copies of records, etc.* Copies of and extracts from the above-mentioned public records will be certified by the Secretary, under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether they shall be certified. A charge will be made for certification and for the preparation of copies.

§ 0.11 *Bureau organization.* The 16 bureaus of the Commission report through a Commissioner to a specified division, and in a few cases to the Commission as a whole. (§ 0.7, as amended.) Except as noted, each bureau is headed by a director, and the bureaus are generally divided into sections headed by section chiefs. The larger portion of matters brought through the bureaus are dealt with by a division of the Commission, but certain matters are dis-

posed of by the Commissioner in charge of the bureau (§ 0.7, as amended). The bureaus, with their functions, are:

(a) *Bureau of Accounts—(1) Functions.* Through this bureau the Commission administers its systems of uniform accounts for carriers and companies subject to the Interstate Commerce Act, except motor carriers; the bureau enforces the regulations adopted and supervises the preparation of accounting reports. It deals with accounting problems submitted by carriers and shippers concerning changes in the accounting systems made necessary by changes in conditions.

(2) *Branch offices.* Branch offices are located at:

108 Sub-Treasury Bldg., New York 5, N. Y.
918 New Federal Bldg., St. Louis 1, Mo.
801 New Post Office Bldg., Chicago 7, Ill.
504 Federal Office Bldg., Houston 2, Tex.

Examiners assigned to those branch offices visit the accounting departments of carriers in their respective territories and report irregularities in accounting procedure, and also secure specific information from carriers' accounts on request of the Chairman of Division 1 or of another Commissioner, or (when directed by the Commission) upon the request of a Congressional Committee.

(b) *Bureau of Administration; functions.* This bureau, managed by the Secretary, has charge of the following sections, which are sufficiently described by their titles: Mails and Files, Stenography, Audits and Accounts, Supplies and Publications, Dockets and Annotations. The Section of Dockets corresponds to the office of the Clerk of the Court.

(c) *Bureau of Finance—(1) Functions.* The duties of this bureau are assigned to sections as follows:

(2) *Sections—(i) Administrative Section.* All of the work of this bureau is coordinated under an Administrative Section. All proceedings are handled under the Commission's general Rules of Practice, Part I, in addition to special rules of procedure as indicated below.

(ii) *Convenience and Necessity Section.* This section handles applications filed under—

(a) Sections 1 (18)–(20) of the act, 49 U. S. C. 1 (18–20) for certificates of convenience and necessity permitting construction, extension, acquisition or operation of lines of railroad; or for abandonment of lines of railroad or the operation thereof, § 42.1–42.9.

(b) Section 5 (2) of the act, 49 U. S. C. 5 (2), for authority to consolidate or merge the properties or franchises of two or more carriers subject to Part I or Part III of the act, or to purchase, lease, or contract to operate the properties of such a carrier, or for acquisition of control through ownership of stock, or otherwise, or for acquisition of trackage rights or joint ownership in or joint use of any railroad line owned or operated by any other such carrier, and terminals incidental thereto (§§ 52.1–52.5).

(c) Section 312 of the act (49 U. S. C. 912), for authority to transfer certificates and permits to operate as a water

carrier in interstate or foreign commerce (§§ 306.1–306.10).

(iii) *Securities Section.* This section handles applications filed under:

(a) Section 20a of the act (49 U. S. C. 20a) for authority to issue securities or to assume obligation and liability with respect to the securities of others by rail carriers.

(b) Section 214 of the act (49 U. S. C. 314), for similar authority by motor carriers (§§ 56.1–56.6).

(c) Or authority to sell securities without competitive bidding (§ 56.25).

(d) Section 20a (12) of the act (49 U. S. C. 20a (12)), for authority to hold the positions of officer or director of more than one carrier (§§ 53.1–53.11).

(iv) *Loans and Reorganization Section.* This section handles proceedings under:

(a) Section 77 of the Uniform Bankruptcy Act, 11 U. S. C. 205 and Sup., the ratification of trustees; §§ 58.50–58.56, fixing a maximum reasonable compensation for trustees and their counsel, maximum allowance for compensation and expenses incurred by parties in interest, authorization and regulation of the activities of protective committees, (§§ 58.0–58.12) and the examination and preparation of plans for the financial reorganization of railroads in bankruptcy.

(b) The examination of plans for the corporate reorganization of carriers and corporations, 11 U. S. C. 577 (§§ 59.0–59.3).

(c) The Reconstruction Finance Corporation Act, 15 U. S. C. 604, on approval, upon application of loans to railroads and railroad receivers (§§ 2.1–2.5).

(d) *Bureau of Formal Cases—(1) Functions.* This bureau, headed by a Chief Examiner, handles the Commission's formal proceedings in connection with rates, fares, charges, classifications, regulations and practices of carriers under Parts I, III and IV of the act, except those assigned to the Commission, a division, or to an individual Commissioner for administrative handling. The cases fall in the following categories: (a) hearings on general investigations instituted by the Commission on its own motion, and complaint and answer cases, (b) hearings growing out of orders for investigations and suspension of newly filed rates by reason of protests, or on the Commission's own motion, (c) hearings on applications under section 4 (49 U. S. C. 4) and other sections of the act, and (d) hearings on applications for operating authority under Parts III and IV of the act.

(2) *Sections; Reviewing Section.* This section reviews drafts of final reports prepared by examiners prior to their submission to the Commission, divisions thereof, or individual Commissioners.

(e) *Bureau of Informal Cases—functions.* This bureau, headed by a chief, handles informally complaints of shippers and others concerning the rates, regulations or practices of common carriers by railroad, water carriers, pipe lines, or freight forwarders, alleged to be in violation of the Interstate Commerce Act. It conducts correspondence and holds conferences with interested parties in controversies in order to ob-

tain a possible settlement. It handles a great variety of inquiries on all sorts of situations which arise in connection with transportation, and advises shippers and carriers as to the application of provisions of the regulatory law in particular cases. It handles applications submitted by carriers requesting authority to make reparation on past shipments.

(f) *Bureau of Inquiry*—(1) *Functions*. This bureau deals with criminal prosecutions. Many of the violations brought to its attention may be discovered by the bureau on its own initiative or are brought to its attention by carriers, shippers, or other interested parties.

(2) *Field Headquarters*. Special Agents are located at the following points:

802 U. S. Courthouse, Chicago, Ill.
809 Standard Building, Atlanta, Ga.
121 Federal Office Building, Minneapolis, Minn.
1044 Parcel Post Building, New York, N. Y.
823 Monadnock Building, San Francisco, Calif.
1006 U. S. Courthouse and Customs Building, St. Louis 2, Mo.

(g) *Bureau of Law*—(1) *Functions*. The Bureau of Law, headed by a Chief Counsel, devotes itself almost entirely to representing the Commission in the courts.

(2) *Sections*—(i) *Library*. The Commission maintains for its use and that of the public a practical working library, consisting of law books, legislative records, and technical and general literature on the subject of transportation, consisting of approximately 80,000 books and many thousand pamphlets.

(ii) *Section of Indices*. Performs legal editorial work preparing index digests for bound volumes of the decisions of the Commission, and tables of cases, commodities, localities, etc. It also performs research work, and answers inquiries which come from all over the United States and in some cases from abroad, and examines all of the Commission's regulations for compliance with the Federal Register Act and the Administrative Procedure Act, and prepares others in codified form.

(h) *Bureau of Locomotive Inspection*—(1) *Functions*. This bureau is charged with the enforcement of the Locomotive Inspection Act, 45 U. S. C. 22-34, as amended, which requires compliance by carriers engaged in interstate commerce upon whose line any locomotive is used. Inspections are made by inspectors to determine if the locomotives are equipped and maintained by carriers in accordance with the Commission's regulations (Part 91), and are in safe condition to operate. Corrective action is taken in connection with locomotives not conforming to requirements.

Investigations are made of accidents caused by failure of any part of a locomotive, and reports of such accident investigations are made public by the Commission when deemed by it to be in the public interest.

(2) District offices of the bureau in charge of one or more inspectors are maintained in the following cities:

City and Location

Albany, N. Y.: 432 New Post Office Building.
Albuquerque, N. Mex.: 311 Federal Building.
Atlanta, Ga.: 103 Post Office Building.
Boston 9, Mass.: 1301 Post Office Building.
Buffalo, N. Y.: 502 Crosby Building.
Charlotte, N. C.: 709 Builders Building.
Chicago 7, Ill.: 1109 New Post Office Building.
Columbus, Ohio: 500-L New Post Office Building.
Denver, Colo.: 542-D New Customhouse.
Fargo, N. Dak.: 206 Walker Building.
Great Falls, Mont.: 809 First National Bank Building.
Indianapolis, Ind.: 401-E Union Station.
Jacksonville 1, Fla.: 221 Post Office Building.
Kansas City, Kans.: 22 Post Office Building.
Los Angeles, Calif.: 1523 Post Office and Courthouse Building.
Memphis 3, Tenn.: 211 Post Office Building.
Mobile, Ala.: 110 U. S. Court and Custom Building.
Nashville 3, Tenn.: 330 Customhouse Building.
Newark 2, N. J.: B-97 Post Office Building.
Oakland, Calif.: 205 Post Office Building.
Oklahoma City, Okla.: 501 Post Office Building.
Omaha 2, Nebr.: 407 Post Office Building.
Philadelphia 6, Pa.: 806 Custom House Building.
Pittsburgh, Pa.: 1044 New Post Office Building.
Portland 9, Oreg.: 528 Post Office Building.
Roanoke, Va.: 204½ Post Office Building.
St. Louis, Mo.: 522 U. S. Court and Customhouse.
St. Paul 2, Minn.: 506 Uptown Post Office Building.
Salt Lake City, Utah: 431 Post Office Building.
San Antonio, Tex.: 582 Post Office Building.
Shreveport, La.: 415 Post Office Building.
Toledo, Ohio: 301 Federal Court and Customs Building.
Washington 25, D. C.: 7116 Interstate Commerce Commission Building.

(i) *Bureau of Motor Carriers*—(1) *Functions*. The Bureau of Motor Carriers performs duties pertaining to the administration of the Interstate Commerce Act and other statutes administered by the Commission, insofar as they involve or relate to transportation by motor vehicle. The matter of filing rates and schedules in compliance with sections 217 and 218 (49 U. S. C. 317, 318), and similar work involving the checking of rates is performed by the Bureau of Traffic. Applications by motor carriers to issue securities are handled by the Bureau of Finance.

(2) *Sections*. The bureau is composed of the following sections:

(i) *Section of Accounts*. This section performs duties relating to the administration of section 220 of the act (49 U. S. C. 320) and other matters pertaining to the keeping of accounts and the reports pertaining thereto by motor carriers, brokers, and others, the preservation of records by motor carriers, brokers and others, and the issuance of passes.

(ii) *Section of Administration*. This section performs duties pertaining to personnel, internal administration of the bureau, employment, procurement of supplies, services, etc.

(iii) *Section of Certificates*. This section prepares and submits to the Commission for determination applications

for temporary authorities under section 210a (a) of the act (49 U. S. C. 310a (a)), and applications for transfers under section 212 (b) of the act (49 U. S. C. 312 (b)), and similar duties; and performs work in connection with the preliminary handling of applications (including applications for certificates, permits, licenses, unifications of carriers subject to section 5 (49 U. S. C. 5), and other similar and related work.

(iv) *Section of Complaints*. This section arranges for all hearings in formal proceedings, is composed principally of examiners who conduct hearings and issue proposed reports, and recommended reports and orders; act as advisers to joint boards; review on behalf of the Commission proposed reports and recommended reports and orders of examiners and joint boards; prepare final reports and orders for the Commission, divisions of the Commission, and Commissioners; and prepare recommendation for submission to the Commission, divisions, or individual Commissioners, for the determination of motions, petitions, requests for oral argument, applications for temporary acquisition under section 210a (b) of the Act, (49 U. S. C. 310a (b)), etc., in connection with proceedings, particularly those involving formal hearings.

(v) *Section of Insurance*. This section performs work in connection with the administration of section 215 of the act (49 U. S. C. 315) pertaining to the furnishing of insurance or other security by motor carriers and brokers for the protection of shippers and the public, including the preparation of recommendations for submission to the Commission for determination of applications to self insure, the approval or disapproval of certificates of insurance, etc., passing upon the qualifications of insurance and bonding companies, etc. This section also performs for the Bureau of Water Carriers and Freight Forwarders, work similar to that described above, in connection with the administration of section 403 (c) of the act (49 U. S. C. 1003 (c)), applicable to freight forwarders.

(vi) *Section of Law and Enforcement*. This section performs work in connection with enforcing compliance with the law by motor carriers, brokers, and others and the imposition of penalties for violations. Advises the Commission, the Director of the bureau, and other members of the bureau on legal matters involving motor transportation.

(vii) *Section of Safety*. This section performs work in connection with the promulgation of regulations pertaining to safety, hours of service of employees, and standards of equipment, the obtaining and examination of reports of accidents, the investigation of accidents, and the administration of regulations, compiles and publishes statistical and other information pertaining to these matters.

(viii) *Field offices*. For the administration of the Interstate Commerce Act and other statutes administered by the Commission, insofar as they involve or relate to transportation by motor vehicle, the United States is divided into

16 districts, each in charge of a district director, who is under the general supervision of the Assistant Director and the Director. There are within each of these districts a number of separate field offices, each in charge of a district super-

visor, subject to the supervision of the district director. The duties of the various field employees include general duties in connection with all activities of the Commission in relation to motor transportation, including the giving of

advice and information to carriers and the public, and duties pertaining to the publication, filing, and observance of rates, fares, and charges.

(3) *District offices; location of directors and supervisors.*

District No.	Territory Included	District Office	Office of Supervisors
1	Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	Room 1220 North Station Office Building, 150 Causeway St., Boston 11, Mass.	409 Clapp Memorial Bldg., Portland 3, Maine. Room 1220 North Station Office Bldg., 150 Causeway St., Boston 11, Mass. 6 Campbell Street, Lebanon, N. H. 1017 Industrial Trust Bldg., Providence 3, R. I. 223 Federal Bldg., Hartford 1, Conn. 1060 Broad St., Room 512, Newark, N. J. 417 Federal Bldg., Albany 1, N. Y. 711 Kilmer Press Bldg., Binghamton 60, N. Y. 1501 Genesee Bldg., Buffalo 2, N. Y. 641 Washington St., New York 14, N. Y. 418 Syracuse-Kempel Bldg., Syracuse 2, N. Y. 401 Appraisers Store Bldg., Baltimore 2, Md. 206-H Post Office Bldg., Salisbury, Md. 85 U. S. F. & G. Bldg., Harrisburg, Pa. 1101 Gimbel Bldg., Philadelphia 7, Pa. 340 U. S. Post Office Bldg., Scranton 1, Pa. 413 Federal Bldg., Cincinnati, Ohio. 519 Federal Bldg., Cleveland 14, Ohio. 311 Old Post Office Bldg., Columbus 15, Ohio. Third Floor Old Federal Bldg., Toledo 4, Ohio. 1025 New Federal Bldg., Pittsburgh 19, Pa. 417 Peoples Bank Bldg., Charleston, W. Va. 741 National Exchange Bank Bldg., Wheeling, W. Va. 240 Post Office Bldg., Charlotte 2, N. C. 219 Post Office Bldg., Raleigh, N. C. 201 Creason Bldg., Columbia 56, S. C. 608 Parcel Post Bldg., Richmond 19, Va. 205 Liberty Trust Bldg., Roanoke 11, Va. 1002 Martin Bldg., Birmingham 3, Ala. 338 Post Office Bldg., Jacksonville 1, Fla. 305 Tallahassee Administration Bldg., Tallahassee, Fla. 809 Standard Bldg., Atlanta 3, Ga. 5 Post Office Bldg., Lexington, Ky. 523 Post Office Bldg., Louisville 2, Ky. 811 Deposit Guaranty Bank Bldg., Jackson 14, Miss. 207 Post Office Bldg., Memphis 3, Tenn. 630 Third National Bank Bldg., Nashville 3, Tenn. 1122 Main Post Office Bldg., Chicago 7, Ill. 602 First National Bank Bldg., Springfield, Ill. 361 Federal Bldg., Fort Wayne 2, Ind. 257 U. S. Court House and Post Office, Indianapolis 4, Ind. 671 Federal Bldg., Detroit 26, Mich. 1608 Olds Tower Bldg., Lansing 8, Mich. 107 Federal Office Bldg., Minneapolis, Minn. 404 First National Bank Bldg., Fargo, N. Dak. 201 Post Office Bldg., Pierre, S. Dak. 424 Union Trust Bldg., Madison 3, Wis. 806 First Wisconsin National Bank Bldg., Milwaukee 2, Wis. 930 Davenport Bank Bldg., Davenport, Iowa. 223 Federal Office Bldg., Des Moines, Iowa. 309 Federal Building, Topeka, Kans. 407 Schweiter Bldg., Wichita 2, Kans. 912 Baltimore Ave., Kansas City 6, Mo. Room 1006 U. S. Court House and Customs Bldg., St. Louis 2, Mo. 318 U. S. Post Office and Court House, Lincoln 8, Nebr. 1319 Woodman of the World Bldg., Omaha 2, Nebr. 215 Commerce St., Little Rock, Ark. 860 St. Charles Ave., New Orleans 13, La. 336 Key Bldg., Oklahoma City, 2, Okla. 605 Ritz Bldg., Tulsa 3, Okla. 1109 Electric Bldg., Fort Worth, Tex. 605 Amarillo Bldg., Amarillo, Tex. 707 Burt Bldg., Dallas 1, Tex. 915 New Federal Bldg., Houston 14, Tex. 583 U. S. Post Office Bldg., (P. O. Box 36), San Antonio 6, Tex. 622 Midland Savings Bldg., Denver 2, Colo. 401 Sunshine Bldg., Albuquerque, N. Mex. 619 Idaho Building, Boise, Idaho. 413 Electric Bldg., Billings, Mont. 420 Continental Bank Bldg., Salt Lake City 1, Utah. 323 Pittock Block, Portland 5, Oreg. 714½ U. S. Court House Bldg., Seattle 4, Wash. 206 Post Office Bldg., Spokane 8, Wash. 304 Security Building, Phoenix, Ariz. 1519 U. S. Post Office and Court House, Los Angeles 12, Calif. 543 Monadnock Bldg., San Francisco 5, Calif.
2	Connecticut, New Jersey, New York.	641 Washington St., New York 14, N. Y.	
3	Delaware, District of Columbia, Maryland, East of east county line of McKean, Cameron, Clearfield, Blair, and Bedford of Pennsylvania.	1101 Gimbel Bldg., Philadelphia 7, Pa.	
4	Ohio, and West of east county line of McKean, Cameron, Clearfield, Blair, and Bedford of Pennsylvania, West Virginia.	311 Old Post Office Bldg., Columbus 15, Ohio.	
5	North Carolina, South Carolina, Virginia.	240 Post Office Bldg., Charlotte 2, N. C.	
6	Alabama, Florida, Georgia.	809 Standard Bldg., Atlanta 3, Ga.	
7	Kentucky, Mississippi, Tennessee.	630 Third National Bank Bldg., Nashville 3, Tenn.	
8	Illinois, Indiana, Michigan.	1122 Main Post Office Bldg., Chicago 7, Ill.	
9	Minnesota, North Dakota, South Dakota, Wisconsin.	107 Federal Office Bldg., Minneapolis 1, Minn.	
10	Iowa, Kansas, Missouri, Nebraska.	912 Baltimore Ave., Kansas City 6, Mo.	
11	Arkansas, Louisiana, Oklahoma.	215 Commerce St., Little Rock, Ark.	
12	Texas.	1109 Electric Bldg., Fort Worth 2, Tex.	
13	Colorado, New Mexico, Wyoming.	622 Midland Savings Bldg., Denver 2, Colo.	
14	Idaho, Montana, Utah.	420 Continental Bank Bldg., Salt Lake City 1, Utah.	
15	Oregon, Washington.	323 Pittock Block, Portland 5, Oreg.	
16	Arizona, California, Nevada.	543 Monadnock Bldg., San Francisco 5, Calif.	

(j) *Bureau of Personnel Supervision and Management; functions.* The personnel work of the Commission which is centralized in this bureau includes recruitment, separations, within-grade promotions, changes in status from grade to grade, transfers, keeping time records, efficiency ratings, and preparation of pay rolls and of reports to Congress, Bureau of the Budget, Civil Service Commission, and special statements on personnel matters for the Commission and others.

(k) *Bureau of Safety—(1) Functions.*

(i) The activities of the Bureau of Safety relate to the enforcement of the Safety

Acts as related to railways, other than those pertaining particularly to locomotives. Included in the acts administered through this bureau are the various Safety Appliance Acts (45 U. S. C. 1-16, 17-21, 36) the Accidents Reports Act, (15 U. S. C. 38-43) the Hours of Service Act, (45 U. S. C. 61-64), the Block Signal Resolution (45 U. S. C. 35), and section 25 of the Act (49 U. S. C. 25), under which acts standards for safety are prescribed. (Parts 131-136.)

This bureau conducts inspection of safety appliances and the Commission reports violation of the safety appliance

laws, and also violations of the hours of service law, to the proper United States district attorneys for prosecution. Applications for approval of material modifications of block-signal systems and interlocking devices are investigated by the Bureau and acted upon by the Commission. Train accidents are investigated by the Bureau, and recommendations are made by the Commission as to corrective measures to be taken by the carriers.

(2) *Field headquarters.* (ii) For the purpose of efficient administration of

these acts inspectors are located at strategic railroad centers as follows:

Washington, D. C.	Buffalo, N. Y.
San Antonio, Tex.	Cincinnati, Ohio.
Detroit, Mich.	Des Moines, Iowa.
Chicago, Ill.	Scranton, Pa.
Jacksonville, Fla.	Birmingham, Ala.
Boston, Mass.	Baltimore, Md.
Shreveport, La.	New York, N. Y.
San Francisco, Calif.	Spokane, Wash.
Memphis, Tenn.	Omaha, Nebr.
Kansas City, Mo.	Salt Lake City, Utah.
Raleigh, N. C.	Oklahoma City, Okla.
Butte, Mont.	Columbus, Ohio.
Denver, Colo.	St. Louis, Mo.
Houston, Tex.	Cleveland, Ohio.
Pittsburgh, Pa.	New Orleans, La.
Norfolk, Va.	Albany, N. Y.
Charlotte, N. C.	Ft. Worth, Tex.
Minneapolis, Minn.	Seattle, Wash.
Nashville, Tenn.	Duluth, Minn.
Grand Rapids, Mich.	Davenport, Iowa.
Los Angeles, Calif.	Portland, Oreg.
Philadelphia, Pa.	Atlanta, Ga.
Knoxville, Tenn.	Pittsburgh, Pa.
Syracuse, N. Y.	Toledo, Ohio.
Dallas, Tex.	

Inspectors have no contact with the general public, and do not maintain offices.

(1) *Bureau of Service*—(1) *Functions*. The Bureau of Service primarily handles matters dealing with sections 1 (10) to 1 (17), 6 (8), and 15 (4) of the act (49 U. S. C. 1 (10)–1 (17), 6 (8), 15 (4)), relating to car service which is defined as including the use, control, supply, movement, distribution, exchange, interchange and return of locomotives, cars, and other vehicles used in the transportation of property including special types of equipment and a supply of trains of any carrier by railroad subject to the act. It also handles controversies involving demurrage charges.

(2) *Section of Explosives*. It formulates for the Commission's consideration, rules and regulations governing the transportation of explosives and other dangerous articles under section 233 of the Transportation of Explosives Act. (18 U. S. C. 382–386) (Parts 71–85.)

(3) *District offices*. For the proper administration of the foregoing duties, the country has been divided into 17 districts, with a service agent stationed in each district. Additional service agents, under the supervision of the service agents in charge of the different districts, are located at strategic points throughout the country. The service agents in charge of each district deal with railroads and the public generally, in order to see that adequate car service as defined in section 7 (10) of the act, (49 U. S. C. 1 (10)) is performed, and they undertake to adjust amicably any complaints with respect to car service, and keep the Commission informed of transportation conditions in the different parts of the country. The field organization also investigates and reports on violations of rules and regulations governing the transportation of explosives and other dangerous articles.

The District Offices are located at the following points:

Boston, Mass.	1700 Federal Bldg.
New York, N. Y.	1044 Parcel Post Bldg.
Buffalo, N. Y.	1310 Genesee Bldg.
Washington, D. C.	2420 I. C. C. Bldg.
Atlanta, Ga.	509 Forsyth Bldg.
Louisville, Ky.	528 Post Office Bldg.

Detroit, Mich.	430 Lafayette Bldg.
Chicago, Ill.	802 U. S. Courthouse.
St. Louis, Mo.	747 U. S. Courthouse.
Kansas City, Mo.	302 U. S. Courthouse.
New Orleans, La.	860 St. Charles Ave.
Minneapolis, Minn.	121 Federal Office Bldg.
Denver, Colo.	552 New Customhouse.
Portland, Oreg.	513 Post Office Bldg.
San Francisco, Calif.	210 Sheldon Bldg.
Los Angeles, Calif.	449 Pacific Electric Bldg.
Dallas, Tex.	705 Burt Bldg.

(m) *Bureau of Traffic*—(1) *Functions*. The Bureau of Traffic handles matters governed by regulations of the Commission requiring the filing of schedules of rates, fares and charges and tariffs of common and contract carriers and freight forwarders. The bureau supervises these matters to see that the schedules and tariffs are properly filed, and that no changes in rates, fares or charges are made except in the prescribed manner, and after due notice to the Commission and the public. The bureau also acts in a consulting capacity to the Commission with respect to tariff policies, rate adjustments, general rate investigations, tariff interpretations, and rate-making principles.

(2) *Sections, boards and committee*—(i) *Board of Suspension*. This board, headed by a Chairman, handles matters in connection with the suspension of any new rate, fare or charge (or any new regulation or practice affecting any rate, fare or charge) of all carriers and freight forwarders subject to the act; investigates requests for suspension made by interested parties and the replies thereto; and submits its recommendations to the Commission.

(ii) *Fourth Section Board*. This board consists of three members headed by a Chairman and receives applications for relief under section 4 of the Act, (49 U. S. C. 4) prohibiting the charging of a higher rate for shorter than for longer distances over the same line or route in the same direction, and of through rates exceeding the aggregate of intermediate rates. The board makes reports and drafts orders on these applications for submission to the Commission.

(iii) *Section of Tariffs*. This section is headed by the Assistant Director of the bureau, who is chief of the section, and handles matters under sections 6, 217, 306, 405, and 409 of the act (49 U. S. C. 6, 317, 906, 1005, 1009), applications for special permission to publish and file rates, rules, and regulations upon less than statutory notice, and requests for waiver of tariff publishing rules. Questions of tariff interpretation are handled by correspondence.

The section maintains the official tariff file of the Commission, and a duplicate tariff file for the use of the public. It makes rate checks for the Commission, particularly the Bureau of Formal Cases, Bureau of Informal Cases, Bureau of Motor Carriers, and the Bureau of Inquiry. The section makes recommendations to the Commissioner in charge as to changes in Tariff Circular rules.

(iv) *Released Rates Committee*. This committee is headed by a Chairman, and makes recommendations to the Commission as to the issuance of released-rate

orders, permitting carriers to limit their liability for loss or damage to property transported. Such a limitation is prohibited without the Commission's authority to maintain rates based upon value as declared by shipper or under a release signed by shipper (sections 20 (11), 219, and 413 of the act, 49 U. S. C. 20 (11), 319, and 1013).

(n) *Bureau of Transport Economics and Statistics*—(1) *Functions*. This bureau, in general, (a) receives, reviews, and handles the annual and other periodic reports required by the Commission from carriers or persons subject to the provisions of the Interstate Commerce Act; (b) compiles and analyzes data contained in such reports; (c) prepares a series of publications based on annual, monthly, and quarterly reports which show data relating to investment, capitalization, earnings, efficiency of operation, traffic, accidents, employment, and wages, as well as other characteristics of carrier operation; (d) conducts cost studies and prepares cost analyses required by the Commission and its examiners in connection with various proceedings; (e) conducts special economic and statistical studies and investigations relating to various phases of transportation; (f) answers requests from the public for information.

(2) *Sections*—(i) *Administrative Section*. This section performs the administrative work of the bureau, including the general supervision and planning of all of its functions, furnishes the Commission, other Government agencies, and the general public with statistical data and other information relating to transportation; handles personnel matters; maintains a public reference room, general files and mailing lists, and prepares proposed orders of the Commission in matters relating to the Bureau's work.

(ii) *Research Section*. Its function is to provide the Commission with the analyses of various aspects, phases, and developments relating to transportation by rail, motor, water, and air which directly or indirectly relate to the duties and functions of the Commission under the Interstate Commerce Act and related statutes.

(iii) *Annual Report Section*. This section is engaged in the compilation of all of the statistics based on the annual reports of all classes of carriers subject to the jurisdiction of the Commission, examines the reports, and conduct correspondence with the carriers regarding their returns.

(iv) *Operating Returns Section*. This section compiles and prepares for publication the current monthly and quarterly financial and operating statistics of the various classes of carriers subject to the Commission's jurisdiction.

(v) *Accident Report Section*. This section compiles the monthly and annual statistics relating to railway accidents and conducts correspondence with the carriers in regard to their reports of such accidents.

(vi) *Cost Section*. This section is engaged in the preparation of studies and analyses of the costs of transportation for the various types of carriers subject

to the Commission's jurisdiction and participates in numerous rate cases before the Commission involving such costs.

(vii) *Waybill Section.* This section is engaged in the analysis of data shown on the waybills of various classes of carriers for the purpose of developing information for rate structure analysis and for use in connection with studies involving cost analysis.

(o) *Bureau of Valuation*—(1) *Functions.* The primary function performed by the Bureau of Valuation under section 19a of the Interstate Commerce Act is the investigation, ascertainment, and reporting of the value of all property owned or used by every common carrier subject to the provisions of Part I of the act, and, upon completion thereof, to keep informed of all new construction, extensions, improvements, retirements, or other changes in the condition and value of the property of all common carriers, and have available at all times the information to enable it to revise and correct its previous inventories, classifications and values. The bureau also has the duty of making basic valuations of all newly constructed lines and of the property of carriers that come for the first time within the jurisdiction of the act. When deemed necessary the bureau brings such basic valuations to currency for use in reorganization, *Ex Parte*, or other proceedings.

(2) *Field Headquarters*—(1) *Land appraisers.* This bureau maintains a field organization to study and report changes within their several districts in values and use of real property of common carriers, such studies being supported by personal investigation, sales and assessment data of similar lands and interviews with qualified dealers, loan representatives, etc.; and to make detailed land appraisals and to present expert testimony when required. The field organization concerned with land appraisals has headquarters at the following locations, each in charge of land appraiser:

Atlanta, Ga.: M-111 New Post Office Building.

Boston, Mass.: 1702 Federal Building.

Chicago, Ill.: 851 U. S. Courthouse.

Kansas City, Mo.: 302 U. S. Courthouse.

Cleveland, Ohio: 510 Federal Building.

Los Angeles, Calif.: 1528 Post Office Building.

New York City, N. Y.: Room 408, 641 Washington Street.

Oakland, Calif.: 205 Post Office Building.

Philadelphia, Pa.: 806 U. S. Customhouse.

St. Louis, Mo.: 749 U. S. Court and Customhouse.

St. Paul, Minn.: 321 Federal Courts Building.

Seattle, Wash.: 612 Federal Office Building.

Similarly, this bureau maintains a field organization to audit the records and reports under valuation orders covering property changes and their costs since basic valuation dates, including the making of appropriate field checks and inspections; checking cost data reports and preparing other special valuation data required from time to time not covered by orders. Field headquarters for this purpose are maintained at—

(ii) *Auditors.*

Chicago, Ill.: 881 U. S. Courthouse.
Houston, Tex.: 1017 Federal Office Building.
New York City, N. Y.: Room 719, 45 Broadway.

Omaha, Nebr.: 415-B Post Office Building.
San Francisco, Calif.: 823 Monadnock Building.
St. Louis, Mo.: 1000 New Federal Building.
St. Paul, Minn.: 501 Federal Courts Building.

Philadelphia, Pa.: Room 900, 15 North Thirty-second Street.

(p) *Bureau of Water Carriers and Freight Forwarders*—(1) *Functions.* This bureau handles administratively matters relating to carriers by water and freight forwarders arising under Parts III and IV of the Interstate Commerce Act, including exemptions and the issuance of certificates and permits; inquiries into the management; relief from foreign competition; and classifications of groups of carriers included under the terms "common carrier by water" and "contract carrier by water."

This bureau maintains a Special Agent in its Washington office, and District Supervisors in the field, through whom contact is maintained with water carriers and freight forwarders and the public.

(2) *District Supervisors.* District Supervisors are located at:

Chicago 11, Ill.: 1122 Main Post Office Building.

San Francisco 5, Calif.: 823 Monadnock Building, 681 Market Street.

New Orleans 13, La.: 860 St. Charles Street.

Notice of this order shall 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.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-16639; Filed, Sept. 11, 1946;
5:01 p. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF COTTON

CROSS REFERENCE: For an exception to the provisions of § 500.3, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 1, Revised-8]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS AND PERMITS

SHIPMENTS OF COTTON

Pursuant to Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress; E. O. 9889, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 1, Revised,

as amended, 11 F. R. 8228, 8740, 9040, it is hereby authorized, That:

§ 520.10 *Shipments of cotton.* Notwithstanding the restrictions contained in § 500.3 of General Order ODT 1, Revised, as amended (11 F. R. 8228, 8740, 9040), any common carrier by railroad may accept from a shipper, or load and forward from or within any city or town any car of merchandise consisting of flat and uncomressed cotton, in bales:

(a) When such merchandise is consigned to any cotton concentration or compress location; and

(b) When the entire floor space of the car is occupied by such merchandise, with the bales standing on end, one tier high.

This General Permit ODT 1, Revised-8, shall become effective September 13, 1946, and shall cancel and supersede General Permit ODT 1-3 (8 F. R. 10023).

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. App. 633, 58 Stat. 827, 59 Stat. 658, Pub. L. Law 475, 79th Congress; E. O. 9889, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641; and General Order ODT 1, Revised, as amended, 11 F. R. 8228, 8740, 9040)

Issued at Washington, D. C., this 10th day of September, 1946.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 46-16561; Filed, Sept. 13, 1946;
9:28 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service,
Department of the Interior

PART 25—SOUTHERN REGIONAL NATIONAL WILDLIFE REFUGES

WHEELER NATIONAL WILDLIFE REFUGE, ALABAMA; HUNTING

SEPTEMBER 4, 1946.

Section 25.964 (a), (b), (c), (d), (e), and (f) approved November 6, 1943 (8 F. R. 15675) and § 25.964 approved October 27, 1944 (9 F. R. 13140) are superseded and amended to read as follows:

§ 25.964 *Wheeler National Wildlife Refuge, Alabama; hunting.* Until further notice squirrels may be taken on the lands of the Wheeler National Wildlife Refuge, Alabama in accordance with the State laws and regulations, and under such special regulations and conditions as may be prescribed by the Officer in Charge of the refuge, copies of which shall be posted on the refuge and available at refuge headquarters.

(Sec. 10, Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U. S. C. 7151), as amended; § 12.9 of the General Regulations for the Administration of National Wildlife Refuges (5 F. R. 5284, 10 F. R. 4267))

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 46-16563; Filed, Sept. 13, 1946;
9:00 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Land Management.

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 26, 1946.

1. Pursuant to Order No. 2180 of the Secretary of the Interior, dated April 8, 1946, I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), for leasing, as hereinafter indicated, the following described public lands in the Los Angeles, California, land district, embracing 1,853.36 acres:

SMALL TRACT CLASSIFICATION NO. 97

CALIFORNIA NO. 36

For all of the purposes mentioned in the act except business and camp site purposes.

SAN BERNARDINO MERIDIAN

T. 1 N., R. 8 E.,
Sec. 14, all;
Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 34, lots 1, 2, 3 and 4;
Sec. 35, lots 1, 2, 3, 4, 5, 6, 7 and 8.

2. The lands are located in a desert area about 140 miles east of Los Angeles near the southerly border of San Bernardino County. They lie within the Twentynine Palms community to which an electric power line has been extended. Telephone service also is available.

3. Water for the entire area is obtained from ground water supplies. Water has been obtained from wells throughout the area ranging in depth from 30 to 275 feet. Available information indicates that water in quantities adequate for domestic purposes will likely be obtained at depths of approximately 150 feet under these lands. Water from developed wells is sold and delivered locally. This is a common practice in the vicinity and is often the cheapest and most desirable method of obtaining culinary water.

4. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, Cum. Supp., Part 257, as amended by Circ. 1613, February 27, 1946), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 3:12 p. m. on April 30, 1946, and (b) are for the type of site for which the land subject thereto has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

5. As to the land not covered by the applications referred to in paragraph 4, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on October 28, 1946. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on October 28, 1946, to close of business on January 25, 1947, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on or after 5:12 p. m. on April 30, 1946, together with those presented at 10:00 a. m. on October 8, 1946, shall be treated as simultaneously filed.

(c) *Date for nonpreference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 27, 1947, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference-right filings.* Applications under the small tract act by the general public filed on or after 3:12 p. m. on April 30, 1946, together with those presented at 10:00 a. m. on January 7, 1947, shall be treated as simultaneously filed.

6. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

7. All applications for the lands referred to in paragraphs 4 and 5, which shall be filed in the District Land Office at Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

8. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Acting Director, Bureau of Land Management, improvements which under the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of five years, at an annual rental of \$5 payable yearly in advance.

9. All of the land will be leased in tracts of approximately 5 acres each with

dimensions of about 330 by 660 feet. Preference right leases referred to in paragraph 4 will be issued for the land described in the application, irrespective of the direction of the tract, provided the land is applied for in rectangular units of approximately 330 by 660 feet. All of the land covered by applications filed subsequent to 3:12 p. m. on April 30, 1946, will be leased in tracts with dimensions of approximately 330 by 660 feet, the longest dimensions of each tract in secs. 14, 20 and 22 extending in a north-south direction and in secs. 34 and 35 the longest dimensions of each tract in an east-west direction. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, however, the Acting Manager is authorized to accept an application for the remaining 5-acre tract extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified above.

10. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-16568; Filed, Sept. 13, 1946;
8:58 a. m.]

[Misc. 2066292]

MISSISSIPPI

NOTICE OF FILING OF SUPPLEMENTAL PLAT

AUGUST 20, 1946.

Notice is given that the supplemental plat, hereinafter described, will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on October 22, 1946. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 22, 1946, to close of business on January 20, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 2, 1946, to 10:00 a. m. on October 22, 1946, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00

a. m. on October 22, 1946, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on January 21, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 31, 1946, to 10:00 a. m. on January 21, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 21, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations, contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in part 257 of that title.

Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Washington 25, D. C.

The lands affected by this notice are described as follows:

CLAIBORNE COUNTY, MISSISSIPPI

WASHINGTON MERIDIAN

T. 12 N., R. 3 E.
Sec. 3, lot 7, 24 acres;
Sec. 4, lot 8, 15 acres.

The above-mentioned plat gives designations and areas for the portions of sec. 11, claim of John Reynolds, erroneously shown as invading secs. 3 and 4 on the Freeman plat. The lands have a broken surface and support a growth of hardwoods, such as oak, ash, hickory and dogwood.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-16585; Filed, Sept. 13, 1946;
9:26 a. m.]

ARIZONA

AIR-NAVIGATION SITE WITHDRAWAL NO. 229

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 229:

GILA AND SALT RIVER MERIDIAN

T. 17 N., R. 15 W.,
Sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 18 $\frac{1}{2}$ N., R. 18 W.,
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 20 acres.

This order shall take precedence over, but shall not modify, the order of the Acting Secretary of the Interior of March 6, 1936, establishing Arizona Grazing District No. 2, so far as it affects the above-described lands.

The NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 26, T. 16 $\frac{1}{2}$ N., R. 18 W., is subject to a withdrawal for an aerial gunnery range for the use of the War Department, established by Public Land Order No. 126 of May 20, 1943, so long as the latter order remains unrevoked.

WARNER W. GARDNER,
Acting Secretary of the Interior.

AUGUST 26, 1946.

[F. R. Doc. 46-16566; Filed, Sept. 13, 1946;
9:26 a. m.]

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

[Docket No. AO 122-45]

SIOUX CITY, IOWA, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK WITH RESPECT TO PROPOSED AMENDMENTS

Proposed amendments to the tentatively approved marketing agreement and order, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), notice is hereby given of a public hearing to be held in Room 329, Federal Building, at Sioux City, Iowa, beginning at 10:00 a. m., C. S. T., September 19, 1946, with respect to proposed amendments to the tentatively approved marketing agreement and order, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area (8 F. R. 4688, 8294; 11 F. R. 4600, 8277). The amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the amendments, or to any modifications thereof, which are herein-after set forth.

The Sioux City Milk Producers' Cooperative Association has proposed the following amendments:

1. Delete § 948.3 (10) and substitute therefor the following:

(10) "Other source milk" means milk, skim milk, cream or any other milk product received at a plant of a handler from sources other than producers or other handlers.

2. Delete § 948.5 (b) and substitute therefor the following:

(b) *Classes of utilization.* Subject to the conditions set forth in (c) of this section, the classes of utilization shall be:

(1) Class I milk shall be (i) all milk, skim milk, cream, and milk products disposed of in fluid form (except that which has been disposed of for livestock feeding) as (a) milk; (b) skim milk; (c) flavored milk or flavored milk drinks; (d) cultured buttermilk and (ii) all milk the butterfat from which exceeds 3 percent of the total receipts of butterfat received from producers converted to 3.5 percent milk equivalent.

(2) Class II milk shall be all milk, skim milk, and cream, the butterfat from which is disposed of (except that which has been disposed of to a butter manufacturing plant) as sweet or sour cream including any fluid cream product containing more than 6 percent butterfat.

(3) Class III milk shall be (i) all milk, skim milk, cream, and milk products the butterfat from which is used to produce or is contained in a milk product other than specified in (b) (1) (i) and (b) (2) of this section and (ii) all milk the butterfat from which is not accounted for in (b) (1) (i), (b) (2) and (b) (3) (i) of this section but which shall not exceed 3 percent of the total receipts of butterfat received from producers converted to 3.5 percent milk equivalent.

3. Delete § 948.8 (c) *Purchases of emergency milk* and substitute therefor the following:

(c) *Purchases of other source milk.* The market administrator, before making the computations pursuant to § 948.9 shall subtract in series beginning with the lowest priced uses, the quantity of milk, skim milk, or the 3.5 percent milk equivalent of cream, received as other source milk.

4. Renumbers § 948.9 (b) (2) as § 948.9 (b) (3) and add a paragraph as follows:

(2) For each of the delivery periods of May and June subtract an amount equal to 20 cents per hundredweight of the milk received from producers of all handlers whose reports are included in this computation.

Renumber § 948.9 (3) as § 948.9 (4).

Renumber § 948.9 (4) as § 948.9 (5).

Renumber § 948.9 (5) as § 948.9 (6).

5. Delete § 948.10 (b) *Butterfat differential* and substitute therefor the following:

(b) *Butterfat differential to producers.* If, during the delivery period, any handler has received from any producer or from a cooperative association, milk having a weighed average butterfat content

other than 3.5 percent, such handler, in making the payments prescribed in (a) of this section, shall add to, or subtract from the applicable uniform price per hundredweight paid to such producers, an amount computed by the market administrator as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest $\frac{1}{10}$ cent.

6. Renumber § 948.10 (c) as § 948.10 (d). Add a paragraph as § 948.10 (c) *Seasonal-adjustment fund*.

(1) *Seasonal-adjustment fund*. Starting in 1947 the market administrator shall establish and maintain a separate fund known as the seasonal-adjustment fund into which he shall deposit all payments made by handlers or cooperative associations pursuant to § 948.10 (c) (2), and out of which he shall make all payments pursuant to § 948.10 (c) (3).

(2) *Payments to the seasonal-adjustment fund*. On or before the 10th day after the end of each delivery period for May and June, each handler shall pay to the market administrator for the account of the seasonal-adjustment fund an amount of money equal to \$0.20 times the hundredweight of milk received from producers during the delivery period as computed pursuant to § 948.9 (b) (4).

(3) *Payments out of the seasonal-adjustment fund*. (i) On or before the 8th day after the end of each month of September, October and November, the market administrator shall compute a seasonal-adjustment fund rate as follows: divide one-third of the aggregate amount paid to the seasonal-adjustment fund pursuant to § 948.10 (c) (2) by the total hundredweight of milk from producers delivered during the respective months of September, October, and November. (ii) On or before the 10th day after the end of each of the months of September, October, and November, the market administrator shall pay out of the seasonal-adjustment fund to each producer an amount equal to the rate computed pursuant to (3) (i) of this section times the hundredweight of milk received from such producers for such month: *Provided*, That payment under (3) (ii) of this section due any producer who has given authority to a cooperative association which is qualified to receive payments for his milk shall be paid to such cooperative association if the cooperative association requests receipt of such payment.

7. Renumber § 948.10 (d) as § 948.10 (e). Renumber § 948.10 (e) as § 948.10 (f). Renumber § 948.10 (f) as § 948.10 (g).

The Roberts Dairy Company and the Soderstrom Dairy have proposed the following amendments:

1. Delete the provisions of § 948.3 (6) and substitute the following: "Delivery period means any calendar month."

2. Delete the provisions of § 948.8 (d) and substitute the following:

(d) *Payment for excess butterfat*. In the case of a handler who disposes of butterfat in excess of butterfat which,

on the basis of his records, has been received, the market administrator, in making the computations pursuant to § 948.9, shall add an amount equal to the value of such butterfat.

The market administrator shall make the following computations:

(1) Determine the producers' share of the excess butterfat by applying the percentage that the receipts of butterfat from producers is to the total receipts of butterfat.

(2) Multiply the excess pounds of butterfat at average Chicago wholesale 92-score butter market for the delivery period.

3. Delete the provisions of § 948.5 (b) (3b) and substitute the following:

(b) All milk accounted for as actual plant shrinkage (but such plant shrinkage shall not exceed 3% of total receipts of butterfat).

4. Delete the provisions of § 948.6 (a) and (b) and substitute the following:

(a) *Class I milk*. The price per hundredweight for Class I milk during each delivery period shall be as set forth in the table in paragraph (b) of this section.

(b) *Class II milk*. The price per hundredweight for Class II milk during each delivery period shall be as set forth in the following table:

When the price computed pursuant to paragraph (d) of this section is—	Class I price shall be—	Class II price shall be—
Under \$1.50	\$2.30	\$2.00
\$1.50 or more but under \$1.70	2.40	2.10
\$1.70 or more but under \$1.90	2.60	2.30
\$1.90 or more but under \$2.10	2.80	2.50
\$2.10 or more but under \$2.30	3.00	2.70
\$2.30 or more but under \$2.50	3.20	2.90
\$2.50 or more but under \$2.70	3.40	3.10
\$2.70 or more but under \$2.90	3.60	3.30
\$2.90 or more but under \$3.10	3.80	3.50
\$3.10 or more but under \$3.30	4.00	3.70
\$3.30 or more but under \$3.50	4.20	3.90
\$3.50 or more but under \$3.70	4.40	4.10
\$3.70 or more but under \$3.90	4.60	4.30
\$3.90 or more but under \$4.10	4.80	4.50
\$4.10 or more but under \$4.30	5.00	4.70
\$4.30 or more but under \$4.50	5.20	4.90
\$4.50 or over	5.40	5.10

The Dairy Branch, Production and Marketing Administration, has proposed the following amendments:

1. Delete the provisions of § 948.3, except § 948.3 (c), and substitute therefor the following:

§ 948.3 *Definitions*. As used herein the following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, including one who may also be a handler,

who, in conformity with the applicable health regulations, produces milk which is received (1) at the plant of a handler from which Class I milk or Class II milk is disposed of in the marketing area, (2) by a cooperative association in its capacity as a handler.

(f) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members and (2) to have and to be exercising full authority in the sale of milk of its members.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging and distribution of milk are the personal enterprise of, and at the personal risk of such person in his capacity as a handler.

(h) "Handler" means (1) any person who purchases or receives producer milk at a plant from which Class I milk or Class II milk is disposed of in the marketing area, and (2) a cooperative association which causes producer milk to be diverted for its account to a plant from which no Class I milk or Class II milk is disposed of in the marketing area. Producer milk so diverted shall be deemed to have been received by such cooperative association.

(i) "Producer milk" means any milk produced by one or more producers under the condition set forth in (e) of this section.

(j) "Other source milk" means (1) milk, (2) skim milk, (3) cream, or (4) any other milk product received at a plant of a handler from sources other than producers or other handlers.

(k) "Department of Agriculture" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions specified in § 948.7.

(l) "Market Administrator" means the agency which is described in § 948.4 for the administration hereof.

(m) "Delivery period" means the calendar month, or the total portion of the calendar month, during which the provisions hereof are effective.

(n) "Diverted" as used in § 948.6 means a transfer of milk by a handler to another handler or to any milk distributing plant or manufacturing plant, without being weighed and tested by the first handler.

2. Delete the provisions of § 948.4 and substitute therefor the following:

§ 948.4 *Market Administrator*—(a) *Designation*. The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers*. The market administrator shall have power to:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 948.10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary, publicly disclose to handlers and to producers, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to § 948.5 or (b) made payments pursuant to § 948.9; and

(5) Promptly verify the information contained in the reports submitted by handlers pursuant to § 948.5;

(6) Publicly announce by such means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 3rd day after the end of each delivery period, the minimum class prices computed pursuant to § 948.7; and the butterfat differential computed pursuant to § 948.9 (b),

(ii) On or before the 7th day after the end of each delivery period the uniform price computed pursuant to § 948.8 (b) (5).

3. Delete the provisions of § 948.5 and substitute therefor the following:

§ 948.5 *Reports, records, and facilities*—(a) *Delivery report of receipts and utilization.* (1) On or before the 5th day after the end of each delivery period, each handler, except as otherwise provided in (2) of this paragraph, shall report to the market administrator for such delivery period, with respect to all producer milk and other source milk received during the delivery period, in the detail and on the forms prescribed by the market administrator, as follows:

(i) The quantities of butterfat and the quantities of skim milk contained in such receipts (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received from other handlers or other sources);

(ii) The utilization of all such receipts of producer milk and other source milk; and

(iii) Such other information with respect to such receipts and utilization as the market administrator may request.

(2) Each producer-handler or handler who receives at his plant no producer milk other than that from his own farm or from other handlers shall make

reports to the market administrator at such time and in such manner as the market administrator may request.

(b) *Reports of payment to producers.* On or before the 15th day after the end of each delivery period, each handler shall submit to the market administrator such handler's producer payroll for the delivery period, which shall show for each producer and cooperative association:

(1) The total pounds of milk received and the total pounds of butterfat contained in such milk.

(2) The price, amount and date of payment made pursuant to § 948.9.

(3) The nature and amount of each deduction or charge involved in the payments referred to in (2) of this paragraph.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of any of his operations, including those of any other handler or person upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(1) The utilization, in whatever form, of all skim milk and butterfat pursuant to (a) of this section;

(2) The weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized; and

(3) Payments to producers or cooperative association.

4. Delete the provisions of § 948.6 and substitute therefor the following:

§ 948.6 *Classification of milk*—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in:

(1) All milk, skim milk, cream and milk products (except in the case of milk products disposed of in the form in which received) received during the delivery period at a plant of a handler from which Class I milk or Class II milk is disposed of in the marketing area; and

(2) All producer milk received during the delivery period which a cooperative association diverts to a plant from which no Class I milk or Class II milk is disposed of in the marketing area;

shall be classified by the market administrator in the classes set forth in (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in (c), (d), and (e) of this section, the classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat:

(i) Containing more than 1½ percent of butterfat which is disposed of in the form of milk, whether plain or flavored and

(ii) Not specifically accounted for under (i) of this subparagraph or as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat:

(i) Which is disposed of in fluid form for consumption as sweet or sour cream or as any mixture of cream and milk (or skim milk) containing more than 6 percent of butterfat.

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as:

(i) Having been used to produce any milk product other than as specified in (b) (1) (i) and (b) (2) of this section.

(ii) Actual plant shrinkage but not in excess of 3 percent, respectively, of the total receipts of skim milk or butterfat in producer milk.

(c) *Transfers.* (1) Subject to the conditions set forth in (d) of this section, and (3) of this paragraph, skim milk and butterfat

(1) When transferred or diverted as producer milk in the form of fluid milk by a handler, shall be classified as follows:

(a) As Class I milk if transferred or diverted to another handler or to any other milk distributing or milk manufacturing plant: *Provided*, That if the seller on or before the 5th day after the end of the delivery period, during which such transfer is made, furnishes to the market administrator a statement signed by the buyer that such milk was used as Class II milk or Class III milk and that such utilization may be audited by the market administrator at the receiving plant, such milk may be classified accordingly; or

(b) As Class I milk if transferred to the plant of a producer-handler.

(ii) When diverted as other source milk in the form of fluid milk from the plant of a handler to another handler or to any other milk distributing or milk manufacturing plant shall be classified as Class III milk, subject to verification by the market administrator.

(2) Subject to the conditions set forth in (d) of this section and in (3) of this paragraph, skim milk and butterfat when transferred in the form of cream by a handler, shall be classified as follows:

(i) As Class II milk if transferred to another handler or to any other milk distributing or manufacturing plant: *Provided*, That if the seller on or before the 5th day after the end of the delivery period, during which such transfer is made, furnishes to the market administrator a statement signed by the buyer that such milk was used as Class III milk and that such utilization may be audited by the market administrator at the receiving plant, such milk may be classified accordingly, or

(ii) As Class II milk if transferred to the plant of a producer-handler.

(3) No statement made relative to transfer as provided for in this paragraph shall operate to deter the prior subtraction of other source milk pursuant to (f) (2) and (3) of this section, or the prior subtraction of milk received from producer-handlers pursuant to (f) (4) of this section or any quantity reported for allocation to a particular class but not eligible because of (f) (2), (f) (3) and (f) (4) of this section shall be classified by the market administrator as Class I milk, pending his verification.

(d) *Responsibility of handlers and reclassification of milk.* (1) In establish-

ing the classification of skim milk and butterfat as required in (b) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if found by the market administrator to have been used or disposed of (whether in original or other form) by such handler or by any other person in another class in accordance with such use or disposition.

(e) *Computation of the classification of all skim milk and butterfat for each handler.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute separately the respective amounts of skim milk and butterfat in Class I milk, Class II milk and Class III milk as follows:

(1) Determine the total pounds of product to be accounted for by: Adding into one sum:

(i) The total pounds of milk received as producer milk, including the handler's own farm production, and

(ii) The total pounds of milk, skim milk, and cream received, and the pounds of skim milk and butterfat used to produce all other milk products received (except milk products disposed of in the form in which received without further processing in the plant of the handler) regardless of source.

(2) Determine the total pounds of butterfat to be accounted for by:

(i) Multiplying by its average butterfat test the weight of milk received as producer milk, and

(ii) Multiplying by its average butterfat test the weight of milk, skim milk, and cream received, and determine the pounds of butterfat used to produce all other milk products (except milk products disposed of in the form in which received without further processing in the plant of the handler) regardless of source, and

(iii) Adding the results so obtained.

(3) Determine the total pounds of skim milk contained in the total receipts computed pursuant to (1) of this paragraph by subtracting therefrom the total pounds of butterfat computed pursuant to (2) (iii) of this paragraph;

(4) Determine the total pounds of butterfat in Class I milk by:

(i) Converting to pounds on the basis of 2.15 pounds per quart the volume disposed of in each of the several items of Class I milk;

(ii) Multiplying each of the resulting amounts by its average butterfat test; and (iii) adding the results so obtained, and (iv) adding an amount to (iii) of this subparagraph which equals the difference between the total pounds of butterfat computed pursuant to (2) (iii) of this paragraph and the total pounds of butterfat computed pursuant to (4) (iii), (6) (ii) and (8) (iii) of this paragraph.

(5) Determine the total pounds of skim milk in Class I milk by:

(i) Computing the aggregate amount of skim milk and butterfat included in

each of the several items of Class I milk computed pursuant to (4) (i);

(ii) Subtracting the result obtained in (4) (ii) of this paragraph; and

(iii) Adding an amount to (ii) of this subparagraph which equals the difference between the total pounds of skim milk computed pursuant to (3) of this paragraph and the total pounds of skim milk computed pursuant to (5) (ii), (7) (ii) and (9) (iv) of this paragraph.

(6) Determine the total pounds of butterfat in Class II milk by:

(i) Multiplying the actual weight of each of the several items of Class II milk by its average butterfat test; and

(ii) Adding the results so obtained.

(7) Determine the total pounds of skim milk in Class II milk by:

(i) Computing the aggregate amount of skim milk and butterfat included in each of the several items of Class II milk computed pursuant to (6) (i); and

(ii) Subtracting the result obtained in (6) (ii).

(8) Determine the total pounds of butterfat in Class III milk by:

(i) Computing the aggregate amount of butterfat used to produce each of the several items of Class III milk, and

(ii) Subtracting from the total pounds of butterfat computed pursuant to (2) (iii) of this paragraph, the total pounds of butterfat in Class I milk, Class II milk and Class III milk, computed pursuant to (4) (iii), (6) (ii) and (8) (i) of this paragraph, the resulting quantity up to 3 percent of the total receipts of butterfat in producer milk shall be allowed as plant shrinkage for the purposes of this paragraph, unless such difference is a minus quantity, in which case the plant shrinkage is zero for purposes of all computations required by this paragraph.

(iii) Adding the resulting plus quantity obtained in (ii) of this subparagraph to the result obtained in (i) of this subparagraph.

(9) Determine the total pounds of skim milk in Class III milk by:

(i) Computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class III milk;

(ii) Subtracting the result obtained in (8) (iii) of this paragraph from the result obtained in (9) (i) of this paragraph;

(iii) Subtracting from the total pounds of skim milk computed pursuant to (3) of this paragraph, the total pounds of skim milk in Class I milk, Class II milk and Class III milk computed pursuant to (5) (ii), (7) (ii) and (9) (ii) of this paragraph, the resulting quantity up to 3 percent of the total receipts of skim milk in producer milk shall be allowed as plant shrinkage for the purposes of this paragraph, unless such difference is a minus quantity, in which case the plant shrinkage is zero for purposes of all computations required by this subparagraph;

(iv) Adding the resulting plus quantity obtained in (iii) of this subparagraph to the result obtained in (ii) of this subparagraph.

(f) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period, the market administrator

shall compute separately the respective amounts of skim milk and butterfat of producer milk in Class I milk, Class II milk and Class III milk for each handler by making the following computations in the order specified:

(1) Subtracting from Class III milk the actual plant shrinkage of skim milk computed pursuant to (e) (9) (iii) of this section and butterfat computed pursuant to (e) (8) (ii) of this section, respectively;

(2) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, diverted as other source milk from other handlers;

(3) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received as other source milk;

(4) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received from producer-handlers;

(5) Subtracting from the remaining pounds of skim milk and butterfat in each class, the total pounds of skim milk and butterfat, respectively, in producer milk received from other handlers and stated by the receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computations pursuant to (4) of this paragraph: *Provided*, That skim milk or butterfat allocated by such statements to Class II milk or Class III milk in excess of amounts subtracted above pursuant to this subparagraph shall be subtracted from Class I milk;

(6) Adding to Class III milk the amount of skim milk and butterfat, respectively, subtracted pursuant to (1) of this paragraph;

(7) Subtracting pro-rata from the remaining pounds of skim milk and butterfat in each case, the skim milk and butterfat, respectively, received from the handler's own farm production; and

(8) If the total amount of skim milk or butterfat in all classes, after the computations made above pursuant to this paragraph, is greater than the skim milk or butterfat in producer milk, decrease the lowest-priced available class, or classes, by such excess.

5. Delete the provisions of § 948.7 and substitute therefor the following:

§ 948.7 *Minimum prices.* (a) Basic Formula Price to be Used in Determining Class I Milk, Class II Milk and Class III Milk Prices. The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk, Class II milk and Class III milk provided in this section shall be the higher of the prices per hundredweight determined pursuant to (1) and (2) of this paragraph.

(1) The average, adjusted to the nearest cent, of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the next preceding delivery period at the following places for which prices are reported to the market administrator

by the companies listed below or by the Department of Agriculture:

Concern and Location of Plant

Amboy Milk Products Company, Amboy,
Ill.

Borden Company, Dixon, Ill.
Borden Company, Sterling, Ill.
Carnation Milk Company, Northfield, Minn.
Carnation Milk Company, Oregon, Ill.
Carnation Milk Company, Waverly, Iowa.
Dean Milk Company, Pearl City, Ill.
Dean Milk Company, Pecatonica, Ill.
Fort Dodge Creamery Company, Fort
Dodge, Iowa.
Libby, McNeil & Libby Company, Morrison,
Ill.
Pet Milk Company, Shullsburg, Wis.
United Milk Products Company, Argo Fay,
Ill.

(2) The price per hundredweight, adjusted to the nearest cent, computed by the market administrator in accordance with the following formula: Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk is received, plus or minus 0.875 cent per hundredweight for each 1 cent that such average price of 92-score butter is above or below 20 cents: *Provided*, That such price shall be increased by the amount resulting from the following computation: To 21 cents, add a figure determined as follows: add 3 cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 7 cents per pound. For purposes of determining this adjustment, the price per pound to be used shall be the arithmetical average of the carlot prices for nonfat dry milk solids, both spray and roller process, for human consumption delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period, including in such average the quotation for any part of the preceding delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plant as reported by the United States Department of Agriculture for the Chicago area, shall be used. In the latter event such price shall be subject to the following adjustment: add or subtract 3 cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption, f. o. b. manufacturing plant, is above or below 6 cents per pound.

(b) *Class I milk prices.* The minimum prices to be paid by each handler for that proportion of skim milk and butterfat in producer milk received which is classified as Class I milk, shall be determined as follows:

(1) The price per hundredweight for 3.5 percent milk shall be the basic formula price computed pursuant to (a) of this section, plus 80 cents.

(2) The price per hundredweight of butterfat shall be determined by:

(i) Multiplying the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, by 140 percent, and adjusting to the nearest cent, and
(ii) Multiplying the result so obtained by 100.

(3) The price per hundredweight of skim milk shall be determined by:

(i) Multiplying the average price per pound of 92 score butter adjusted by 140 percent as computed pursuant to (2) (i) of this paragraph by 3.5 percent, and

(ii) Subtracting the result obtained in (i) of this subparagraph from the basic Class I price computed pursuant to (1) of this paragraph, and (iii) dividing the result obtained in (ii) of this subparagraph by 0.965, adjusting to the nearest cent.

(c) *Class II milk prices.* The minimum price to be paid by each handler for that portion of skim milk and butterfat in producer milk received which is classified as Class II milk, shall be determined as follows:

(1) The price per hundredweight for 3.5 percent milk shall be the basic formula price computed pursuant to (a) of this section plus 50 cents.

(2) The price per hundredweight of butterfat shall be determined by:

(i) Multiplying the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, by 130 percent, and adjusting to the nearest cent, and

(ii) Multiplying the result so obtained by 100.

(3) The price per hundredweight of skim milk shall be determined by:

(i) Multiplying the average price per pound of 92-score butter adjusted by 130 percent as computed pursuant to (2) (i) of this paragraph by 3.5 percent, and

(ii) Subtracting the result obtained in (i) of this subparagraph from the basic Class II price computed pursuant to (1) of this paragraph, and

(iii) Dividing the result obtained in (ii) of this subparagraph by 0.965, adjusting to the nearest cent.

(d) *Class III milk prices.* The minimum price to be paid by each handler for that portion of skim milk and butterfat in producer milk received which is classified as Class III milk, shall be determined as follows:

(1) The price per hundredweight for 3.5 percent milk shall be the basic formula price computed pursuant to (a) of this section.

(2) The price per hundredweight of butterfat shall be determined by:

(i) Dividing the price computed before the proviso pursuant to (a) (2) of this section by 3.5 percent and adjusting to the nearest cent, and

(ii) Multiplying the result so obtained by 100.

(3) The price per hundredweight of skim milk shall be determined by:

(i) Multiplying the price computed pursuant to (2) (i) of this paragraph by 3.5 percent, and

(ii) Subtracting the result obtained in (i) of this subparagraph from the basic

Class III price computed pursuant to (1) of this paragraph, and

(iii) Dividing the result obtained in (ii) of this subparagraph by 0.965, adjusting to the nearest cent.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the price of Class I milk or Class II milk computed for any delivery period pursuant to (b) and (c) of this section are not in the public interest, the price of Class I milk or Class II milk for such delivery period shall be the same price as the Class I milk or Class II milk for the previous delivery period.

6. Delete the provisions of § 948.8 and substitute therefore the following:

§ 948.8 *Determination of uniform price to producers*—(a) *Computation of total value of producer milk for each handler.* Subject to the conditions set forth in (1) and (2) of this paragraph, the value of producer milk received by each handler during each delivery period shall be a sum of money computed by the market administrator, by multiplying by the respective class prices for skim milk and butterfat, pursuant to § 948.7, the hundredweight of such skim milk and butterfat according to classification pursuant to § 948.6 (f) and adding together the resulting amounts.

(1) *Receipts of milk from a producer-handler.* In the case of a handler who purchases or receives milk, skim milk or cream from a producer-handler and disposes of the skim milk or butterfat contained therein, as other than in the lowest-priced use of the receiving handler, there shall be added to amount equal to the difference between (a) the value of such skim milk or butterfat at the price of such lowest-priced use and (b) the value computed in accordance with its classification in § 948.6 (f) (4).

(2) *Payment for excess butterfat.* In the case of a handler, after subtracting all receipts other than producer milk, has disposed of skim milk or butterfat in excess of the skim milk or butterfat received in producer milk, the market

administrator shall add an amount equal to the value of such skim milk or butterfat computed pursuant to § 948.6 (f) (8).

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute a uniform price per hundredweight for producer milk by:

(1) Combining into one total the values computed pursuant to (a) of this section for all handlers except those who did not make the payments pursuant to § 948.9 (d) for the previous delivery period;

(2) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(3) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent, or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total amount of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the applicable butterfat differential computed pursuant to § 948.9 (b) times 10.

(4) Dividing by the hundredweight of producer milk pooled; and

(5) Subtracting not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

(c) *Notification of handlers.* On or before the 7th day after the end of each delivery period, the market administrator shall notify each handler of:

(1) The amount and value of his milk in each class computed pursuant to § 948.6 (f) and (a) of this section, respectively, and the totals of such amounts and values;

(2) The uniform price computed pursuant to (b) of this section;

(3) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(4) The total amounts to be paid by such handler pursuant to § 948.9 and § 948.10.

7. Delete the provisions of § 948.9 and substitute therefor the following:

§ 948.9 Payments for milk—(a) Time and method of payments. On or before the 10th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in paragraph (b) of this section, for producer milk purchased or received by such handler during such delivery period, as follows:

(1) To each producer, except as set forth in (2) of this paragraph, an amount computed by multiplying the hundredweight of such milk by not less than the price per hundredweight, computed pursuant to § 948.8 (b); and

(2) To a cooperative association for milk which it causes to be delivered to a handler from producers and for which

such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under (1) of this paragraph.

(b) *Butterfat differential.* If any handler has purchased or received from any producer milk having an average butterfat content other than 3.5 percent, such handler, in making the payments pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, shall add for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than:

(1) Three cents per hundredweight when the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, is less than 30 cents;

(2) Three and one-half cents per hundredweight when such average price of 92-score butter is 30 cents or more but less than 35 cents;

(3) Four cents per hundredweight when such average price of 92-score butter is 35 cents or more, but less than 40 cents;

(4) Four and one-half cents per hundredweight when such average price of 92-score butter is 40 cents or more, but less than 45 cents;

(5) Five cents per hundredweight when such average price of 92-score butter is 45 cents or more, but less than 50 cents;

(6) Five and one-half cents per hundredweight when such average price of 92-score butter is 50 cents or more, but less than 55 cents; and

(7) Six cents per hundredweight when such average price of 92-score butter is 55 cents or more.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (d) and (f) of this section and out of which he shall make all payments to handlers pursuant to (e) and (f) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler.

(d) *Payment to the producer-settlement fund.* On or before the 10th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the total value computed for him pursuant to § 948.8 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to (a) of this section.

(e) *Payments out of the producer-settlement fund.* (1) On or before the 10th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount by which the sum required to be paid producers by such handler pursuant to (a) of this section is greater

than the total value computed for him pursuant to § 948.8 (a).

(2) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 10th day after the end of each delivery period, has not received the balance of such payment from the market administrator shall be deemed to be in violation of (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(f) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to (d) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (e) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

8. Delete the provisions of § 948.10 and substitute therefor the following:

§ 948.10 Expense of administration—(a) Payment by handlers. As his pro rata share of the expense of the administration hereof, each handler, with respect to all producer milk purchased or received during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not to exceed 4 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the Secretary.

(b) *Suits by the market administration.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses as required by paragraph (a) of this section.

9. Delete § 948.11. *Expense of administration.*

Copies of this notice of hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306 South Building, Washington, D. C., or may be there inspected.

Dated September 11, 1946.

[SEAL] E. A. MEYER,
Acting Administrator,
Production and Marketing
Administration.

[F. R. Doc. 46-16688; Filed, Sept. 13, 1946;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 603]

UNLOADING OF LUMBER AT WILKESBORO, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of September A. D. 1946.

It appearing, that car L&N 97566, containing lumber, at Wilkesboro, S. C., on the Southern 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:

(a) *Lumber at Wilkesboro, S. C., be unloaded.* The Southern Railway Company, its agents or employees shall unload immediately car L&N 97566 containing lumber on hand at Wilkesboro, S. C., consigned to American Furniture Co.

(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, and that a copy of this order and direction shall be served upon the Southern 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. 46-16559; Filed, Sept. 13, 1946;
9:35 a. m.]

[S. O. 604]

UNLOADING OF SEED AT CHARLESTON, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of September A. D. 1946.

It appearing, that car L&NE 8749, containing seed mixture, at Charleston, S. C., on the Southern Railway Company has been on hand refused 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:

(a) *Seed at Charleston, S. C., be unloaded.* The Southern Railway Com-

pany, its agents or employees shall unload immediately car L&NE 8749, containing seed mixture, on hand at Charleston, S. C., consigned to Bryan and Company.

(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, and that a copy of this order and direction shall be served upon the Southern 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. 46-16560; Filed, Sept. 13, 1946;
9:35 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. MPR 143, Order 40]

FIRESTONE TIRE & RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Revised Maximum Price Regulation 143; *It is ordered:*

(a) The maximum retail prices for the following new sizes and type of tires manufactured by The Firestone Tire and Rubber Company, Akron, Ohio, shall be:

Size	Ply	Type	Maximum retail price	
			Cotton	Rayon
11.00-24	12	All tractor logger tires	Each \$144.94	Each \$152.16
21.00-28	20	Ground grip type G tire	863.46	906.61
21.00-29	20	Ground grip type G tire	863.46	906.61

(b) The maximum wholesale price for sales of the tires described in paragraph (a) above, when sold by The Firestone Tire & Rubber Company, Akron, Ohio, shall be determined by applying the appropriate discount determined under section 3 (b) (2) of Revised Maximum Price Regulation 143 to the discount base for such tire listed below and adding to the price so computed the amount of the wholesale increase specified for such tire below:

Size	Ply	Type	Cotton		Rayon	
			Discount base	Wholesale increase	Discount base	Wholesale increase
11.00-24	12	All tractor logger tires	Each \$141.40	Each \$9.05	Each \$148.45	Each \$9.50
21.00-28	20	Ground Grip type G tire	842.40	53.91	884.50	56.61
21.00-29	20	Ground Grip type G tire	842.40	53.91	884.50	56.61

(c) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to retail sales of commodities covered by this order. All provisions of Revised Maximum Price Regulation 143 not inconsistent with this order shall apply to wholesale sales of commodities covered by this order.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 13, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16612; Filed, Sept. 13, 1946;
8:52 a. m.]

[MPR 120, Amdt. 41 to Order 1548]

ELLIOT COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

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

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

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

Producer and address	Mine names	Mine index Nos.	Location and name of preparation plant through which the coals are prepared
F. B. Wood Coal Mining Co., c/o Milton Carr Ferguson, Esq., 1614 I St. N.W., Washington 6, D. C.	Foxburg, No. 1, Bellwood No. 3	1085, 5778	Isabella K. Wood Preparation Plant— $\frac{3}{4}$ of a mile east of Hastings, Pa., on the P. R. R.

This Amendment No. 41 to Order No. 1548 under Maximum Price Regulation No. 120 shall become effective September 13, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16611; Filed, Sept. 13, 1946;
8:52 a. m.]

[Rev. MPR 143, Order 41]

FIRESTONE TIRE & RUBBER CO.

Authorization of maximum prices.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Revised Maximum Price Regulations 143; *It is ordered:*

(a) The maximum retail price for the following new size of Farm Tractor Tire manufactured by The Firestone Tire and Rubber Company, Akron, Ohio shall be:

Size	Ply	Type	Price
15-34.....	6	Spade Grip (Rice-Cane) tractor tire.....	\$177.45

(b) The maximum wholesale price for sales of the tire described in paragraph (a) above when sold by The Firestone Tire & Rubber Company, Akron, Ohio, shall be determined by applying the appropriate discount determined under section 3 (b) (2) under Revised Maximum Price Regulation 143 to the maximum retail price established in paragraph (a) above.

(c) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to retail sales of commodities covered by this order. All provisions of Revised Maximum Price Regulation 143 not inconsistent with this order shall apply to wholesale sales of commodities covered by this order.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 13, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16613; Filed, Sept. 13, 1946;
8:53 a. m.]

[MPR 188, Order 5173]

JACK SAKE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Jack Sake, 1440 Ocean Parkway, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Juvenile lamp-painted wood and plexiglass.....	1	Each \$3.40	Each \$4.00	Each \$7.20

These maximum prices are for the articles described in the manufacturer's application dated August 12, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Brooklyn, New York, 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number _____
OPA Retail Ceiling Price—\$_____
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 13th day of September 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16614; Filed, Sept. 13, 1946;
8:53 a. m.]

[MPR 188, Order 5174]

LARSON MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Larson Manufacturing Co., 6308 Whittier Blvd., Los Angeles 22, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Hand-made ornamental iron twin wall lamp with plate glass shelf for radio and with plastic shades.....	1	Each \$8.08	Each \$9.50	Each \$17.10

These maximum prices are for the articles described in the manufacturer's application dated July 25, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Los Angeles 22, Calif., 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number _____
OPA Retail Ceiling Price—\$_____
Do Not Detach

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

FEDERAL REGISTER, Saturday, September 14, 1946

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 13th day of September 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16615; Filed, Sept. 13, 1946;
8.54 a. m.]

[MPR 188, Order 5175]

ALBERT WEISSBECKER

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Albert Weissbecker, 9 Thayer Street, New York 34, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Juvenile lamp—painted wood and plexiglass....	1	Each \$3.40	Each \$4.00	Each \$7.20

These maximum prices are for the articles described in the manufacturer's application dated August 23, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. New York, N. Y., 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is

established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

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

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 13th day of September 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16616; Filed, Sept. 13, 1946;
8.54 a. m.]

[MPR 188, Order 5176]

JOHN R. CARBONE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by John R. Carbone, 92 Perry Street, New York 14, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Imported Italian alabaster hand carved vanity lamp and stretched rayon shade with top drape shade.....	200	Each \$5.95	Each \$7.00	Each \$12.60
Imported Italian alabaster 2-piece hand carved 2-piece night table lamp and rayon shade with top and bottom ruching.....	211	7.01	8.25	14.85
Imported Italian alabaster hand carved 2-piece table lamp and rayon shade with 2-tone top ruching.....	213	8.71	10.25	18.45

These maximum prices are for the articles described in the manufacturer's application dated August 9, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. New York 14, New York, 2%, 10

days, net 30 days. The maximum price to consumers is not delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number _____
OPA Retail Ceiling Price—\$_____
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 13th day of September 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16617; Filed, Sept. 13, 1946;
8.55 a. m.]

[MPR 610, Order 19]

FOUR WHEEL DRIVE AUTO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 8 of Maximum Price Regulation 610; *It is ordered:*

(a) The Four Wheel Drive Auto Co., hereinafter called the Company, is authorized to sell F. O. B. Clintonville, Wisconsin each new truck described in subparagraph (1) at a price not to exceed the total of the following charges:

(1) Charge for the new truck. A charge for the new truck not to exceed the applicable list price in the following schedule less the discounts and allowances in effect on March 31, 1942 to the applicable class of purchaser.

Model No.	Description	List price f. o. b. factory
HA	Truck, chassis and cab, 132" wheel-base, 17,000 lbs. gross vehicle weight, January, 1941 standard specifications and equipment except to be equipped with FWD Model "H" transmission.	
HR	Truck, chassis and cab, 144" wheel-base, 20,000 lbs. gross vehicle weight, January 1, 1941 standard specifications and equipment except to be equipped with FWD Model "H" transmission.	\$4,495
HG	Truck, chassis and cab, 154" wheel-base, 20,000 lbs. gross vehicle weight, January 1, 1941 standard specifications and equipment except to be equipped with FWD Model "H" transmission.	5,160
SU	Truck, chassis and cab, 150" wheel-base, 25,000 lbs. gross vehicle weight, January 1, 1941 standard specifications and equipment except to be equipped with Hydrovac booster brakes, larger steering gear, redesigned front axle and frame with increased strength, 6 in. silent chain drive in place of 5 in., and redesigned cab.	5,160
		7,473

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price to be computed as follows, less the discounts and allowances in effect on March 31, 1942 to the applicable class of purchaser.

(i) The Company shall multiply its January 1, 1941 list price for each item of extra or optional equipment by the increase factor approved by the Office of Price Administration for adjusting the Company's January 1, 1941 prices under section 8 of Maximum Price Regulation 610.

(ii) The Company shall file the dollar and cents list prices for each item of extra or optional equipment with the National Office, OPA, Automotive Branch, Washington, D. C. within 48 hours after such adjusted prices are established.

(3) *Charge for transportation.* A charge for transportation of the truck and extra or optional equipment not to exceed a charge computed in accordance with the method the Company had in effect on March 31, 1942 plus transportation tax at the current legal rate.

(4) *Charge for taxes.* A charge to cover Federal excise taxes at the current legal rate, computed in accordance with the method the Company had in effect on March 31, 1942, and also State and local taxes, if any, directly imposed upon the sale or delivery of the truck and extra or optional equipment.

(5) *Charge for factory handling and delivery.* A charge to cover factory handling and delivery computed by using the same rate and method the Company had in effect on March 31, 1942 except as provided in the following sentence: In the case of a sale to a user the amount that may be included in the handling and delivery charge for preparing and conditioning operations shall be determined in accordance with the provisions of section 10 (g) (3) of MPR 610.

(b) *Sales below ceiling to domestic dealers.* In the event the Company sells to domestic dealers below the maximum net price authorized in this order for sales of trucks or extra or optional equipment, it shall so advise the National OPA Office, Automotive Branch, Washington, D. C., in writing within 48 hours

and shall immediately comply with the provisions of section 8 (h) of Maximum Price Regulation 610.

NOTE: As required by section 12 of Maximum Price Regulation 610, the Company shall notify all resellers of list prices and discounts for the vehicle of base specifications and extra or optional equipment and shall notify resellers that they must use such list prices and discounts in determining maximum prices in accordance with section 10.

(c) A reseller is authorized to sell and deliver each new Four Wheel Drive Truck described in paragraph (a) (1) at a price not to exceed the total of the following charges:

(1) *Charge for the new truck.* A charge for the new truck not to exceed the applicable list price set forth in paragraph (a) (1), adjusted by the applicable discount suggested by the Company on March 31, 1942. The Company shall notify all resellers of list prices and discounts authorized in this order for new trucks.

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price which the Company shall determine in accordance with paragraph (a) (2), adjusted by the applicable discount suggested by the Company on March 31, 1942. The Company shall notify all resellers of list prices and discounts authorized in this order for extra or optional equipment.

(3) *Other charges.* Charges permitted by section 10 of Maximum Price Regulation 610 when applicable to the sale.

(d) A reseller may sell and deliver in Porto Rico or Alaska each of the new Four Wheel Drive trucks described in paragraph (a) (1) at a price not to exceed the maximum price it may charge under paragraph (c), to which it may add a sum equal to the expense incurred by or charged to it for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new truck and extra or optional equipment in Porto Rico or Alaska when not charged under paragraph (c); export premiums; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage and terminal operations; ocean freight; freight to the port of embarkation when not charged under paragraph (c); and inland freight from the port of debarkation by the most direct route to the reseller's place of business.

(e) All requests not granted herein are denied.

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

This order shall become effective September 16, 1946 for new Four Wheel Drive Trucks and extra or optional equipment sold by the Company on and after September 16, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER No. 19
UNDER MAXIMUM PRICE REGULATION 610

The Four Wheel Drive Auto Company, Clintonville, Wisconsin, makes applica-

tion pursuant to section 8 of Maximum Price Regulation 610 for maximum prices on five models of trucks manufactured by it.

In general, section 8 of the regulation permits the establishment of maximum prices for manufacturers by the calculation of a price increase factor for each commodity line reflecting legal increases since January 1, 1941 in materials prices and basic wage rate schedules and a profit margin over cost, the application of this increase factor to 1941 model prices and the adjusting of the resulting prices to show increases or decreases in direct labor and direct materials costs due to changes in specification, design, material and equipment from the 1941 models. A more detailed discussion of section 8 and the pricing method provided for therein will be found in the Statement of Considerations accompanying Maximum Price Regulation 610.

The increases in basic wage rate schedules and in the general level of materials prices, including increases consistent with Executive Order 9697, and profit, which were reflected in the Four Wheel Drive Auto Company's increase factor were in accordance with the provisions of section 8. Section 8 was adhered to in determining increases in direct labor and materials cost resulting from changes in specification, design, material and equipment incorporated in the new trucks and in determining the overall price increase factor. The price increase factor and the increases resulting from specification changes were correctly applied to the 1941 model prices. In these circumstances the prices requested by the Four Wheel Drive Auto Company for its sales have been authorized in the accompanying order.

The Company's maximum prices for its sales consist of a net wholesale price for the truck and extra or optional equipment plus charges for transportation, Federal excise taxes and handling and delivery.

In accordance with section 10 of Maximum Price Regulation 610, the order also includes adjusted maximum prices for resellers in the United States and for resellers in Puerto Rico and Alaska. Resellers' adjusted maximum prices reflect the increases in prices given to the applicant and preserve the resellers' customary prewar margin on their increased cost. Maximum prices for resellers consist of list prices for the new trucks and optional equipment plus the applicable charges for transportation, state and local taxes, Federal excise taxes, factory handling and delivery, and preparing and conditioning set forth in section 10. For resellers in Puerto Rico and Alaska, provision is made for additional charges as set forth in section 11. As required by section 12, the Company must notify resellers of list prices and discounts for the new trucks and extra or optional equipment.

The prices authorized in this order are in accordance with the provisions of Maximum Price Regulation 610.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16758; Filed, Sept. 13, 1946;
12:07 p. m.]

[MPR 188, Order 6 Under Order 7]

WALDES KOH-I-NOOR, INC.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Order No. 7 under Maximum Price Regulation No. 188, *It is ordered:*

(a) *Manufacturer's ceiling prices.* Waldes Koh-I-Noor, Inc., Long Island City 1, New York, may compute its adjusted ceiling prices for all articles in its product line of slide fasteners which it manufactures, as follows:

(1) For an article in its line during October 1941 and which was manufactured by it during a period in which its wage rates were the same as they were on the 9th day of August, 1946, the adjusted ceiling price is the highest price charged during the month of October 1941 to each class of purchaser increased by no more than 12.2 per cent.

(2) For an article in its line during October 1941, and manufactured by it during a period in which its wage rates which were in effect on the 9th day of August, 1946, are increased by no less than \$0.04 an hour pursuant to an approval of the Wage Stabilization Board, the adjusted ceiling price is the highest price charged during the month of October 1941 to each class of purchaser increased by no more than 14.4 per cent.

(3) For an article not in its line during October 1941, but which has a properly established ceiling price, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in Section 8 of Revised Supplementary Order No. 119.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Notification by manufacturer to Office of Price Administration.* Within 10 days after the manufacturer has adjusted its prices in an amount exceeding 12.2 percent of its October 1941 prices, in accordance with section (a) (2) of this order, it shall file a written report with the Office of Price Administration, Washington 25, D. C., setting forth the following:

- (1) The date of the adjustment.
- (2) The percentage amount of the adjustment over October 1941 prices.
- (3) The date of the increase of wage rates.
- (4) The hourly amount of such increase.
- (5) The date of the approval of such increase by the Wage Stabilization Board.

This notice may be given in any convenient form.

(c) *Resellers' ceiling prices.* Resellers, other than commercial users, of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows: A reseller other than a commercial user, shall calculate his ceiling price by adding to his

invoice cost the same percentage markup which he has on the most comparable article for which he has a properly established ceiling price. For this purpose the most comparable article is the one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

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

If the maximum resale price cannot be determined under the above method, the seller shall apply to the Office of Price Administration for the establishment of a maximum price under Section 1499.3 (c) of the General Maximum Price Regulation. Maximum prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(d) *Definition.* The term commercial user as used in this order shall mean a purchaser for resale of an article covered by this order, who resells such article in a form which is not substantially the same as it was when he purchased it from his supplier. For instance, a dress manufacturer or a luggage manufacturer who purchases a slide fastener for resale and uses that slide fastener for incorporation into a dress or a piece of luggage, shall be a commercial user.

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

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

(g) The provisions of Supplementary Order No. 153 shall not apply to any of the articles covered by this order.

(h) Order No. L-4504 under Order No. 7 under Maximum Price Regulation No. 188 is hereby revoked subject to the provisions of Supplementary Order No. 40.

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

This order shall become effective on the 11th day of September, 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16425; Filed, Sept. 10, 1946;
11:27 a. m.]

[MPR 188, Order No. 158 Under 2d Rev.
Order A-3]

W. W. BABCOCK CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A-3 under §1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturers' ceiling prices.* The W. W. Babcock Company, Incorporated, Bath, New York, may increase the ceiling prices to each class of purchaser in effect immediately prior to the effective date of this order for the articles of its manufacture listed below by the amounts indicated as applicable to those articles in the Table of Increases set forth below:

TABLE OF INCREASES

Dollar and Cents Amount by Which Ceiling Price to Each Class of Purchaser May Be Increased

Article	Per ladder foot
Safety step ladder	\$0.012
Electric step ladder	.078
Mechanics' step ladder	.0024
Paper hangers' step ladder	.059
Shelf step ladder	.044

(b) *Ceiling prices of purchasers for resale.* (1) A purchaser for resale, who had an established ceiling price prior to the effective date of this order for any article, whose manufacturer's ceiling price was adjusted in accordance with the provisions of this order, may increase that ceiling price by the applicable percentage listed below:

Percentage by Which Heretofore Existing Ceiling Price May Be Increased

Article	Percent
Safety step ladder	1.7
Electric step ladder	12.1
Mechanics' step ladder	4
Paper hangers' step ladder	17.8
Shelf step ladder	16.6

(2) A purchaser for resale who had no established ceiling price prior to the effective date of this order for any article whose ceiling price is subject to this order, shall determine his ceiling price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is one which meets all the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade

practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration, however, each seller must keep complete records showing all the information called for by OPA Form No. 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

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

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

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

(e) All requests contained in the application for price adjustment filed by The W. W. Babcock Company, Incorporated, Bath, New York, assigned Docket No. 6069-A-3(12)-10c, not specifically granted by this order are hereby denied.

(f) The provisions of Supplementary Order No. 153 shall have no application to any sale or delivery of any article subject to this order.

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

This order shall become effective on the 11th day of September 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16433; Filed, Sept. 10, 1946;
11:27 a. m.]

[RMPR 86, Order 76]

EDISON GENERAL ELECTRIC APPLIANCE CO.,
INC.

APPROVAL OF CEILING PRICES

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

(a) This order establishes ceiling prices for sales of the Hotpoint brand

Model 1LD1 domestic mechanical drier sold by the Edison General Electric Appliance Company, Inc., 5600 West Taylor Street, Chicago 44, Illinois.

(1) For sales by distributors to dealers the ceiling price of the Model 1LD1 is \$118.78 each. This price is f. o. b. seller's warehouse. When, however, shipment is made directly from the manufacturer to the dealer pursuant to the distributor's order, this ceiling price is f. o. b. dealer's city. In the case of sales by a distributor to a non-servicing dealer the seller may add to this ceiling price his customary differential or \$10.00, whichever is lower. For purposes of this order a non-servicing dealer is one who relies on the distributor to supply the consumer with delivery and any services necessary to fulfill the warranty on driers covered by this order.

(2) For sales by dealers to ultimate consumers the ceiling price for the Model 1LD1 is \$189.95 each. This ceiling price includes delivery and installation. Installation means connection of the drier to electric facilities to be provided by the consumer. Installation includes a home instruction course in the proper use of the drier to be given in the consumer's home by instructors provided by the seller.

(b) Except as provided otherwise in this order, each ceiling price established under this order is subject to each seller's terms, discounts, allowances, and other price differentials no less favorable than those he had in effect for similar sales during the period October 1-15, 1941. If the seller made no sales during that period, his ceiling prices under this order are subject to terms, discounts, allowances no less favorable than those of his closest competitive seller of the same class on sales of similar articles during the same period, or which were thereafter properly established under applicable OPA regulations.

(c) At the time of, or prior to the first invoice to each distributor the Edison General Electric Appliance Company, Inc. shall notify the distributor of the ceiling prices established by this order for his resales.

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

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

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

This order shall become effective on the 11th day of September 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16514; Filed, Sept. 13, 1946;
9:25 a. m.]

[MPR 120, Amdt. 39 to Order 1548]

ELLIOT COAL MINING CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

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

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

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

Producer and address	Mine name	Mine index Number	Location and name of preparation plant through which the coals are prepared
C. A. Hughes & Co. (R. H. Moore Receiver) Cresson, Pa.	Lilly No. 5-----	5875	S. J. Azzara's Lilly Preparation Plant at Lilly, Pa. on the P. R. R.

This amendment No. 39 to Order No. 1548 under Maximum Price Regulation No. 120 shall become effective September 11th, 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16423; Filed, Sept. 10, 1946;
11:26 a. m.]

[MPR 120, Order 1735]

BURNS & SON COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES
AND PRICE CLASSIFICATIONS

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

Producers identified herein operate named mines assigned the mine index

numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 4. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and State. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point.

FEDERAL REGISTER, Saturday, September 14, 1946

In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping

point. However, producer is subject to the provisions of § 1340.215 and all other provisions of Maximum Price Regulation No. 120.

BURNS & SON COAL CO., 330 SOUTH MARKET ST., EAST PALESTINE, OHIO, BURNS & SON COAL CO., MINE, NO. 6 SEAM, MINE INDEX NO. 4307, COLUMBIANA COUNTY, OHIO, SUBDISTRICT 4, STRIP MINE, R. R. FUEL PRICE GROUP NO. 4 FOR RAIL, 4C FOR TRUCK, RAIL SHIPPING POINT: ROGERS, OHIO

	Size Group Nos.												
	1	2	3	3A	4	5	6	7	8	9	10	11	12
Rail shipment and railroad fuel.....	336	336	321	321	321	321	301	261	251	291	246	.....	301
Truck shipment.....	386	386	386	246	346	316	316	281	271	316	246	.....	316

JAMES H. CAIN & SON, 140 NORTH MARKET ST., ST. CLAIRSVILLE, OHIO, SALLY MINE, NO. 8 SEAM, MINE INDEX NO. 4310, JEFFERSON COUNTY, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: DILLONVALE, OHIO

Rail shipment and railroad fuel.....	316	316	296	296	296	296	281	246	236	271	221	.....	281
Truck shipment.....	361	361	361	321	321	291	291	266	256	291	221	.....	291

CAUGHELL, BIBLE & HALEY COAL CO., LOGAN, OHIO, DUMALT MINE, NO. 6 SEAM, MINE INDEX NO. 4308, PERRY COUNTY, OHIO, SUBDISTRICT 6 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: BRISTOL OHO

Rail shipment and railroad fuel.....	336	336	306	306	306	306	296	256	256	261	221	.....	261
Truck shipment.....	371	371	371	331	331	276	276	241	241	276	221	.....	276

CROSS CREEK TRANSPORTATION CO., GRANT BLDG., PITTSBURGH, PENNSYLVANIA, CROSS CREEK TRANSPORTATION CO. MINE, NO. 8-A SEAM, MINE INDEX NO. 4309, HARRISON AND BELMONT COUNTIES, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: BLAINSVILLE (ADENA), OHIO

Rail shipment and railroad fuel.....	316	316	296	296	296	296	281	246	236	271	221	.....	281
Truck shipment.....	361	361	361	321	321	291	291	266	256	291	221	.....	291

HERMANN COAL CO., CHERSHIRE, OHIO, HERMANN MINE, NO. 8-A SEAM, MINE INDEX NO. 4312, GALLIA COUNTY, OHIO, SUBDISTRICT 8 FOR ALL METHODS OF SHIPMENT, DEEP MINE, RAIL SHIPPING POINT: SILVER RUN, OHIO

Rail shipment and railroad fuel.....	388	388	358	358	358	358	348	308	308	313	221	.....	323
Truck shipment.....	438	438	438	398	398	328	328	303	303	328	221	.....	328

OAK RIDGE COAL CO., 45 HODGSON ST., PITTSBURGH 5, PA., PIEDMONT MINE, NO. 8 SEAM, MINE INDEX NO. 4311, HARRISON COUNTY, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: PIEDMONT, OHIO

Rail shipment and railroad fuel.....	316	316	296	296	296	296	281	246	236	271	221	.....	281
Truck shipment.....	361	361	361	321	321	291	291	266	256	291	221	.....	291

TOMER COAL CO., WEAVER BLDG., INDIANA, PA., BRADLEY NO. 1 MINE, NO. 8 SEAM, MINE INDEX NO. 4303, GUERNSEY COUNTY, OHIO, SUBDISTRICT 2 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: BARNEVILLE, OHIO

Rail shipment and railroad fuel.....	316	316	296	296	296	296	281	246	236	271	221	.....	281
Truck shipment.....	361	361	361	321	321	291	291	266	256	291	221	.....	291

TOMER COAL CO., WEAVER BLDG., INDIANA, PA., BRADLEY NO. 2 MINE, NO. 8 SEAM, MINE INDEX NO. 4304, GUERNSEY COUNTY, OHIO, SUBDISTRICT 2 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT: BARNEVILLE, OHIO

Rail shipment and railroad fuel.....	316	316	296	296	296	296	281	246	236	271	221	.....	281
Truck shipment.....	361	361	361	321	321	291	291	266	256	291	221	.....	291

TOMER COAL CO., WEAVER BLDG., INDIANA, PENNSYLVANIA, BRADLEY NO. 3 MINE, NO. 8 SEAM, MINE INDEX NO. 4305, GUERNSEY COUNTY, OHIO, SUBDISTRICT 2 FOR ALL METHODS OF SHIPMENT, DEEP MINE, RAIL SHIPPING POINT, BARNEVILLE, OHIO

Rail shipment and railroad fuel.....	368	368	348	348	348	348	333	298	288	323	221	.....	333
Truck shipment.....	423	423	423	383	383	303	303	288	288	323	221	.....	333

TOMER COAL CO., WEAVER BLDG., INDIANA, PENNSYLVANIA, BRADLEY NO. 4, MINE NO. 8 SEAM, MINE INDEX NO. 4306, GUERNSEY COUNTY, OHIO, SUBDISTRICT 2 FOR ALL METHODS OF SHIPMENT, DEEP MINE, RAIL SHIPPING POINT, BARNEVILLE, OHIO

Rail shipment and railroad fuel.....	368	368	348	348	348	348	333	298	288	323	221	.....	333
Truck shipment.....	423	423	423	383	383	303	303	288	288	323	221	.....	333

TRIANGLE COAL CO., C/O JOHN MALIK, PARTNER, 3381 BELMONT ST., BELLAIRE, OHIO, DELTA MINE, NO. 8 SEAM, MINE INDEX NO. 4313, BELMONT COUNTY, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT, BELLAIRE, OHIO

Rail shipment and railroad fuel.....	316	316	296	296	296	296	281	246	236	271	221	.....	281
Truck shipment.....	361	361	361	321	321	291	291	266	256	291	221	.....	291

JAMES ALLISON FELIX, ROUTE 5, ZANESVILLE, OHIO, JAMES A. FELIX MINE, NO. 8 SEAM, MINE INDEX NO. 4314, MUSKINGUM COUNTY, OHIO, SUBDISTRICT 6 FOR TRUCK SHIPMENT, DEEP MINE

Truck shipment.....	423	423	423	383	383	328	328	298	293	328	221	328
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This order shall become effective Sept ember 11, 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16424; Filed, Sept. 10, 1946;
11:27 a. m.]

[MPR 188, Order 5161]

PAL BLADE CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Pal Blade Company Incorporated, Bigelow and Cabot Streets, Holyoke, Massachusetts.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by any seller to—			
	Jobbers	Chain, department, syndicate and stores	Other retailers	Consumers
<i>8-piece carving set</i>				
1 carver, 1 butcher steel, 1 fork, stainless steel, hollow ground, rosewood handles, nickel silver ferrules and caps, rosewood case, model No. DA489—	\$8.98	\$10.77	\$11.97	\$17.95
Same as above, with 1 carver, 1 slicer, 1 fork, model No. DA138—	9.98	11.97	13.31	19.95
1 carver, 1 butcher steel, 1 fork, stag handles, balance same as above, model No. TA3642—	12.48	14.97	16.64	24.95
<i>4-piece carving set</i>				
1 carver, 1 slicer, 1 utility knife, 1 paring knife, rosewood handles, hollow ground, stainless steel blades with nickel silver ferrules, and caps, rosewood case, model No. DA1567—	11.48	13.77	15.31	22.95

These maximum prices are for the articles described in the manufacturer's application dated August 27, 1946.

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

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other

class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

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

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

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

Article	Maximum prices for sales by any seller to—				
	Jobber	Drop ship jobber	Retailer 6 or more	Retailer less than 6	Consumers
Stainless steel vacuum coffee maker model No. 46-1.	Each \$4.475	Each \$4.92	Each \$5.37	Each \$5.82	Each \$8.95
Upper bowl, complete.	1.80	1.98	2.16		3.60
Lower bowl, complete.	2.775	3.05	3.33		5.55
Upper bowl, only.	1.35	1.49	1.62		2.70
Lower bowl, only.	2.40	2.64	2.88		4.80
Neoprene gasket.	Per 100	Per 100	Per 100		
Bakelite cover.	17.50	19.25	21.00		.35
Bakelite handle.	29.50	32.45	35.40		.59
Stainless steel band.	20.00	22.00	24.00		.40
Right and left hinge brackets.	9.50	10.45	11.40		.19
Male and female plated screws.	Per 100 sets	Per 100 sets	Per 100 sets		
	7.50	8.25	9.00		.15
	7.50	8.25	9.00		.15

Description: An eight-cup vacuum type coffee brewer made of stainless steel; consisting of upper and lower bowls with an aluminum rod valve of the Cory type. Upper bowl has the usual tube and gasket, lower bowl has bakelite handle and a hinged bakelite cover.

These maximum prices are for the articles described in the manufacturer's application dated July 30, 1946.

(d) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administra-

(e) This order shall become effective on the 11th day of September 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16426; Filed, Sept. 10, 1946;
11:28 a. m.]

[MPR 188, Order 5163]

G. LEWIN

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by G. Lewin, 22-37 125th Street, New York, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Model No.	Brand name	Description
2237	G. Lewin...	Acoustic table phone, electric motor, manual, nickel finish tone arm and reproducer, decorated pine cabinet, 10" x 12" x 3 1/4".

CEILING PRICE TO—

Dealer	Consumer
\$9.34	\$16.50

Ceiling price to the consumer includes the Federal excise tax. Terms are 2 percent 10 days, net 30 days, f. o. b. factory.

These maximum prices are for the articles described in the manufacturer's application dated July 29, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

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

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

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

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

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

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16427; Filed, Sept. 10, 1946;
11:28 a. m.]

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

OPA Retail Ceiling Price—\$16.50
Do Not Detach

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

(e) This order shall become effective on the 11th day of September 1946.

Issued this 10th day of September 1946.

GEOFFREY BAKER,
Acting Administrator.

[F. R. Doc. 46-16428; Filed, Sept. 10, 1946;
11:28 a. m.]

[MPR 188, Order 5165]

CHARM LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Charm Lamp Company, 1046 Rogers Avenue, Brooklyn 26, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
China table lamp.....	100	Each \$5.46	Each \$6.42	Each \$11.55
	110	3.92	4.62	8.30

These maximum prices are for the articles described in the manufacturer's application dated June 28, 1946 and August 6, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers

is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

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

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 11th day of September 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16430; Filed, Sept. 10, 1946;
11:24 a. m.]

[MPR 188, Order 5166]

GORHAM LAMP CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Gorham Lamp Corporation, 1542 Milwaukee Avenue, Chicago 22, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
6-way zinc alloy and steel floor lamp with 7" genuine pedrara onyx on base and stretched rayon silk shade.....	101	Each \$20.60	Each \$24.23	Each \$43.60

These maximum prices are for the articles described in the manufacturer's application dated July 26, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Chicago 22, Illinois, 1% 10 days, net 30

days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number _____
OPA Retail Ceiling Price—\$_____
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 11th day of September, 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16431; Filed, Sept. 10, 1946;
11:25 a. m.]

[MPR 188, Order 5164]

OLDEN MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Olden Manufacturing Company, Olden Avenue, Extension—P. O. Box 523, Trenton, New Jersey.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Decorated china table lamp with cast metal base and silk shade.....	406	Each \$8.37	Each \$9.85	Each \$17.73
Glazed embossed china table lamp with cast metal base and silk shade.....	406-R	8.92	10.50	18.90
Glazed embossed china table lamp with wood base and silk shade.....	507	8.92	10.50	18.90
Glazed embossed china table lamp with wood base and silk shade.....	508	8.92	10.50	18.90
Glazed embossed china table lamp with wood base and silk shade.....	509-E	6.85	8.05	14.49
Decorated china table lamp with cast metal base and silk shade.....	602	7.40	8.70	15.66
Glazed embossed china table lamp with wood base and silk shade.....	602-R	7.31	8.60	15.48
Glazed embossed china table lamp with wood base and silk shade.....	603-R	6.85	8.05	14.49
Decorated china table lamp with cast metal base and silk shade.....	1015	6.93	8.15	14.67
Decorated embossed china table lamp with cast metal base and silk shade.....	1021	10.16	11.95	21.5
Glazed embossed china table lamp with spun metal base and silk shade.....	1021-TT	9.60	11.30	20.34
Decorated china table lamp with cast metal base and silk shade.....	1022-TT	9.60	11.30	20.34
Decorated china table lamp with cast metal base and silk shade.....	1028	6.93	8.15	14.67
Decorated china table lamp with cast metal base and silk shade.....	1029	6.93	8.15	14.67
Decorated embossed china table lamp with cast metal base and silk shade.....	1030	10.16	11.95	21.51
Glazed embossed china table lamp with spun metal base and silk shade.....	1030-TT	9.60	11.30	20.34
Decorated china table lamp with cast metal base and silk shade.....	1031	6.93	8.15	14.67
Decorated china table lamp with cast metal base and silk shade.....	1032	6.93	8.15	14.67
Glazed embossed china table lamp with cast metal base and silk shade.....	1032-R	6.85	8.05	14.49
Decorated china table lamp with cast metal base and silk shade.....	1045-D	6.93	8.15	14.67
Glazed embossed china table lamp with cast metal base and silk shade.....	1057-R	8.92	10.50	18.90

These maximum prices are for the articles described in the manufacturer's application dated July 25, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Trenton, New Jersey, 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----
OPA Retail Ceiling Price—\$-----
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 11th day of September, 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16434; Filed, Sept. 10, 1946;
11:26 a. m.]

		Cents per ton
Sand—delivered by boat to customer's dock		8
Sand—f. o. b. company docks		10
Stone—f. o. b. company docks		10

(c) Any person purchasing sand and stone from the Kelley Island Lime and Transport Company, Cleveland, Ohio for the purpose of resale in the same form may increase his present maximum prices established under the General Maximum Price Regulation by an amount not exceeding his actual percentage increase in cost resulting from the increase permitted in (b) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All provisions of Maximum Price Regulation 592 not inconsistent with this order shall apply to sales covered by this order.

(e) All requests of the application, submitted by the Kelley Island Lime and Transport Company to this Office and dated October 18, 1945, not granted herein are denied.

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

This order shall become effective September 11th, 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16429; Filed, Sept. 10, 1946;
11:28 a. m.]

[MPR 188, Order 5167]

HILTON-ALAN CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Hilton-Alan Company, 323 Atlantic Avenue, Brooklyn 2, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
11" ceramic figure nursery lamps with plexiglas base.	101, 102, 104, 105, 106, 107.	Each \$2.97	Each \$3.50	Each \$6.30
11" plexiglas boudoir lamp.	201, 202.	3.19	3.75	6.75
11" plexiglas boudoir lamp.	204, 205.	3.19	3.75	6.75
11" plexiglas and lucite boudoir lamp.	210.	3.00	3.53	6.35
27/4" plexiglas table lamp.	300.	7.22	8.50	15.30
Plexiglas pin-up lamp.	400.	2.12	2.50	4.50
Plexiglas pin-up lamp.	401.	2.55	3.00	5.40

Order 136 under section 16 of Maximum Price Regulation 592. Specified construction materials and refractories. The Kelley Island Lime and Transport Co. Docket No. 6122-592.16-416.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation 592, *It is ordered:*

(a) Order No. L-254 under section 16 of Maximum Price Regulation 592, issued and effective January 24, 1946, is hereby revoked.

(b) The maximum prices effective January 23, 1946 for sales of sand and stone by the Kelley Island Lime and Transport Company, Cleveland, Ohio, may be increased by the following amounts:

FEDERAL REGISTER, Saturday, September 14, 1946

These maximum prices are for the articles described in the manufacturer's application dated July 25, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. 2% 20 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number _____
OPA Retail Ceiling Price \$ _____
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

(f) This order shall become effective on the 11th day of September 1946.

Issued this 10th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16432; Filed, Sept. 10, 1946;
11:25 a. m.]

[Order 166 Under 3 (e)]

DURABLE RUBBER PRODUCTS MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, it is ordered:

(a) *Applicability of this order.* This order applies to all sales of "Brite-N-Up Rubber Sponge Wallpaper Cleaner" manufactured by the Durable Rubber

Products Manufacturing Company, 1481 W. Huron Street, Chicago 22, Illinois.

(b) *Maximum prices.* The maximum prices for sales of the commodity described in paragraph (a) of this order are as follows:

Large size:	Per 100
To distributor of stocking jobber	\$56.25
To nonstocking jobber	67.50
To retailer	90.00
Each	
At retail	1.50

Small size:	Per 100
To distributor of stocking jobber	28.00
To nonstocking jobber	33.75
To retailer	45.00
Each	
At retail	.75

(c) *Notification of maximum prices.* With or prior to the first delivery of any of the commodities described in paragraph (a) to a distributor, jobber, or retailer, the seller shall give the purchaser a written notice of the maximum retail price applicable to such sales as established by paragraph (b) of the order. If the purchaser is a distributor or a jobber, the notification shall include the maximum price to wholesalers or retailers as established by paragraph (b) of this order, and a statement that each purchaser is required by this order to notify any retailer to whom he sells of the maximum retail price as established by paragraph (b) of this order. If such a purchaser is a distributor, the notification shall also include a statement that the distributor is required to notify any jobber to whom he sells of the maximum prices applicable to sales to retailers, as established by paragraph (b) of this order.

(d) *General provisions of the General Maximum Price Regulation.* All provisions of the General Maximum Price Regulation that are not inconsistent with this order shall apply to sales covered by this order.

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

This order shall become effective September 12, 1946.

Issued this 11th day of September 1946.
PAUL A. PORTER,
Administrator.
[F. R. Doc. 46-16512; Filed, Sept. 13, 1946;
9:24 a. m.]

[RMPR 86, Order 75]

GENERAL ELECTRIC CO.

APPROVAL OF CEILING PRICES

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

(a) This order establishes ceiling prices for resales of the General Electric brand Model AD-6 domestic mechanical drier sold by the General Electric Company, 1285 Boston Avenue, Bridgeport 2, Connecticut.

(1) For sales by distributors to dealers the ceiling price of the Model AD-6 is

\$118.78 each. This price is f. o. b. seller's warehouse. When, however, shipment is made directly from the manufacturer to the dealer pursuant to the distributor's order, this ceiling price is f. o. b. dealer's city. In the case of sales by a distributor to a non-servicing dealer the seller may add to this ceiling price his customary differential or \$10.00, whichever is lower. For purposes of this order a non-servicing dealer is one who relies on the distributor to supply the consumer with delivery and any services necessary to fulfill the warranty on driers covered by this order.

(2) For sales by dealers to ultimate consumers the ceiling price for the Model AD-6 is \$189.95 each. This ceiling price includes delivery and installation. Installation means connection of the drier to electric facilities to be provided by the consumer. Installation includes a home instruction course in the proper use of the drier to be given in the consumer's home by instructors provided by the seller.

(b) Except as provided otherwise in this order, each ceiling price established under this order is subject to each seller's terms, discounts, allowances, and other price differentials no less favorable than those he had in effect for similar sales during the period October 1-15, 1941. If the seller made no sales during that period, his ceiling prices under this order are subject to terms, discounts, allowances no less favorable than those of his closest competitive seller of the same class on sales of similar articles during the same period or which were thereafter properly established under applicable OPA regulation.

(c) At the time of, or prior to the first invoice to each distributor the General Electric Company shall notify the distributor of the ceiling prices established by this order for his resales.

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

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

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

This order shall become effective on the 11th day of September 1946.

Issued this 11th day of September 1946.
PAUL A. PORTER,
Administrator.
[F. R. Doc. 46-16513; Filed, Sept. 13, 1946;
9:24 a. m.]

[MPR 120, Amdt. 40 to Order 1548]

ELLIOT COAL MINING CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.312 (e) of Maximum Price Regulation No. 120, *It is ordered:*

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

Paragraph (a) is amended by adding

thereto the following name of the producer, address, mine name and index number, and preparation plant name, as follows:

Producer and address	Mine names	Mine index Nos.	Location and name of preparation plant through which the coals are prepared
P. & N. Coal Co., P. O. Box 332, Punxsutawney, Pa.	Hillman No. 7..... P. & N. No. 11..... P. & N. No. 12..... P. & N. No. 15..... P. & N. No. 16..... P. & N. No. 17..... Hannock..... Denise Nos. 1 and 2.....	5648 5747 5310 5824 5836 5853 5794 5084 5268	P. & N. Coal Co.'s Hillman Preparation Plant at Hillman, Pa., on the P. R. R. Juliette No. 1 Preparation Plant at Cairnbrook, Pa., on the P. R. R.
Juliette Coal Co., Grant Bldg., Pittsburgh, Pa.			

This amendment No. 40 to Order No. 1548 under Maximum Price Regulation No. 120 shall become effective September 12, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16515; Filed, Sept. 13, 1946;
9:25 a. m.]

[MPR 188, Order 7 Under Order 7]

BISSELL CARPET SWEEPER CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Order No. 7 under § 1499.159e of Maximum Price Regulation No. 188, It is ordered:

(a) *Manufacturers' ceiling prices.* Bissell Carpet Sweeper Company, 210 Erie Street, N. W., Grand Rapids 2, Michigan, may compute its adjusted ceiling prices for carpet sweepers of its manufacture by increasing by 22.7% its ceiling prices to each class of purchaser as established by Maximum Price Regulation No. 188.

As used in this paragraph "ceiling prices as established under Maximum Price Regulation No. 188," shall mean the ceiling prices established under that regulation without the inclusion in those ceiling prices either directly or indirectly of any adjustment, either individual or industry-wide.

(b) *Ceiling prices of purchasers for resale.* (1) A purchaser for resale, who had an established ceiling price prior to the effective date of this order for any article, whose manufacturer's ceiling price was adjusted in accordance with the provisions of this order, may increase that established ceiling price by 22.7 percent.

(2) A purchaser for resale who had no established ceiling price prior to the effective date of this order for any article whose ceiling price is subject to this order, shall determine his ceiling price by adding to his invoice cost the same percentage markup which he had on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is one which meets all the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) The net replacement cost is nearest to the net cost of the article being priced.

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

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

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

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

(e) All requests contained in the application for price adjustment filed by Bissell Carpet Sweeper Company, assigned OPA Docket No. 6069-SO 119-117e, not specifically granted by this order are hereby denied.

(f) The provisions of Supplementary Order No. 153 shall have no application to any sale or delivery of any article subject to this order.

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

This order shall become effective on the 11th day of September 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16518; Filed, Sept. 13, 1946;
9:25 a. m.]

[MPR 188, Order 5168]

GEM PHONE MANUFACTURING, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Gem Phone Manufacturing, Incorporated, 33 West 46th Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Model No.	Brand name	Description
A2.....	Gem.....	Acoustic portable phono, spring wound, nickel finish tone arm and reproducer, manua-aeroplane luggage covered solid wood cabinet, 14½" x 11½" x 6".

CEILING PRICE TO—

Distributor	Dealer	Consumer
\$8.59	\$10.74	\$18.75

Ceiling price to the consumer includes the Federal excise tax. Terms are 2 percent 10 days, net 30 days, f. o. b. factory.

These maximum prices are for the articles described in the manufacturer's application dated August 15, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

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

OPA Retail Ceiling Price—\$18.75
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

FEDERAL REGISTER, Saturday, September 14, 1946

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

(e) This order shall become effective on the 12th day of September 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16519; Filed, Sept. 13, 1946;
9:26 a. m.]

[MPR 188, Order 5170]

LYNTEL LAMP CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Lyntel Lamp Co., Inc., 106 Seventh Avenue, New York 11, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Embossed china table lamp with stretched rayon shade.	1002.....	Each \$7.35	Each \$8.65	Each \$15.60
Embossed china table lamp with stretched rayon shade.	1003.....	6.60	7.76	13.95
Decorated china table lamp with stretched rayon shade.	1503.....	7.03	8.27	14.90
Decorated china table lamp and figured rayon shade with top ruching.	1504.....	10.04	11.81	21.25
China table lamp with stretched rayon shades.	210, 220, 1505, 1506.	7.68	9.03	16.25

These maximum prices are for the articles described in the manufacturer's application dated June 15, 1946 (Re-instantiated August 19, 1946).

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. New York, 11, New York, 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price

Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number _____
OPA Retail Ceiling Price—\$ _____
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

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

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16521; Filed, Sept. 13, 1946;
9:26 a. m.]

[MPR 188, Order 5171]

GERINGER SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Geringer Sales Company, 225 Hermitage Avenue, Nashville 10, Tennessee.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Pottery table lamps with braid and ruching trimmed rayon shades.	1001, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.	Each \$9.22	Each \$10.85	Each \$19.55

These maximum prices are for the articles described in the manufacturer's application dated August 8, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to

those sales and deliveries. For sales to persons other than consumers they are f. o. b. Nashville, Tennessee, 2% 10 days, net 30. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number _____
OPA Retail Ceiling Price—\$ _____
Do Not Detach

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

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

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16522; Filed, Sept. 13, 1946;
9:27 a. m.]

[MPR 188, Order 5172]

GERINGER SALES CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Geringer Sales Company, 225 Hermitage Avenue, Nashville 10, Tenn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Decorated china table lamp and 14" rayon hand finished shade.	500	Each	Each	Each
Do.	600	5.95	7.50	12.60
Do.	700	6.38	7.50	13.50
Do.	800	7.00	8.24	14.85
Do.	900	7.72	9.08	16.35
Tall pottery table lamp with 20" figured rayon bell shade.	1115 and 1116	13.27	15.61	28.10

These maximum prices are for the articles described in the manufacturer's application dated July 30, and August 13, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Nashville, Tenn., 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

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

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

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

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

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

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16523; Filed, Sept. 13, 1946;
9:28 a. m.]

[MPR 591, Amdt. 1 to Order 796]

TOLEDO DESK AND FIXTURE CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

Order No. 796 under section 9 of Maximum Price Regulation No. 591, is amended in the following respect:

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

(a) The maximum net price for sales by any person to consumers of the following undersink cabinets manufactured by the Toledo Desk and Fixture Company of Maumee, Ohio, and described in its application dated August 7, 1946 shall be:

STEEL UNDERSINK CABINETS

42" x 24 3/4" x 34 3/4"	\$44.75
54" x 24 3/4" x 34 3/4"	56.85
60" x 24 3/4" x 34 3/4"	74.38
66" x 24 3/4" x 34 3/4"	86.42
72" x 24 3/4" x 34 3/4"	96.76

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

(b) On sales to dealers the maximum net prices f. o. b. point of shipment shall be the maximum prices above less 33 1/3 percent discount.

3. Paragraph (e) is amended to read as follows:

(c) On sales to jobbers the maximum net prices f. o. b. point of shipment shall be the maximum prices above less successive discounts of 33 1/3 and 20 percent.

This amendment shall become effective September 12th, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16527; Filed, Sept. 13, 1946;
9:28 a. m.]

1. On sales to a dealer in quantities of 4 heaters or less, a discount of 33 1/3 percent.

2. On sales to a dealer in quantities of 5 or more heaters, a discount of 40 percent.

3. On sales to jobbers, a discount of 50 percent.

(c) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942, on sales of commodities in the same general category.

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

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

(f) Seidelhuber Iron & Bronze Works shall attach to each water heater covered by this order a tag containing the following:

OPA maximum retail price not installed including actual Federal excise tax paid at source—\$ _____
(Do Not Detach)

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

This order shall become effective September 12th, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16528; Filed, Sept. 13, 1946;
9:29 a. m.]

[MPR 591, Order 810]

BIC MFG. CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices for sales by any person to consumers of the following plumbing "P" trap manufactured by Bic Manufacturing Corporation of New York City, New York and as described in the application dated August 6, 1946 shall be:

Polished Chrome Plated Brass Plumbing "P" Trap—\$4.75

(b) The maximum net price f. o. b. point of shipment for sales to the following classes of trade shall be the maximum net price in (a) above less the following discounts:

Stocking Jobbers, 20 and 15 percent.
Nonstocking Jobbers, 20 and 10 percent.
Retailer, 20 percent.

(b) The maximum net LCL price, excluding Federal Excise Tax, f. o. b. point of shipment for sales by any person shall be the maximum price specified in (a) above less the following discounts:

(c) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942, on sales of commodities in the same general category.

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

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

(f) Bic Manufacturing Corporation shall stencil or tag each item covered by this order, substantially the following:

OPA Maximum Retail Price Uninstalled
\$4.75

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

This order shall become effective September 12th, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16529; Filed, Sept. 13, 1946;
9:29 a. m.]

[MPR 591, Order 811]

VIKING MFG. CORP.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Maximum Price Regulation 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment for sales by The Viking Manufacturing Corporation, of 1747 Chester Avenue, Cleveland, Ohio, and its resellers, of its Model 891 oil-fired floor furnace manufactured by Moeschl-Edwards Corrugated Company, of Covington, Kentucky, shall be the following:

On sales to jobbers \$62.32
On sales to dealers 82.00

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

(c) Each seller covered by this order, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, unless

such notice has already been given pursuant to Order 747 under Maximum Price Regulation 591.

(d) Maximum prices for these oil-fired floor furnaces when sold on an installed basis are subject to the provisions of Revised Maximum Price Regulation No. 251.

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

This order shall become effective September 12th, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16530; Filed, Sept. 13, 1946;
9:29 a. m.]

[MPR 592, Amdt. 1 to Order 127]

ACME SHALE BRICK CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

Amendment 1 to order 127 under section 16 of maximum price regulation 592. Acme Shale Brick Company, Incorporated. Docket No. 6122-592.16-308.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:* Paragraph (a) of Order No. 127 under Section 16 of Maximum Price Regulation No. 592 is amended to read as follows:

(a) The maximum net prices for sales by the Acme Shale Brick Company, Incorporated, Buffalo, New York, of clay building brick, structural hollow tile and drain tile, to its various classes of purchasers, may be increased by an amount not in excess of \$1.75 per thousand for standard size brick equivalents or by an amount not in excess of \$0.70 per ton for structural hollow tile and drain tile.

This amendment shall become effective September 12, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16532; Filed, Sept. 13, 1946;
9:30 a. m.]

[MPR 592, Order 137]

CONSTRUCTION AGGREGATES CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 137 under Section 16 of Maximum Price Regulation No. 592. Construction Aggregates Corp. Docket No. 6122-592.16-145.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Section 16 of Maximum Price Regulation 592, *It is ordered:*

(a) The maximum net prices for sales by the Construction Aggregates Corporation of Chicago, Illinois to its various classes of purchasers may be increased by amounts not in excess of the following:

Delivered at dock or job-site, Chicago, Ill., area:
Torpedo sand Per cubic yard \$0.24
Gravel .24
Lake sand .20
Beach sand .20

Delivered at dock, Detroit, Mich., area:

Per ton
Torpedo sand .33 1/2
Washed gravel .38 1/2

Delivered at dock, Ludington, Mich., area:

Torpedo sand .20
Washed gravel .25
60-40 Mix .15

Delivered at dock, St. Joseph, Mich., area:

Washed gravel .25
1/4" gravel .20
5/8" gravel .10

Delivered at dock, Manistee, Mich., area:

Torpedo sand .20
5/8" gravel .30

F. o. b. plant, Ferrysburg, Mich., loaded on vessels:

Torpedo sand .14
Washed gravel .09

F. o. b. plant, Ferrysburg, Mich., loaded on trucks or cars: Per cubic yard

Torpedo sand .15
Lake sand .15
Plaster sand .24
Washed gravel .20
1/4" gravel .12 1/2
5/8" gravel .37 1/2
5/8" gravel .27 1/2
Road gravel .15
60-40 mix .25

(b) Any person purchasing sand and/or gravel described in paragraph (a) above from the Construction Aggregates Corporation for purpose of resale in the same form may increase his present maximum prices established under the General Maximum Price Regulation by the percentage increase in cost to him resulting from the increases permitted the producer in paragraph (a) above. However, notwithstanding the provisions of this paragraph (b), in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(c) The maximum prices established herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(d) All requests of the application not granted herein are denied.

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

This Order No. 137 shall become effective September 12th, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16533; Filed, Sept. 13, 1946;
9:30 a. m.]

[MPR 592, Order 138]

DUBOIS-FALLS CREEK BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 138 under Section 16 of Maximum Price Regulation No. 592. Specified Construction Materials and Refractories. DuBois-Falls Creek Brick Company. Docket No. 6122-592.16-373.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the DuBois-Falls Creek Brick Company, Falls Creek, Pa., of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$5.00 per M for standard size brick equivalents or by an amount not in excess of \$2.00 per ton for structural hollow tile.

(b) If the DuBois-Falls Creek Brick Company, Falls Creek, Pa., had an established differential in price during the month of March 1942 for non standard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this Order produced by the DuBois-Falls Creek Brick Company, Falls Creek, Pa., for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective September 12, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16534; Filed, Sept. 13, 1946;
9:31 a. m.]

[MPR 592, Order 139]

BRIDGEVILLE BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 139 under section 16 of Maximum Price Regulation No. 592.

Specified Construction Materials and Refractories. Bridgeville Brick Company. Docket No. 6122-592.15-405.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the Bridgeville Brick Company, Bridgeville, Pa., of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$1.75 per M for standard size brick equivalents or by an amount not in excess of \$0.70 per ton for structural hollow tile.

(b) If the Bridgeville Brick Company, Bridgeville, Pa., had an established differential in price during the month of March 1942 for nonstandard sizes of

brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Bridgeville Brick Company, Bridgeville, Pennsylvania, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective September 12, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16535; Filed, Sept. 13, 1946;
9:32 a. m.]

[MPR 592, Order 140]

BROOKLYN BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 140 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Brooklyn Brick Company. Docket No. 6122-592.16-410.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the Brooklyn Brick Company, Brooklyn, Ind., of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$1.00 per M for standard size brick equivalents or by an amount not in excess of \$0.40 per ton for structural hollow tile.

(b) If the Brooklyn Brick Company, Brooklyn, Indiana, had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Brooklyn Brick Company, Brooklyn, Indiana, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwith-

standing the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective September 12, 1946.

Issued this 11th day of September, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16536; Filed, Sept. 13, 1946;
9:32 a. m.]

[MPR 592, Order 141]

NATIONAL FIREPROOFING CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 141 under section 16 of Maximum Price Regulation No. 592.

Specified construction materials and refractories. National Fireproofing Corporation. Docket No. 6122-592.16-409.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the National Fireproofing Company, Pittsburgh, Pa., of brick and structural clay tile produced at its Hobart, Indiana, plant to its various classes of purchasers may be increased by an amount not in excess of \$2.00 per M for standard size brick equivalents or by an amount not in excess of \$0.80 per ton for structural hollow tile.

(b) If the National Fireproofing Corporation had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this Order produced by the National Fireproofing Corporation, Pittsburgh, Pa., for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective September 12, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16537; Filed, Sept. 13, 1946;
9:32 a. m.]

[Rev. SO 119, Order 337]

J. L. CHASE CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* J. L. Chase Company, 666 Lake Shore Drive, Chicago 11, Illinois may compute its adjusted ceiling prices for all articles of upholstered furniture which it manufactures, as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 15.4 percent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than the previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580, and a wholesaler who must determine his ceiling prices under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a ceiling price, the reseller shall compute his ceiling prices under those regulations as they have been modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale price under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling prices under that regulation as modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price," the reseller shall calculate his ceiling price by adding to his invoice cost the same percentage mark-up which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced. The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form No. 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

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

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by this order.

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

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

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

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

This order shall become effective September 11, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16543; Filed Sept. 13, 1946;
9:33 a. m.]

[Rev. SO 119, Order 336]

MUELLER CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 336 under Revised Supplementary Order No. 119, Docket No. 6123-119-137. Mueller Company, Los Angeles, California.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Revised Supplementary Order No. 112, it is ordered:

(a) *Maximum prices for the Mueller Company of Los Angeles California.* (1) The above manufacturer shall determine his maximum prices for his line of brass plumbing supply fixtures and trimmings by increasing by 27 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

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

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March 1942.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual percentage increase in cost resulting from the increase granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 336 under Revised Supplementary Order No. 119 authorizes a 27 percent increase in October 1, 1941 net prices for sales of brass plumbing supply fixtures and trimmings, manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices, the percentage increase in cost resulting from the increase granted by Order 336.

(d) All requests for relief not granted herein are denied.

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

This order shall become effective September 12, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 40-16542; Filed, Sept. 13, 1946;
9:33 a. m.]

[MPR 594, Amdt. 3 to Rev. Order 20]

GENERAL MOTORS CORP.

AUTHORIZATION OF MAXIMUM PRICES

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 8 and 9b of

Maximum Price Regulation 594, *It is ordered:*

Revised Order 20 under Maximum Price Regulation 594 is amended in the following respects:

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

(1) *Users discounts on the automobile.*

(i) To the United States, 25%.

(ii) To body building firms, 25%.

(iii) To all other users including fleet users, who qualify under Company fleet-user agreements—A discount computed in accordance with the same method the company had in effect on January 1, 1941 to the applicable class of user.

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

(i) *Extra or optional equipment.* A charge for extra or optional equipment being sold to the United States or to body building firm not to exceed the applicable wholesale price under the heading "Wholesale Prices—To Direct Dealer and Associate Dealer" in subparagraph (3) (i) of paragraph (a). In the case of sales to all other users including fleet users who qualify under Company fleet-user agreements, the charge shall be the applicable list price in subparagraph (3) (i) of paragraph (a) less a discount computed in accordance with the same method in effect on January 1, 1941 to the applicable class of purchaser.

This amendment shall be effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 3 TO REVISED ORDER NO. 20 UNDER MAXIMUM PRICE REGULATION 594

This amendment adjusts maximum prices for sales by General Motors Corporation of Buick passenger automobiles to all users other than the United States, body building firms and fleet operators. These maximum prices give effect to the increases the manufacturer is entitled to receive under section 8 and 9b of Maximum Price Regulation No. 594 and preserve the company practice in effect on such sales on January 1, 1941.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16752; Filed, Sept. 13, 1946;
12:06 p. m.]

[MPR 594, Amdt. 6 to Order 13]

CHRYSLER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 8 and 9b of Maximum Price Regulation 594, *It is ordered:*

Order 13 is amended in the following respects:

1. Paragraph (a) (2) is amended by adding the following items of extra or optional equipment and applicable net wholesale prices to the schedule thereunder:

Description: *Net wholesale price*
Rear view mirror exterior for town and country and New Yorker convertible coupes..... \$2.50
Spotlight for town and country convertible coupe..... 13.30

2. Paragraph (d) (2) is amended by adding the following items of extra or optional equipment and applicable net wholesale prices to the schedule thereunder:

Description: *Net wholesale price*
Rear view mirror exterior for town and country and New Yorker convertible coupes..... \$2.65
Spotlight for town and country convertible coupe..... 13.95

3. Paragraph (e) (2) is amended by adding the following items of extra or optional equipment and applicable factory retail prices to the schedule thereunder:

Description: *Factory retail price*
Rear view mirror exterior for town and country and New Yorker convertible coupes..... \$3.60
Spotlight for town and country convertible coupe..... 19.00

This amendment shall be effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 6 TO ORDER 13 UNDER MAXIMUM PRICE REGULATION 594

The amendment which this opinion accompanies authorizes maximum prices for two items of extra or optional equipment. These items are an exterior rear view mirror and a spotlight. The maximum prices authorized are consistent with the maximum prices authorized for other items of Chrysler extra or optional equipment.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16750; Filed, Sept. 13, 1946;
12:05 p. m.]

[MPR 594, Amdt. 8 to Rev. Order 4]

FORD MOTOR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 8 and 9b of Maximum Price Regulation 594, *It is ordered:*

Revised Order 4 under Maximum Price Regulation 594 is amended in the following respects:

1. A new paragraph (c) 1 is added to read as follows:

(c) 1 *Company sales to United States.* The Company is authorized to sell and deliver at factory, Dearborn, Michigan,

to the United States, its agencies and wholly owned corporations for the use of the United States, each of the Ford new passenger automobiles listed in subparagraph (1) of paragraph (a) at a price not to exceed the total of the following:

(1) *Charge for the new automobile.* A charge for the new automobile not to exceed the amount of the applicable net wholesale price in subparagraph (1) of paragraph (a).

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) (i) (a) of paragraph (a) when installed at the factory not to exceed the applicable net wholesale price in subparagraph (2) (i) (a) of paragraph (a).

(3) *Deductions.* A deduction in price for each item listed in subparagraph (2) (i) (b) of paragraph (a) when installed at the factory not less than the net wholesale deduction in subparagraph (2) (i) (b) of paragraph (a).

(4) *Charge for delivering and servicing the new automobile.* A charge for delivering the new automobile to the purchaser and servicing it subsequent to the delivery in an amount not to exceed a percentage of the list price for the automobile as listed in subparagraph (1) of paragraph (d) and the list prices of any items of extra or optional equipment installed on the car in production as listed in subparagraph (2) (i) (a) of paragraph (d). The percentage shall be the percentage the Company had in effect on January 1, 1941 (or the closest date prior to January 1, 1941) for applying to list prices to determine the amount to pay to a dealer for making delivery to the purchaser and servicing the automobile subsequent to delivery.

(5) *Other charges.* Charges permitted by sub-paragraphs (ii), (iii), (iv) and (v) of paragraph (a) (2), when applicable to the sale.

This amendment shall be effective September 13, 1946.

Issued this 13th day of September, 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 8 TO REVISED ORDER 4 UNDER MAXIMUM PRICE REGULATION 594

The amendment which this opinion accompanies authorizes maximum prices for new Ford passenger automobiles and extra or optional equipment for Company sales to the United States. These maximum prices give effect to the increases the manufacturer is entitled to receive under section 8 and section 9b of Maximum Price Regulation 594 and preserve the company base date practice in effect for such sales.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16746; Filed, Sept. 13, 1946;
12:03 p. m.]

FEDERAL REGISTER, Saturday, September 14, 1946

[MPR 594, Amdt. 7 to Rev. Order 5]

FORD MOTOR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 8 and 9b of Maximum Price Regulation 594, *It is ordered:*

Revised Order 5 under Maximum Price Regulation 594 is amended in the following respects:

1. A new paragraph (c) 1 is added to read as follows:

(c) *Company sales to United States.* The Company is authorized to sell and deliver at factory, Dearborn, Michigan, to the United States, its agencies and wholly owned corporations for the use of the United States each of the Mercury new passenger automobiles listed in subparagraph (1) of paragraph (a) at a price not to exceed the total of the following:

(1) *Charge for the new automobile.* A charge for the new automobile not to exceed the amount of the applicable net wholesale price in subparagraph (1) of paragraph (a).

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) (i) of paragraph (a) when installed at the factory not to exceed the applicable net wholesale price in subparagraph (2) (i) of paragraph (a).

(3) *Charge for delivering and servicing that new automobile.* A charge for delivering the new automobile to the purchaser and servicing it subsequent to the delivery in an amount not to exceed a percentage of the list price for the automobile as listed in subparagraph (1) of paragraph (d) and the list prices of any items of extra or optional equipment installed on the car in production as listed in subparagraph (2) (i) of paragraph (d). The percentage shall be the percentage the Company had in effect on January 1, 1941 (or the closest date prior to January 1, 1941) for applying to list prices to determine the amount to pay to a dealer for making delivery to the purchaser and servicing the automobile subsequent to delivery.

(4) *Other charges.* Charges permitted by subparagraph (ii), (iii), (iv), and (v) of paragraph (a) (2), when applicable to the sale.

This amendment shall be effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 7 TO REVISED ORDER 5 UNDER MAXIMUM PRICE REGULATION 594

The amendment which this opinion accompanies authorizes maximum prices for new Mercury passenger automobiles and extra or optional equipment for company sales to the United States. These maximum prices give effect to the increases the manufacturer is entitled to receive under section 8 and section 9b of Maximum Price Regulation 594 and pre-

serve the company base date practice in effect for such sales.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16747; Filed, Sept. 13, 1946;
12:04 p. m.]

[MPR 610, Amdt. 2 to Order 1]

FEDERAL MOTOR TRUCK CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register and pursuant to sections 8 and 9a of Maximum Price Regulation 610, *It is ordered:*

Order No. 1 under Maximum Price Regulation 610 is amended in the following respects:

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

(1) *Charge for the new truck chassis.* A charge for the new truck chassis not to exceed the applicable net wholesale price in the following schedule subject to the discounts, allowances, and terms of delivery in effect on January 1, 1941.

Model No.	Description	Net wholesale price	List price
16M.....	Chassis, truck, 13,000 pounds gross vehicle weight; 1942 standard specifications and equipment of Model 16, excepting the following modifications and additions: Hercules JXF engine instead of Hercules JXE engine; hand brake mounting on left side of chassis instead of on transmission; solid bushing and ground pin mounting instead of rubber bushing mounting; hydrovac booster and connections instead of BK pusher type booster; air cleaner—oil bath type; side cowl ventilators; brake—BK P60 booster; oil filter—replaceable cartridge type; springs—oversize (39) rear including auxiliary; gas tank—side mounted; bumper—channel type front pointed instead of spring type; sealed beam headlamps, with parking lamps and beam indicator, voltage regulator and 17-plate battery; oversize front springs; 7.50 x 20 8-ply front and dual rear synthetic tires on Dayton cast wheels instead of 6.00 x 20 6-ply front and single rear (wheelbase):		
135 inches.....	1,084.63	\$1,432	
140 inches.....	1,121.04	1,480	
155 inches.....	1,131.44	1,494	
167 inches.....	1,162.64	1,535	
180 inches.....	1,199.05	1,583	
194 inches.....	1,230.26	1,624	
18M.....	Chassis, truck, 15,000 pounds gross vehicle weight; 1942 standard specifications and equipment of Model 18, excepting the following modifications and additions: counter-balanced crankshaft; hand brake mounting on left side of chassis instead of on transmission; solid bushing and ground pin mounting instead of rubber bushing mounting hydrovac booster and connections instead of BK pusher type booster; air cleaner—oil bath type; side cowl ventilators; gas tank—side mounted; sealed beam headlamps with parking lamps and indicator; bumper—channel type front instead of spring type; hydraulic lifting jack, 3 ton, instead of mechanical type; rear axle—5441 instead of 53308; 8.25 x 20 10-ply front and dual rear synthetic rubber tires instead of 6.00 x 20 6-ply front and dual rear natural rubber tires (wheelbase):		
135 inches.....	1,446.50	1,929	
146 inches.....	1,482.43	1,977	
155 inches.....	1,492.69	1,990	
167 inches.....	1,523.49	2,031	
180 inches.....	1,559.42	2,079	
194 inches.....	1,590.21	2,120	
18M2.....	Chassis, truck, 18,000 pounds gross vehicle weight; standard specifications and equipment as shown for Model 18M, above, excepting the following modification: Timken 2-speed rear axle 94425 with vacuum shifting device instead of axle No. 5441 (wheelbase):		
135 inches.....	1,577.59	2,103	
146 inches.....	1,613.52	2,151	
155 inches.....	1,623.79	2,165	
167 inches.....	1,654.58	2,206	
180 inches.....	1,690.51	2,295	
194 inches.....	1,721.31	2,254	

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

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed 132.89% of the net wholesale price in effect on January 1, 1941 for each item of extra or optional equipment to the applicable class of purchaser, subject to the discounts, allowances and terms of delivery in effect on that date. The Company shall compute the net wholesale price for each item of extra or optional equipment by applying the above percentage to the applicable net wholesale price in effect on January 1, 1941.

For use by resellers in determining resale maximum prices the Company shall compute retail list prices for extra or optional equipment. These retail list prices shall be computed by applying the above percentage to the list price in effect on January 1, 1941, for each item of extra or optional equipment.

The Company shall file the dollar and cents net wholesale and list prices for

each item of extra or optional equipment with the National OPA Office, Automotive Branch, Washington, D. C., within 48 hours after such adjusted prices are established. In the event the Company reduces any net wholesale price it shall file the new net wholesale price and retail list price within 48 hours after the reduced prices are established and shall immediately comply with the provisions of section 8 (h) of MPR 610.

This amendment shall become effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 2 TO ORDER NO. 1 UNDER MAXIMUM PRICE REGULATION 610

Reconversion maximum prices were authorized in Order 1 under Maximum Price Regulation 610 for the truck models 16M, 18M and 18M2 covered by this order. Order 1, however, was issued and effective on June 17, 1946, based on the

company's application which was filed on May 5, 1946. Increases in suppliers' prices for parts and subassemblies aggregating a substantial amount have accrued between April 30 and June 15 and June 30, the date of filing of most other companies, with the result that the Federal Company is placed at a disadvantage in comparison with other truck manufacturers. The Administrator finds this inequity to result in hardship for the company.

The other manufacturers in the truck industry, in general, are not in the same position because their maximum prices are being authorized now for the first time and reflect recognizable cost increases as of June 30, a much later date than those included in the Federal Motor Truck Company's initial application. The Administrator is of the opinion that this hardship can be removed by recomputing the Company's increase factor under the reconversion formula taking into account the aggregate of recognizable increases in suppliers January 1, 1941 prices as of June 30, a date more current than the base date for increases in suppliers prices used in the Company's initial application. Such a recomputation will equalize the position of the Company with that of the other truck manufacturers. This has been done in this action in accordance with section 9a of Maximum Price Regulation 610.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16756; Filed, Sept. 13, 1946;
12:07 p. m.]

[MPR 594, Amdt. 3 to Rev. Order 21]

GENERAL MOTORS CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 8 and 9b of Maximum Price Regulation 594, *It is ordered:*

Revised Order 21 of Maximum Price Regulation 594 is amended in the following respects:

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

(1) *Users discounts on the automobile.*

(i) To the United States, 24%.
(ii) To body building firms, 24%.
(iii) To all other users including fleet users, who qualify under Company fleet-user agreements; A discount computed in accordance with the same method the company had in effect on January 1, 1941 to the applicable class of user.

2. Paragraphs (b) (2) (i) and (b) (2) (ii) are amended to read as follows:

(i) *Extra or optional equipment except hydramatic drive option.* A charge for extra or optional equipment being sold to the United States or to body building firms not to exceed the applicable maximum prices under the heading "Wholesale Prices—to key-point dealer, dealer and associate dealer" in subparagraph

(3) (1) of paragraph (a). In the case of sales to all other users including fleet users who qualify under Company fleet-user agreements, the charge shall be the applicable list price in subparagraph (3) (1) of paragraph (a) less a discount computed in accordance with the same method in effect on January 1, 1941 to the applicable class of purchaser.

(ii) *Hydramatic drive option.* A charge for the hydramatic drive option when being sold to the United States or body building firms not to exceed list price set forth in paragraph (a) (3) (i) less 24 per cent discount. In the case of sales to all other users including fleet users who qualify under Company fleet-user agreements, the charge shall be the list price in subparagraph (3) (1) of paragraph (a) less a discount computed in accordance with the same method the company had in effect on January 1, 1941 to the applicable class of purchaser.

This amendment shall become effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 3 TO
REVISED ORDER 21 UNDER MAXIMUM
PRICE REGULATION 594

This amendment adjusts maximum prices for sales by General Motors Corporation of Oldsmobile passenger automobiles to all users other than the United States, body building firms and fleet operators. These maximum prices give effect to the increases the manufacturer is entitled to receive under section 8 and 9b of Maximum Price Regulation 594 and preserve the company practice in effect on such sales on January 1, 1941.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16753; Filed, Sept. 13, 1946;
12:06 p. m.]

[MPR 594, Amdt. 8 to Order 6]

FORD MOTOR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 8 and 9b of Maximum Price Regulation 594, *It is ordered:*

Order 6 under Maximum Price Regulation 594 is amended in the following respects:

1. A new paragraph (b) 1 is added to read as follows:

(b) 1 *Company sales to United States.* The Company is authorized to sell and deliver at factory, Dearborn, Michigan, to the United States, its agencies and wholly owned corporations for the use of the United States each of the Lincoln new passenger automobiles listed in subparagraph (1) of paragraph (a) at a price not to exceed the total of the following:

(1) *Charge for the new automobile.* A charge for the new automobile not to exceed the amount of the applicable net wholesale price in subparagraph (1) of paragraph (a).

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment listed in subparagraph (2) (i) of paragraph (a) when installed at the factory not to exceed the applicable net wholesale price in subparagraph (2) (i) of paragraph (a).

(3) *Charge for delivering and servicing the new automobile.* A charge for delivering the new automobile to the purchaser and servicing it subsequent to the delivery in an amount not to exceed a percentage of the list price for the automobile as listed in subparagraph (1) of paragraph (c) and the list prices of any items of extra or optional equipment installed on the car in production as listed in subparagraph (2) (i) of paragraph (c). The percentage shall be the percentage the Company had in effect on January 1, 1941 (or the closest date prior to January 1, 1941) for applying to list prices to determine the amount to pay to a dealer for making delivery to the purchaser and servicing the automobile subsequent to delivery.

(5) *Other charges.* Charges permitted by subparagraphs (ii), (iii), (iv), and (v) of paragraph (a) (2), when applicable to the sale.

This amendment shall be effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 8 TO
ORDER 6 UNDER MAXIMUM PRICE REGU-
LATION 594

The amendment which this opinion accompanies authorizes maximum prices for new Lincoln passenger automobiles and extra or optional equipment for company sales to the United States. These maximum prices give effect to the increases the manufacturer is entitled to receive under section 8 and section 9b of Maximum Price Regulation 594 and preserve the company base date practice in effect for such sales.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16748; Filed, Sept. 13, 1946;
12:04 p. m.]

STUDEBAKER CORP.

AUTHORIZATION OF MAXIMUM PRICES

[MPR 594, Amdt. 2 to Order 25]

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 8 and 9b of Maximum Price Regulation 594, *It is ordered:*

Order 25 is amended in the following respects:

1. The following item of extra or optional equipment and applicable list price is added to the schedule in paragraph (a) (2) (i):

Description: List price
Optional tires: 4 5.50 x 15 6-ply \$11.15

2. Paragraph (b) is amended by adding the phrase, "during each model year as determined by the company" immediately after the word "purchased".

3. Paragraph (c) (6) is amended to read as follows:

(6) *Other expenses.* Charges to cover factory preparation operations, Federal excise taxes, wholesale servicing, loading and receiving and advertising determined in accordance with the applicable methods provided in subparagraph (2) of paragraph (a).

This amendment shall become effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 2 TO
ORDER 25 UNDER MAXIMUM PRICE REGU-
LATION 594

This amendment to Order 25 under Maximum Price Regulation 594 authorizes adjusted maximum prices for 5.50 x 15 6-ply tires as an item of extra or optional equipment. The maximum prices authorized are consistent with the maximum prices authorized for other Studebaker items of extra or optional equipment. In addition two minor changes in language are made in the interest of clarity.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16754; Filed, Sept. 13, 1946;
12:06 p. m.]

[MPR 610, Order 18]

AUTOCAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reason set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 8 of Maximum Price Regulation 610, *It is ordered:*

(a) The Autocar Company, Ardmore, Pennsylvania, hereinafter called the Company, is authorized to sell f. o. b. factory, Ardmore, Pennsylvania, each new motor truck containing a chassis described in subparagraph (1) below at a price not to exceed the total of the following charges:

(1) *Charge for the new truck chassis.* A charge for the new truck chassis not to exceed the applicable list price in the following schedule less the discounts in effect on March 31, 1942, to the applicable class of purchaser.

Model No.	Description	List price
C-50	Chassis, truck, 200" wheelbase; standard specifications and equipment as of January 1, 1941, for Model C-30T plus the following changes and additions: 10.00 x 22, 12-ply tires replacing 10.00 x 20, 12-ply tires; "F" replacing "E" rear axle; 35100 replacing 35000 front axle; low pressure indicator.	
C-50T	Chassis, truck tractor, 148" or 164" wheelbase; standard specifications and equipment as of January 1, 1941, plus the following changes and additions: 10.00 x 22, 12-ply tires replacing 10.00 x 20, 12-ply tires; "F" replacing "E" rear axle; 42-gallon fuel tank on R. H. frame rail; low pressure indicator; hand control of trailer brakes.	\$4,929
C-50D	Chassis, dump truck; 148" or 164" wheelbase; standard specifications and equipment as of January 1, 1941, for Model 60T, plus the following changes and additions: "F" replacing "E" rear axle; 35100 replacing 35000 front axle; T-71 replacing T-70 steering gear; 1600 series driveshafts replacing 1500 series; 103" reinforced frame; excluding semi-trailer connections.	5,002
U-50	Chassis, truck, cab-over-engine; 142" wheelbase; standard specifications and equipment as of January 1, 1941, for Model U-40, plus the following changes and additions: UDF-5 transmission replacing URL-5 transmission; 35100 replacing 35000 rear axle; "F" replacing "RC" rear axle; air brakes; 43-gallon gasoline tank replacing 35-gallon gasoline tank; low pressure indicator; 10.00 x 20 tires replacing 8.25 x 20 tires.	4,874
U-50T	Chassis, truck tractor, cab-over-engine; 96" or 106" wheelbase; standard specifications and equipment as of January 1, 1941, for Model U-40T, plus the following changes and additions: UDF-5 replacing URL-5 transmission; 35100 replacing 35000 front axle; "F" replacing "E" rear axle; 43-gallon replacing 35-gallon gas tank; 43-gallon auxiliary gas tank; air brakes; low pressure indicator; hand control of trailer brakes; 10.00 x 20 tires replacing 8.25 x 20 tires.	5,024
		5,281

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price to be computed as follows, less the discount in effect on March 31, 1942 to the applicable class of purchaser:

(i) The Company shall multiply the list price in effect on January 1, 1941 for each item of extra or optional equipment by the increase factor approved by the Office of Price Administration for adjusting the Company's January 1, 1941 prices under section 8 of Maximum Price Regulation 610.

(ii) The Company shall file the dollar and cents list prices for each item of extra or optional equipment with the Office of Price Administration, Automotive Branch, Washington, D. C. within 48 hours after such adjusted prices are established.

(3) *Charge for transportation.* A charge for transportation of the truck and extra or optional equipment not to exceed a charge computed in accordance with the method the Company had in effect on March 31, 1942.

(4) *Charge for taxes.* A charge to cover Federal excise Taxes at the current legal rate, computed in accordance with the method the Company had in effect on March 31, 1942, and also state and local taxes, if any, directly imposed upon the delivery of the truck and extra or optional equipment.

(5) *The charging for factory handling and delivery.* A charge to cover factory handling and delivery computed by using the same rate and method the Company had in effect on March 31, 1942, except as provided in the following sentence: In the case of a sale to a user, the amount that may be included in the handling and delivery charge for preparing and conditioning operations shall be determined in accordance with section 10 (g) (3) of Maximum Price Regulation 610.

NOTE: As required by section 12 of Maximum Price Regulation 610, the Company shall notify all resellers of list prices and discounts for the vehicles of base specifications and extra or optional equipment and shall notify resellers that they must use such list prices and discounts in determining maximum prices in accordance with section 10.

(b) *Sales below ceiling to resellers.* In the event the Company sells to resellers below the maximum net price in this order for sales of truck chassis or items of extra or optional equipment, it shall so advise the National Office of Price Administration, Automotive Branch, Washington, D. C., within 48 hours and shall immediately comply with the provisions of section 8 (h) of Maximum Price Regulation 610.

(c) *Sales by Autocar Sales and Service Company to resellers.* The Autocar Sales and Service Company may sell to resellers each new motor truck containing a chassis described in paragraph (a) (1) at a price not to exceed the total of the following charges:

(1) *Charge for the new truck chassis.* A charge for the new truck chassis not to exceed the applicable list price set forth in paragraph (a) (1), less the discounts in effect on March 31, 1942, to the applicable class of purchaser.

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price which the Company will determine in accordance with paragraph (a) (2), less the discounts in effect on March 31, 1942, to the applicable class of purchaser.

(3) *Other charges.* Other charges permitted by section 10 when applicable to the sale.

(d) *Sales by resellers in the Continental United States to users.* A reseller may sell and deliver to users each new Autocar truck containing a chassis described in paragraph (a) (1) at a price not to exceed the total of the following applicable charges:

(1) *Charge for the new truck chassis.* A charge for the new truck chassis not to exceed the applicable list price set forth in paragraph (a) (1), adjusted to reflect suggested discounts The Autocar Company or The Autocar Sales and Service Company had in effect on March 31, 1942, to the applicable class of purchaser. The Autocar Company and The Autocar Sales and Service Company will notify their resellers of the list prices and discounts authorized in this order.

(2) *Charge for extra or optional equipment.* A charge for each item of extra or optional equipment not to exceed the list price which the Company will determine in accordance with para-

graph (a) (2), adjusted to reflect suggested discounts The Autocar Company or The Autocar Sales and Service Company had in effect on March 31, 1942, to the applicable class of purchaser. The Autocar Company and The Autocar Sales and Service Company will notify their resellers of the list prices and discounts authorized in this order.

(3) *Other charges.* Other charges permitted by section 10 of Maximum Price Regulation 610 when applicable to the sale.

(e) *Sales by resellers in Porto Rico and the Territory of Alaska.* A reseller may sell and deliver in Porto Rico and Alaska each of the new Autocar trucks containing a chassis described in paragraph (a) (1) at a price not to exceed the maximum price which may be charged under paragraph (d), to which it may add a sum equal to the expense incurred by or charged to it for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new truck in the territory or possession, when not charged under paragraph (d); export premium; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage and terminal operations; ocean freight; freight to port of embarkation when not charged under paragraph (d); and inland freight from the port of debarkation, by the most direct route to the reseller's place of business.

(f) All requests not granted herein are denied.

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

This order shall become effective September 16, 1946 for new Autocar truck chassis and extra or optional equipment sold by the Company on and after September 16, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 18
UNDER MAXIMUM PRICE REGULATION
610

The Autocar Company, Ardmore, Pennsylvania, has applied, pursuant to section 8 of Maximum Price Regulation 610, for a maximum price on its truck chassis Models C-50, C-50T, C-50D, C-70, C-70S, C-70T, C-70TS, C-90, C-90T, DC-100T, U-50, U-50T, U-70, U-70S, U-70T, U-70TS, U-90, and U-90T, together with items of extra or optional equipment offered with these chassis.

Maximum prices in the order which this opinion accompanies supersede adjusted maximum prices under Revised Maximum Price Regulation 136 for Models C-50 and C-50T. The maximum prices for the remaining models, prior to this action, were those in effect on March 31, 1942. The gross vehicle weights of the models priced in this action range from 26,000 pounds for the C-50 model to 36,000 pounds for the C-90 model.

In general, section 8 of the regulation permits the establishment of maximum prices for manufacturers by the calculation of a price increase factor for each commodity line reflecting legal increases since January 1, 1941 in materials prices

and basic wage rate schedules and a profit margin over cost, the application of this increase factor to 1941 model prices and the adjusting of the resulting prices to show increases or decreases in direct labor and direct materials costs due to changes in specification, design, material and equipment from the 1941 models.

The increases in basic wage rate schedules and in the general level of materials prices, including increases consistent with Executive Order 9697, and profit, which were reflected in the Autocar increase factor were in accordance with the provisions of section 8. Section 8 was adhered to in determining increases in direct labor and materials cost resulting from changes in specification, design, material and equipment incorporated in the new trucks and in determining the overall price increase factor. The price increase factor and the increases resulting from specification changes were correctly applied to the 1941 model prices. In these circumstances, the prices requested by Autocar for its sales have been authorized in the accompanying order.

The Company's maximum prices for its sales consist of a price for the truck chassis and extra or optional equipment plus charges for transportation, federal excise taxes, and handling and delivery.

In accordance with section 10 of Maximum Price Regulation 610, the order also includes adjusted maximum prices for resellers in the United States and for resellers in Porto Rico and the Territory of Alaska. Resellers' adjusted maximum prices reflect the increase in prices given to the applicant, The Autocar Company, and preserve the resellers' customary prewar margin on their increased cost. Maximum prices for resellers consist of list prices for the new trucks and optional equipment plus the applicable charges for transportation, state and local taxes, federal excise taxes, factory handling and delivery, and preparing and conditioning set forth in section 10. For resellers in Porto Rico and the Territory of Alaska, provision is made for additional charges as set forth in section 11. As required by section 12, the Company must notify resellers of list prices and discounts for the new trucks and extra or optional equipment.

The prices authorized in this order are in accordance with the provisions of Maximum Price Regulation 610 and the provisions of the Emergency Price Control Act of 1942, as amended.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16757; Filed, Sept. 13, 1946;
12:07 p. m.]

CHRYSLER CORP.

[MPR 594, Amdt. 3 to Rev. Order 19]

9b of Maximum Price Regulation 594, It is ordered:

Order 10 is amended in the following respects:

1. Paragraph (a) (2) is amended by adding the following items of extra or optional equipment and applicable net wholesale prices to the schedule thereunder.

Description: Net wholesale price
Rear view mirror, exterior, for
Windsor convertible coupe----- \$2.50

2. Paragraph (d) (2) is amended by adding the following items of extra or optional equipment and applicable net wholesale prices to the schedule thereunder.

Description: Net wholesale price
Rear view mirror, exterior, for
Windsor convertible coupe----- \$2.65

3. Paragraph (e) (2) is amended by adding the following items of extra or optional equipment and applicable factory retail prices to the schedule thereunder:

Description: Factory retail price
Rear view mirror, exterior, for
Windsor convertible coupe----- \$3.60

This amendment shall be effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 7
TO ORDER 10 UNDER MAXIMUM PRICE
REGULATION 594

The amendment which this opinion accompanies authorizes maximum prices for an item of extra or optional equipment, an exterior rear view mirror. The maximum prices authorized are consistent with the maximum prices authorized for other items of Chrysler extra or optional equipment.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16749; Filed, Sept. 13, 1946;
12:04 p. m.]

[MPR 594, Amdt. 3 to Rev. Order 19]

GENERAL MOTORS CORP.

AUTHORIZATION OF MAXIMUM PRICES

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 8 and 9b of Maximum Price Regulation 594, It is ordered:

Revised Order 19 under Maximum Price Regulation 594 is amended in the following respects:

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

(1) *Users discounts on the automobile.*

(i) To the United States, 24%.

(ii) To body building firms, 24%.

(iii) To all other users including fleet users who qualify under Company fleet-user agreements. A discount computed in ac-

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cordance with the same method the Company had in effect on January 1, 1941 to the applicable class of user.

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

(i) *Extra or optional equipment.* A charge for each group or extra or optional equipment being sold to the United States or to body building firm not to exceed the applicable wholesale price under the heading "Wholesale Prices"—To Dealer and Associate Dealer" in subparagraph (3) (i) of paragraph (a). In the case of sales to all other users including fleet-users who qualify under Company fleet-user agreements, the charge shall be the applicable list price in subparagraph (3) (i) of paragraph (a) less a discount computed in accordance with the same method in effect on January 1, 1941 to the applicable class of purchaser, except that the discount will not be applicable to special paint groups.

This amendment shall be effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 3
TO REVISED ORDER 19 UNDER MAXIMUM
PRICE REGULATION NO. 594

This amendment adjusts maximum prices for sales by General Motors Corporation of Pontiac passenger automobiles to all users other than the United States, body building firms and fleet operators. These maximum prices give effect to the increases the manufacturer is entitled to receive under section 8 and 9b of Maximum Price Regulation No. 594 and preserve the company practice in effect on such sales on January 1, 1941.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16751; Filed, Sept. 13, 1946;
12:05 p. m.]

STUDEBAKER CORP.

[MPR 594, Amdt. 2 to Order 26]

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 8 and 9b of Maximum Price Regulation 594, *It is ordered:*

Order 26 is amended in the following respects:

1. Paragraph (b) is amended by adding the phrase, "during each model year as determined by the company" immediately after the word "purchased".

2. Paragraph (c) (6) is amended to read as follows:

(6) *Other expenses.* Charges to cover factory preparation operations, Federal excise taxes, wholesale servicing, loading and receiving and advertising determined in accordance with the applicable methods provided in subparagraph (2) of paragraph (a).

This amendment shall become effective September 13, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 2
TO ORDER 26 UNDER MAXIMUM PRICE
REGULATION 594

The amendment which this opinion accompanies makes two minor changes in the language in Order 26 under Maximum Price Regulation 594 in the interest of clarity.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16755; Filed, Sept. 13, 1946;
12:06 p. m.]

[MPR 580,¹ Amdt. 11 to Gen. Retail Order 3²]

ANKLETS AND HOSIERY

MODIFICATION OF CEILING PRICES

An opinion accompanying this amendment 11 to General Retail Order No 3 under section 23 of Maximum Price Regulation 580, issued simultaneously herewith, has been filed with the Division of the Federal Register.

General Retail Order No. 3 under section 23 of Maximum Price Regulation 580 is amended in the following respect:

The effective date provision of amendment 10 to General Retail Order No. 3 to Maximum Price Regulation 580 is amended to read as follows:

This amendment shall become effective August 23, 1946, except that until September 24, 1946, all types of anklets and hosiery, other than women's full length hosiery, or hosiery designed for therapeutic use, may be sold and delivered at or below the ceiling price in effect on August 22, 1946.

This amendment shall become effective September 11, 1946.

Issued this 11th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16608; Filed, Sept. 13, 1946;
8:51 a. m.]

[MPR 591, Order 812]

GENERAL FITTINGS CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 812 under section 16 of Maximum Price Regulation No. 591. Docket No. 6123-591.16-273. General Fittings Company, Providence, Rhode Island.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 of Maximum Price Regulation No. 591, it is ordered:

¹ 10 F. R. 3015, 3463, 3462, 4236, 4494, 4611, 9962, 12602, 13715, 15350, 11 F. R. 1739, 2987, 3481, 3483, 5475, 6492, 6982.

² 10 F. R. 12603, 13814, 14395, 15057, 15304, 16346, 11 F. R. 654, 2042, 11 F. R. 2484, 13144, 11949.

(a) *Adjustment of maximum prices for the General Fittings Company, Providence, Rhode Island.* (1) This order permits the General Fittings Company of Providence, Rhode Island to increase by 15 percent its properly established maximum net prices in effect on June 30, 1946, to each class of purchaser for its line of Electric Water Heaters and Accessories and Repair Parts therefor.

(2) The maximum net prices set forth in (a) (1) above are subject to discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which the General Fittings Company extended or rendered or would have extended or rendered to each class of purchaser during March 1942 on comparable sales of electric water heaters and accessories and repair parts therefor.

(b) *Maximum prices for resellers.* (1) All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their properly established maximum prices in effect on June 30, 1946, the percentage increase in cost to them resulting from the adjustment granted the manufacturer of this order.

(c) *Notification to all purchasers.* The General Fittings Company shall send the following notice to every purchaser of the commodities covered by the order at or before the first invoice after the effective date of this order.

Order No. 812 under section 16 of Maximum Price Regulation No. 591 provides for a 15 percent increase in maximum net prices in effect on June 30, 1946, for sales by the General Fittings Company for its line of electric water heaters and accessories and repair parts therefor.

Resellers (but not manufacturers who purchase these items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost resulting from the adjustment granted by Order No. 812.

(d) All requests of the application of the General Fittings Company of Providence, Rhode Island, not herein granted are denied.

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

This order shall become effective September 13th, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16618; Filed, Sept. 13, 1946;
8:55 a. m.]

[Rev. SO 119, Revocation of Order 269]

E. R. WAGNER MFG. CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

(a) Order No. 269 under sections 15 and 16 of Revised Supplementary Order No. 119 is revoked, subject to the provisions of Supplementary Order No. 40.

(b) This order shall become effective on the 12th day of September, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.[F. R. Doc. 46-16609; Filed, Sept. 13, 1946;
8:51 a. m.]

[MPR 610, Order 20]

STERLING MOTOR TRUCK CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 8 of Maximum Price Regulation 610, *It is ordered:*

(a) Sterling Motor Truck Company, Inc., Milwaukee, Wisconsin, hereinafter called the Company, is authorized to sell each Sterling motor truck as described in paragraph (1) below at a price not to exceed the total of the following charges:

(1) *Charge for the new truck.* A charge for the new truck not to exceed the applicable f. o. b. list price in the following schedule subject to the discounts, allowances and terms of delivery in effect on March 31, 1942 less the applicable deductions in subdivision (1) below.

Model No.	Description	List price f. o. b. factory
HD 97	Chassis, 4 x 2 truck, 24,000 pounds, G. V. W., 125 hp Waukesha 6 MZA engine, 16 x 3" front wheel brakes, Timken 35011H front axle, Timken Q100 DPH hypoid gear single reduction rear axle, hydrovac booster brakes, rectangular rear view mirror, Ross TA71 steering gear with double lever arm arrangement, 9:00 x 20 12-ply tires.	\$5,418
IIC 97	Chassis, 4 x 2 truck, 24,000 pounds, G. V. W., 125 hp Waukesha 6 MZA engine, 16 x 3" front wheel brakes, Timken 35011H front axle, Sterling 97H rear axle, hydrovac booster brakes, rectangular rear view mirror, Ross TA71 steering gear with double lever arm arrangement, Sterling 137 jackshaft, 9:00 x 20 12-ply tires.	6,062
HD 105	Chassis, 4 x 2 truck, 24,000 pounds, G. V. W., 125 hp Waukesha 6 MZA engine, 16 x 3" front wheel brakes, Timken 35011H front axle, Timken R100 DPH hypoid gear single reduction rear axle, hydrovac booster brakes, rectangular rear view mirror, Ross TA71 steering gear with double lever arm arrangement, 20 x 7.33 wheels, and 10:00 x 20 12-ply tires.	5,704
IIC 105	Chassis, 4 x 2 truck, 28,000 pounds, G. V. W., 125 hp Waukesha 6 MZA engine, 16 x 3" front wheel brakes, Timken 35011H front axle, Sterling 137H rear axle, hydrovac booster brakes, rectangular rear view mirror, Ross TA71 steering gear with double lever arm arrangement, Sterling OJ auxiliary transmission, Sterling 137 jackshaft, 10:00 x 20 12-ply tires.	6,520
HC 105A	Chassis, 4 x 2 truck, 28,000 pounds, G. V. W., Cummins AA500 diesel engine, 16 x 3" front wheel brakes, Timken 35011H front axle, Sterling 137H rear axle, hydrovac booster brakes, rectangular rear view mirror, Ross TA71 steering gear with double lever arm arrangement, Sterling OJ three speed auxiliary transmission, Sterling 137 jackshaft, 10:00 x 20 12-ply tires.	8,889

(1) *Deduction.* A deduction from the list price must be made for each item in the schedule below when installed at the factory in place of standard equipment of an amount not less than the applicable amount in the schedule below:

Description	Deduction
Air brakes, front wheel omitted on chassis equipped with 3600TW front axle	\$182.18
Axes:	
Timken R100P rear axle replacing S200P rear axle	346.62
Timken R200P rear axle replacing S200P rear axle	239.18
Timken R300P rear axle replacing S200P rear axle	130.82
Timken SW3010P rear axle unit replacing SD3010P rear axle unit	151.57
Seat, 640s (without windshield)	305.40
Seat, one Bostrom-Hickman Level ride replacing standard seats	18.09

Description	Deduction
Seat, one bucket replacing standard seats	\$19.95
Transmission: Fuller 5A65 replacing 4B86 transmission	17.95
Wheel Assemblies, Special Budd (Per wheel):	
20 x 7.00 wheel replacing 20 x 7.33	4.48
22 x 7.00 wheel replacing 22 x 7.33	4.26
24 x 7.00 wheel replacing 24 x 7.33	6.82
20 x 7.50 wheel replacing 20 x 7.33	.65
22 x 7.50 wheel replacing 22 x 7.33	1.11
24 x 7.50 wheel replacing 24 x 7.33	1.26

(2) *Charges for extra or optional equipment.* A charge for each item of extra or optional equipment installed at the factory not to exceed the applicable wholesale prices in the following schedule subject to the discounts, allowances and terms of delivery in effect on March 31, 1942.

Description	Wholesale price	List price
Air compressor, 12 cubic foot replacing 7 1/4 cubic foot air compressor: Cummins HB600	\$73.00	\$112.31
Cummins NHB600 and NHBS600	58.41	89.86
Waukesha 68RKR	22.03	33.89
Waukesha 140GK	24.84	38.22
Waukesha 145GK	24.84	38.22
Air horn:		
Grover single tone air horn	22.15	34.08
Westinghouse air horn with foot control	19.46	29.94
Alcohol evaporator	4.80	7.38
Axle options:		
Timken 3600H front axle replacing 35011H front axle	83.34	128.22
Timken 26452W front axle replacing 3600TW front axle	39.59	60.91
Timken 27454W front axle with 4" front springs replacing 3600TW front axle with 3" front springs	76.23	117.28
Set-back front axle—chassis equipped with Cummins HB600 engine only	36.22	55.72
Timken R100DPH rear axle replacing Q100DPH rear axle	70.64	108.68
Timken R200DPH rear axle replacing Q100DPH rear axle	92.71	142.63
Timken R200DPH rear axle replacing R100DPH rear axle	140.47	216.11
Timken S200DPH rear axle replacing R100DPH rear axle	69.83	107.43
Timken U200DPH rear axle replacing R100DPH rear axle	202.40	311.38
Timken U200DPH rear axle replacing R100DPH rear axle	243.63	374.82
Timken U200P rear axle replacing S200P rear axle	41.22	63.42
Timken S200P aluminum rear axle replacing S200P Standard rear axle	149.10	229.38
Timken Q300DPH rear axle replacing Q100DPH rear axle	153.52	236.18
Timken R300DPH rear axle replacing Q100DPH rear axle	210.92	324.49
Timken R300DPH rear axle replacing R100DPH rear axle	140.28	215.82
Timken S300DPH rear axle replacing R100DPH rear axle	297.97	458.42
Timken U300DPH rear axle replacing R100DPH rear axle	339.19	521.83
Timken S300P rear axle replacing S200P rear axle	95.56	147.02
Timken U300P rear axle replacing S200P rear axle	136.79	210.45
Timken SW3012P rear axle unit replacing SD3010P rear axle unit	159.73	245.74
Timken SW3013P rear axle unit replacing SD3010P rear axle unit	379.34	583.60
Sterling 152W rear axle replacing 147W rear axle	51.70	79.54
Sterling 165W rear axle replacing 147W rear axle	88.59	136.29
Sterling 143SW rear axle replacing 137W rear axle	7.54	11.60
Brake option:		
Four Wheel air brakes replacing hydraulic brakes: Model HD 97 only	200.48	308.43
Model HC 97 only	217.14	334.06
Six wheel air brakes replacing hydraulic brakes Model HBS 130 only	325.12	500.18
10" brake chambers and 6 1/4" type RB slack adjusters replacing 9" brake chambers and 6" type K slack adjusters	5.20	8.00
Wagner hand valve for rear wheel brakes	22.65	34.85
Two, 8 x 4 1/2" air reservoirs replacing Two, 7 x 36" air reservoirs	2.81	4.32
Individual control of rear wheel brakes	34.18	52.58
Brake dust shields:		
Timken Q and R series axles	3.47	5.34
Timken S and U series axles	4.55	7.00
Timken 3000 and 400 series axle units	9.63	14.82
Cab options:		
640E enclosed cab	288.59	443.98
640D open cab	303.71	467.25
640C combination cab	301.31	463.55
645D dump truck cab with half doors	491.85	756.69
645E dump truck cab with full doors	516.10	794.00
Cab heater (Chicago) with defroster	30.40	46.77
Cab heater, bus type, with defroster fan	49.47	76.11
Defroster fan only	7.16	11.02
Tread plate on cab roof	30.51	46.94
Chain oilers, Sterling aromatic four wheel trucks	29.53	45.43
Chain oilers, Sterling aromatic six wheel trucks	37.41	57.44
Clutch options:		
Lipe 15" two plate clutch replacing 15" single plate clutch	31.30	48.15
Lipe 15" single plate clutch replacing 14" single plate clutch	14.67	22.57
Spicer 14" two plate clutch replacing 13" two plate clutch	8.83	13.58

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Description	Wholesale price	List price	Wholesale price	List price
Deck plate, extra wide width.	\$74.18	\$114.12	\$298.59	\$459.37
Directional signal guards.	\$2.98	4.57	14.39	22.45
Dirt removing equipment.	20.08	30.89	34.95	53.95
Cummins HBB 600 and NHBS 600 engines only.	70.88	122.89	38.06	58.15
Cummins HBB 600 engine only.	28.49	43.83	10.72	16.49
Door, half (not mounted); Without curtain.	40.36	62.09	23.80	36.62
Dust shields, runboard.	27.25	41.92	46.97	72.26
Engines:			94.39	145.22
Continental R613 engine replacing Waukesha 6SRKR engine.	784.37	1,206.72	69.51	106.94
Continental R672 engine replacing Waukesha 6SRKR.	836.41	1,286.78	88.02	109.26
Continental R662 engine replacing Waukesha 6SRKR.	886.95	1,364.54	105.43	122.20
Cummins NH BB600 engine replacing HB600 engine.	990.95	1,524.34	76.80	118.15
Cummins NH BB600 engine replacing HB600.	1,600.58	2,600.89	124.23	191.12
Waukesha 140GK engine replacing 6MZA engine.	268.79	567.37	53.29	81.98
Waukesha 651K engine replacing 6MZA engine.	258.15	397.15	100.71	154.94
Waukesha 140GK high power engine replacing 6MZA engine.	554.35	852.85	6.38	9.82
Waukesha 140GK high power engine replacing 681KX engine.	286.18	455.66		
Waukesha 140GK high power engine replacing 140GK standard engine.	188.08	289.35		
Waukesha 140GK high power engine replacing 6SRKR engine.	288.49	436.14		
Waukesha 140GK high power engine replacing 140GK standard engine.	742.43	1,142.20		
Waukesha 140GK high power engine replacing 6SRKR engine.	202.81	312.02		
Waukesha 145GK high power engine replacing 145GK standard engine.	592.68	911.82		
Hall Scott 400 engine replacing Cummins HB600 engine.	849.39	1,237.83		
Hall Scott 450 engine replacing Cummins HB600 engine.	1,108.22	1,704.05		
Hall Scott 470 engine replacing Cummins HB600 engine.	546.65	841.00		
Hall Scott 480 engine replacing Cummins HB600 engine.	34.83	53.58		
Cummins HB6000 engine replacing HB600 engine.	23.42	36.03		
Waukesha 145GK engine, replacing 6SRKR engine.	11.87	17.80		
Waukesha 145GK engine, replacing 6SRKR engine.	13.75	21.15		
Exhaust pipe extended to rear of frame.	17.28	28.58		
Exhaust pipe and muffler extended up side of cab.	49.18	75.66		
Fire extinguishers.	6.22	9.57		
1 quart capacity.				
1½ quart capacity.				
Frame extended 6° forward.				
Generator, Delco-Remy 674 replacing 110658 generator.			\$49.27	\$75.50
Hood, Aluminum replacing standard hood.			64.82	99.72
I. C. C. Kit.			121.37	
Jacks:				
Huin Werner 8 ton jack replacing Hein Werner 5 ton jack.	95	1.46	12	20 x 7.33, single front.
Hein Werner 12 ton jack replacing Hein Werner 5 ton jack.	4.56	7.02	12	22 x 7.33, single front.
Hein Werner 12 ton jack replacing Hein Werner 5 ton jack.	9.54	14.68	12	24 x 7.33, single front.
Blackhawk 12 ton jack replacing Hein Werner 12 ton jack.	3.54	5.84	12	22 x 7.33, dual rear.
Blackhawk 12 ton jack replacing Hein Werner 12 ton jack.	4.08	7.68	12	24 x 7.33, dual rear.
Hein Werner 20 ton jack replacing Hein Werner 12 ton jack.	9.89	15.22	12	24 x 7.33, dual rear.
Blackhawk 20 ton jack replacing Hein Werner 12 ton jack.	18.32	28.18	12	24 x 7.33, dual rear.
Sterling 152 jackshaft unit replacing 137 jackshaft unit.	94.17	144.88		
Sterling 152 jackshaft unit replacing 147 jackshaft unit.	106.83	168.97		
Sterling 177 jackshaft unit replacing 137 jackshaft unit.	262.81	404.32		
Sterling super-synchro differential, Model 137 147 jackshaft units only.	298.87	398.26		
Lights, two amber and two blue at top of cab.	75.30	115.98	10.00-22	22 x 7.33, single front.
Mirror, dual rectangular rear view with three point mounting replacing single rectangular mirror with three point mounting.	44.03	67.74	10.00-24	20 x 7.33, single front.
Oil pumps:			11.00-20	12 x 7.33, single front.
Seavenger type-145 G.K. engine.	4.37	6.72	11.00-22	12 x 7.33, single front.
Seavenger type-140 series engines.	16.17	24.88	10.00-22	12 x 7.33, dual rear.
Painting body and hoist only.	21.03	32.35	10.00-24	12 x 7.33, dual rear.
Pintle hook, Timken heavy duty type.	67.37	103.65	11.00-20	12 x 7.33, dual rear.
Power take-off.			11.00-22	12 x 7.33, dual rear.
Sterling split propeller shaft.	265.86	409.02		
Sterling top mounted.	218.19	335.68		
Sterling S231 top mounted.	222.52	342.34		
Radiator, H type.	42.12	64.80	10.00-22	12 x 7.33, single front.
Radiator, H type (ARB 246 series) replacing H type radiator core (ARB179 series).	.65	1.00	10.00-24	12 x 7.33, single front.
Reflector.			11.00-20	12 x 7.33, single front.
Seats:			11.00-22	12 x 7.33, single front.
Two bucket replacing standard seats.	20.32	31.26	11.00-24	12 x 7.33, single front.
Two Bostrom-Hickman Lever-ride chassis.	20.14	30.98	11.00-22	12 x 7.33, single front.
Stub windshield installed on S408 seat.	20.45	45.31	11.00-24	12 x 7.33, single front.
Stub chain clearance.			12.00-20	14 x 7.33, single front.
Four wheel enclosed drive chassis.	19.64	30.22	12.00-24	14 x 7.33, single front.
Six wheel enclosed drive chassis.	39.26	60.40	10.00-22	12 x 7.33, dual rear.
Four wheel chain drive chassis.	24.07	37.03	10.00-24	12 x 7.33, dual rear.
Six wheel chain drive chassis.	48.15	74.08	11.00-20	12 x 7.33, dual rear.
Side guard under engine.	53.94	82.95	11.00-22	12 x 7.33, dual rear.
Spring:			11.00-24	12 x 7.33, dual rear.
Front 4FB1830 replacing 4FB108 front springs.	3.49	5.37	12.00-30	14 x 7.33, dual rear.
1½" diameter spring clips, Timken 3000 series axles.	122.81	188.94	12.00-24	14 x 7.33, dual rear.
		3.60		

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Description	Wholesale price	List price
Universal joints—Continued.		
Spicer 1800 series joints replacing 1700 or Blood 7N joints.	\$47.98	\$73.82
Vacuum pump mounted on engine in addition to air compressor—Cummins HB600 and NH B600 engine only.	57.83	88.97
Wheel assemblies special Budd wheel assemblies (per wheel):		
20 x 7.00 wheel replacing 20 x 6.00.	.96	1.48
22 x 7.00 wheel replacing 22 x 6.00.	1.20	1.85
24 x 7.00 wheel replacing 24 x 6.00.	1.51	2.32

(3) **Charge for freight.** A charge to cover freight expense computed in accordance with the method the Company had in effect on March 31, 1942, plus transportation tax at the current legal rate.

(4) **Charge for Federal excise taxes.** A charge to cover Federal excise taxes, at the current legal rate, computed in accordance with the method the Company had in effect on March 31, 1942.

(5) **Charge for factory handling and delivery.** A charge to cover factory handling and delivery computed by using the same rate and method the Company had in effect on March 31, 1942, except as provided in the following sentence: In the case of a sale to a user, the amount that may be included in the handling and delivery charge for preparing and conditioning operations shall be determined in accordance.

(b) **Sales below ceiling to domestic dealers.** In the event the Company sells to domestic dealers below the maximum net price authorized in this order for sales of trucks or extra or optional equipment, it shall so advise the National Office of Price Administration, Automotive Branch, Washington, D. C. in writing within 48 hours and shall immediately comply with the provisions of section 8 (h) of Maximum Price Regulation 610.

NOTE: As required by section 12 of Maximum Price Regulation 610, the Company shall notify resellers of list prices for the vehicle of base specifications and extra or optional equipment and shall notify resellers that they must use list prices in determining maximum prices in accordance with section 10.

(c) A reseller may sell and deliver at its place of business each of the Sterling motor trucks described in paragraph (a) (1) at a price not to exceed the total of the following charges:

(1) **Charge for the new truck.** A charge for the new truck not to exceed the applicable list price in paragraph (a) (1) less the applicable deduction in paragraph (a) (1) (i) and less the applicable suggested resale discount the Company had in effect on March 31, 1942. The Company will notify all resellers of the list prices and discounts authorized in this order for new trucks.

(2) **Charges for extra or optional equipment.** A charge for each item of extra or optional equipment not to exceed the applicable list price in paragraph (a) (2) less the applicable suggested resale discount the Company had in effect on March 31, 1942. The Company will notify all resellers of the list prices and discounts authorized in this order for extra or optional equipment.

(3) **Other charges.** Charges permitted by section 10 of Maximum Price Regulation 610 when applicable to the sale.

(d) **Sales by resellers in the territories and possessions of the United States.** A reseller may sell and deliver in Porto Rico and Alaska each the new Sterling motor truck described in paragraph (a) (1) at a price not to exceed the maximum price it may charge under paragraph (c), to which it may add a sum equal to the expense incurred by or charged to it for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new truck and extra or optional equipment in Porto Rico and Alaska, when not charged under paragraph (c); export premium; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage and terminal operations; ocean freight; freight at port of embarkation when not charged under paragraph (c); and inland freight from the port of debarkation, by the most direct route to the resellers place of business.

(e) All requests not granted herein are denied.

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

This order shall become effective September 16, 1946, for trucks sold by the Company on and after September 16, 1946.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 20
UNDER MAXIMUM PRICE REGULATION 610

The Sterling Motor Truck Company, Inc., Milwaukee, Wisconsin has applied, pursuant to section 8 of Maximum Price Regulation 610, for maximum prices on its trucks and extra or optional equipment. Maximum prices in the order in which this opinion accompanies supersede maximum prices under Revised Maximum Price Regulation 136 for all models contained in the order. The gross vehicle weights on the models priced in this action range from 24,000 pounds to 36,000 pounds.

In general, section 8 of the regulation permits the establishment of maximum prices for manufacturers by the calculation of a price increase factor for each commodity line reflecting legal increases since January 1, 1941 in materials prices and basic wage rate schedules and a profit margin over cost, the application of this increase factor to 1941 model prices and the adjusting of the resulting prices to show increases or decreases in direct labor and direct materials costs due to changes in specifications, design, material and equipment from the 1941 models.

The increases in basic wage rate schedules and in the general level of materials prices, including increases consistent with Executive Order 9697, and profit, which were reflected in the Company's increase factor were in accordance with the provisions of section 8. Section 8 was adhered to in determining increases in direct labor and materials costs resulting from changes in specification, design, material and equipment incorporated in the new trucks and in determining the over-all price increase factor. The price increase factor and the increases resulting from specification changes were correctly applied to the 1941 model prices. In these circumstances, the prices requested by the Sterling Motor Truck Company, Inc., have been authorized in the accompanying order.

The Company's maximum prices for its sales consist of a price for the truck and extra or optional equipment plus charges for transportation, federal excise taxes and factory handling and delivery.

In accordance with section 10 of Maximum Price Regulation 610, the order also includes adjusted maximum prices for resellers in the United States and for resellers in Porto Rico and Alaska. Resellers' adjusted maximum prices reflect the increase in prices given to the Company and preserve the resellers' customary pre-war margin on their increased cost. Maximum prices for resellers consist of list prices for the new trucks and optional equipment plus the applicable charges for transportation, state and local taxes, federal excise taxes, factory handling and delivery, and preparing and conditioning set forth in section 10. If a retail seller can demonstrate as provided by Amendment 7 to Maximum Price Regulation 610 that he had a handling charge in the last three months of 1940 higher than the preparing and conditioning charge in section 10, he may substitute this handling charge for the preparing and conditioning charge permitted by section 10. For resellers in Porto Rico and Alaska provision is made for additional charges as set forth in section 11. As required by section 12, the Company must notify resellers of list prices and discounts for the new trucks and extra or optional equipment.

The prices authorized in this order are in accordance with the provisions of Maximum Price Regulation 610 and the provisions of the Emergency Price Control Act of 1942, as amended.

Issued this 13th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16759; Filed, Sept. 13, 1946;
12:08 p. m.]

[MPR 591, Order 813]

COPCO STEEL AND ENGINEERING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; It is ordered:

(a) The maximum net prices for sales by any person to consumers of the following medicine cabinet manufactured by Copco Steel & Engineering Company and as described in the application dated August 28, 1946 shall be:

Model MC-16 Steel Medicine Cabinet 20" x 14" with 16" x 22" beveled edge mirror: \$22.00.

(b) The maximum net prices, f. o. b. point of shipment for sales by any person shall be the maximum prices specified in (a) above less the following discounts:

1. On sales to a dealer, a discount of 50 percent.

2. On sales to a jobber, successive discounts of 50, 10 and 5 percent.

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

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

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

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

This order shall become effective September 13th, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16619; Filed, Sept. 13, 1946;
8:56 a. m.]

[MPR 592, Order 142]

ADAMS CLAY PRODUCTS CO.

ADJUSTMENT OF CEILING PRICES

Order No. 142 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Adams Clay Products Company. Docket No. 6122-592.16-408.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592; *It is ordered*:

(a) The maximum net prices for sales by the Adams Clay Products Company, Martinsville, Indiana of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$1.75 per M for standard size brick equivalents or by an amount not in excess of \$0.70 per ton for structural hollow tile.

(b) If the Adams Clay Products Company had an established differential in price during the month of March 1942 for non standard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Adams Clay Products Company, Martinsville, Indiana for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

crease his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective September 13th, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16621; Filed, Sept. 13, 1946;
8:57 a. m.]

[MPR 592, Order 144]

EASTVALE CLAY PRODUCTS CO.

ADJUSTMENT OF CEILING PRICES

Order No. 144 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Eastvale Clay Products Company. Docket No. 6122-592.16-407.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Section 16 of Maximum Price Regulation No. 592, *It is ordered*:

(a) The maximum net prices for sales by the Eastvale Clay Products Company, Beaver Falls, Pa., of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$1.75 per M for standard size brick equivalents or by an amount not in excess of \$0.70 per ton for structural hollow tile.

(b) If the Eastvale Clay Products Company, Beaver Falls, Pa., had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Eastvale Clay Products Company, Beaver Falls, Pa., for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16620; Filed, Sept. 13, 1946;
8:56 a. m.]

[MPR 592, Order 143]

STANDARD CLAY MFG. CO.

ADJUSTMENT OF CEILING PRICES

Order No. 143 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Standard Clay Manufacturing Company. Docket No. 6122-592.16-406.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 292, *It is ordered*:

(a) The maximum net prices for sales by the Standard Clay Manufacturing Co., New Brighton, Pa., of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$0.75 per M for standard size brick equivalents or by an amount not in excess of \$0.30 per ton for structural hollow tile.

(b) If the Standard Clay Manufacturing Company had an established differential in price during the month of March 1942 for nonstandard sizes of brick, it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Standard Clay Manufacturing Company, New Brighton, Pa. for the purpose of resale in the same form may in-

FEDERAL REGISTER, Saturday, September 14, 1946

This order shall become effective September 13, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16622; Filed, Sept. 13, 1946;
8:57 a. m.]

[MPR 592, Order 145]

KLOESS BRICK CO.

ADJUSTMENT OF CEILING PRICES

Order No. 145 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Kloess Brick Company. Docket No. 6122-592.16-378.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the Kloess Brick Company, Belleville, Illinois, of brick and structural clay tile to its various classes of purchasers may be increased by an amount not in excess of \$4.75 per M for standard size brick equivalents or by an amount not in excess of \$1.90 per ton for structural hollow tile.

(b) If the Kloess Brick Company, Belleville, Ill., had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Kloess Brick Company, Belleville, Illinois, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

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

This order shall become effective September 13, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16623; Filed, Sept. 13, 1946;
8:58 a. m.]

[Rev. SO 119, Amdt. 1 to Order 240]

FRANKLIN TILE CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 240 under Revised Supplementary Order No.

119. Adjustment of maximum prices for clay wall and floor tile manufactured by the Franklin Tile Company, Lansdale Pennsylvania. Docket No. 6122-SO. 119-12.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order No. 119. *It is ordered:*

That Order No. 240 under Revised Supplementary Order No. 119 be amended as follows:

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

(1) The above manufacturer shall determine his maximum prices for his line of ceramic clay wall and floor tile by increasing by 26.1 percent his prices on those items in effect on October 1, 1941, to each class of purchaser.

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

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the percentage increase in cost to them resulting from the increase granted the manufacturer by this order.

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

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 240 under Revised Supplementary Order 119 is amended by Amendment No. 1 to authorize a 26.1 percent increase in October 1941 net prices for sales of clay wall and floor tile manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost to them resulting from increase granted by the manufacturer by Order No. 240 as amended.

This amendment shall become effective September 13, 1946.

Issued this 12th day of September 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-16610; Filed, Sept. 13, 1946;
8:52 a. m.]

Regional and District Office Orders.

[Birmingham Order G-7 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN OPELIKA,
ALA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Birmingham District Office, Region IV, of the Office of Price Administration by General Order No. 68 and Regional Delegation Order No. 93, Order G-7 under General Order No. 68 is amended in the following respects:

1. The maximum prices set forth in Table I are amended to read as set forth on the attached revised Table I, effective September 2, 1946.

2. This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

3. A new section 4-A is added to read as follows:

SEC. 4-A. *Adjustment to reflect increase in supplier's price—(1) Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum price for the commodity in question.

(2) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing in your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This Amendment No. 1 to Order G-7 under General Order No. 68 shall become effective September 2, 1946.

Issued this the 28th day of August 1946.

SAM J. WATKINS,
District Director.

[F. R. Doc. 46-16471; Filed, Sept. 10, 1946;
4:17 p. m.]

[Region IV Order G-1 Under Rev. Supp. Service Reg. 165]

AUTOMOBILE WASHING SERVICES IN
SHELBY COUNTY, TENN.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by paragraph (8) of Revised Supplementary Service Regulation No. 50 to Revised Maximum Price Regulation No. 165; *It is ordered:*

(a) The maximum price for automobile washing services in Shelby County, Tennessee, is hereby established at \$1.00.

Effective date. This order shall become effective August 23, 1946.

Issued August 20, 1946.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 46-16327; Filed, Sept. 9, 1946;
4:04 p. m.]

[Rhode Island Order G-5 Under Gen. Order 68, Amdt. 3]

HARD BUILDING MATERIALS IN RHODE ISLAND

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, as amended, Second Revised Order of Delegation issued by the Regional Administrator for Region I, the above Order No. G-5, as amended, is further amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. What this order covers. This order covers all "retail sales" of the hard building materials listed in the Appendix A¹ (hereinafter set forth and made part hereof) by any seller in the State of Rhode Island with the exception of the Town of New Shoreham. This order does not cover sales for delivery to job sites located in the Town of New Shoreham, regardless of the seller's location. For the purposes of this order a "retail sale" means a sale to an ultimate user, or a sale to a purchaser for resale on an installed basis except that sales in quantities less than the smallest unit listed for any particular item shall not be covered by this order but shall remain under the applicable maximum price regulation or order.

2. The following paragraph is added to section 7:

This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (modification of reseller's maximum prices established under General Order 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

3. The following paragraph (d) is added to section 2:

(d) Each seller covered by this order may increase the prices of any item listed in Appendix A—Price List by the amount permitted all resellers of such item, (including those subject to area orders issued under General Order 68), by any amendment or order of the Office of Price Administration which increases the maximum price of his supplier of that item. However, this may be done only if the effective date of the action increasing his supplier's maximum price is later than the date of the price list including such item in the applicable appendix. Thus, if the supplier's maximum price for a product is increased, and at some later date the price for the product listed in Appendix A—Price List is increased, the amendment to the order effecting the price list increase will supersede the increase originally granted to resellers by the amendment or order increasing the supplier's maximum price.

4. The items and maximum prices covered by this order are hereby

amended to read as set forth on "Revised Appendix A—Price List" annexed hereto:

This amendment shall become effective August 23d, 1946.

Issued this 23d day of August 1946.
JAMES W. MULLIGAN,
Acting District Director.

[F. R. Doc. 46-16328; Filed, Sept. 9, 1946;
4:04 p. m.]

[Syracuse Adopting Order 15 Under Basic Order 1 Under Gen. Order 68, Amdt. 2]

BUILDING AND CONSTRUCTION MATERIALS IN SYRACUSE, N. Y., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region 2 by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Syracuse District Office; *It is hereby ordered:*

1. Adopting Order No. 15 under Basic Order No. 1 as amended, under General Order No. 68, as amended, is hereby amended by striking out Schedule A annexed to said order and inserting in place thereof Revised Schedule A annexed¹ and made a part of this amendment and of said adopting order.

2. Adopting Order No. 15 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by adding a new section 3 (a) as follows:

SEC. 3. (a) Adjustment to reflect increase in suppliers price—(1) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area order issued under General Order 68) may increase their maximum prices for the commodity in question.

(2) **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by an industry-wide or area-wide amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your suppliers maximum price.

3. Except as hereby amended, Adopting Order No. 15 under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

4. This amendment shall become effective immediately.

Issued this 26th day of August 1946.

GEORGE G. MOORE,
District Director.

[F. R. Doc. 46-16338; Filed, Sept. 9, 1946;
4:07 p. m.]

[Region II Adopting Order 58 Under Basic Order 1 Under Gen. Order 68]

STOCK MILLWORK FOR WASHINGTON, D. C., TRADING AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region 2 by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation, No. 1, It is hereby ordered:

SECTION 1. What this order covers. This order covers all sales of stock millwork at the retail level by any seller located in the Washington, D. C., trading area, consisting of the District of Columbia, and those portions of the states of Maryland and Virginia, located within 20 miles of the zero mileage stone in Washington, D. C., at the Treasury Building. By retail level is meant a sale to ultimate users or to purchasers for resale on an installed basis, that is, to contractors who purchase for installation rather than resale. It includes the type of sale referred to in the trade as "contract sale", wherein the seller provides his own take off from plans and specifications, quotes a flat price, and guarantees enough material to complete the job.

SEC. 2. Definition of stock millwork. "Stock millwork" as covered by this order refers to such standard woodwork items as listed below as well as to any item which can be priced as stock millwork in the following regulations: MPR 44, Douglas Fir Doors; RMPR 293, Stock Millwork; and MPR 589, Douglas Fir Stock Millwork.

- (a) Panel doors.
- (b) Sash doors.
- (c) Glazed windows.
- (d) Frames (windows, door or cellar).
- (e) Window screens.
- (f) Sash.
- (g) Garage doors.
- (h) Blind or shutter doors.
- (i) Cupboard doors.

Where items are specifically priced by sizes, any size of the item not listed and not carried in stock, and which cannot be purchased from the stock of a jobber or manufacturer and, further, which is made by a specialty millwork plant whose normal production, as measured by the calendar year 1941, is not more than 25% of stock items, may be priced as Special Millwork under the General Maximum Price Regulation at the March 1942 level.

SEC. 3. Maximum prices. The base maximum prices for stock millwork are set forth in Tables 1 through 14 which are annexed to and made a part of this order.¹ The base maximum prices are subject to discounts based on the dollar volume of the order as follows:

¹ Filed as part of the original document.

Discounts for stock millwork

For sales of stock millwork in quantities up to \$60—use base price.

For sales of stock millwork in quantities from \$50 to \$150—less 3%.

For sales of stock millwork in quantities from \$150 to \$500—less 6%.

For sales of stock millwork in quantities from \$500 to \$1,500—less 10%.

For sales of stock millwork in quantities from \$1,500 to \$5,000—less 13%.

For sales of stock millwork in quantities from \$5,000 and over—less 16%.

In applying these discounts the total size of the order of millwork and related items determines the discount to be applied.

The prices provided herein are the maximum which may be charged for the stock items shown whether purchased from other manufacturers, jobbers, or self-produced. Prices lower than the maximum may, of course, be charged. Any seller may quote on a contract basis, wherein he takes off quantities from blue-prints and guarantees sufficient material to finish the job, without violating this order provided he maintains records showing how he arrived at his estimate and that the estimate was based on prices permitted by this order as well as any other applicable regulation. If quotations are made on a contract basis, however, and the quantity of stock millwork actually furnished is valued at less than the contract price, the maximum charge which may be made is the total of the maximum prices for the items actually furnished and not the contract price.

SEC. 4. Delivery additions. The prices set forth in this order include all additions or charges for delivery. No deduction need be made where the purchaser elects to make his own delivery. In those cases where the stock millwork is taken from the stock of a retailer's warehouse and loaded on cars for shipment to a contractor or ultimate consumer in a different area, the prices are f. o. b. cars.

SEC. 5. Maximum prices for stock millwork items not listed. The maximum price for any stock millwork item not listed shall be based on the delivered car-load price for that item as prescribed in either Maximum Price Regulation 44, Revised Maximum Price Regulation 293 or the General Maximum Price Regulation, whichever is otherwise applicable, plus 50 percent if purchased from the manufacturer or plus 65 percent if purchased out of the stock of a jobber's warehouse. These prices shall be subject to the same discounts as outlined in section 4 above.

SEC. 6. Discounts and allowances. The maximum prices in this order include all commissions. All customary discounts for cash must be continued. Quantity discounts must be granted as outlined in section 4.

SEC. 7. Relationship of this order to Maximum Price Regulation 44, Revised Maximum Price Regulation 293 and General Maximum Price Regulation. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other

regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of Maximum Price Regulation 44, Revised Maximum Price Regulation 293 and the General Maximum Price Regulation, relating to Douglas Fir Doors, Stock Millwork and Douglas Fir Stock Millwork respectively, are applicable to sales covered by this order.

SEC. 8. Posting. Every seller making a sale covered by this order shall either post a copy of the list of maximum prices fixed by this order in a manner plainly visible to all purchasers or make available to his purchasers for inspection a copy of this order.

SEC. 9. Records and sales slips.—(a) *Required information.* The provisions of section (e) of Basic Order No. 1 as amended, covering sales slips and records are adopted in and applicable to this order, as if specifically set forth herein, and also on any sale of \$25 or more, each seller regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) *Maximum prices for insufficiently described items.* Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size, or quantity of the commodity, and thus determine the maximum price fixed by this order, the maximum price applicable to such sale shall be the lowest maximum price which can be computed under this order in accordance with the incomplete description.

SEC. 10. Adjustments for resellers to reflect increases in supplier prices.—(a) *Applicability.* This section is applicable only to resellers whose supplier's prices have been increased by amendment or order, and where the amendment or order, which grants the increase, provides that all resellers (including those subject to area orders issued General Order 68) may increase their maximum prices for the commodity in question.

(b) Resellers may increase the prices listed in this order by any amount permitted for resellers by an industry wide or area wide amendment or order increasing the maximum prices of the suppliers of such resellers. This can be done, however, only if the effective date of the action increasing the supplier's maximum price is later than the date stated on the tables of prices contained in this order. Thus, if the subject's maximum price for a product is increased, and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted to resellers by the amendment or order which increased the supplier's maximum price.

SEC. 11. Revocation or amendment. This order may be revised, amended, re-

voked or modified at any time by the Office of Price Administration.

This order shall become effective September 5, 1946.

Issued this 5th day of September 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-16349; Filed, Sept. 9, 1946;
4:10 p. m.]

[Syracuse Adopting Order 44 Under Basic Order 1 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS
IN SYRACUSE, N. Y., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region 2 by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Syracuse District Office, *It is hereby ordered:*

1. Adopting Order No. 44 under Basic Order No. 1 as amended, under General Order No. 68, as amended, is hereby amended by striking out Schedule A annexed to said order and inserting in place thereof Revised Schedule A¹ annexed and made a part of this amendment and of said adopting order.

2. Adopting Order No. 44 under Basic Order No. 1 as amended, under General Order No. 68 as amended, is further amended by adding a new section 3 (a) as follows:

SEC. 3 (a) *Adjustment to reflect increase in suppliers price.*—(1) *Applicability.* This section is applicable only where the amendment or Order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area order issued under General Order 68) may increase their maximum prices for the commodity in question.

(2) *Maximum price.* You may increase the price listed in this Order by the amount permitted for resellers by an industry wide or area wide amendment or Order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your suppliers maximum price.

3. Except as hereby amended, Adopting Order No. 44 under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions thereof remain in full force and effect.

¹ Filed as part of the original order.

4. This amendment shall become effective immediately.

Issued this 26th day of August 1946.

GEORGE G. MOORE,
District Director.

[F. R. Doc. 46-16339; Filed, Sept. 9, 1946;
4:07 p. m.]

[Region II Rev. Order G-7 Under MPR 122,
Amdt. 9]

ANTHRACITE DELIVERED 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 §§ 1340.250 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Revised Order No. G-7 is amended in the following respects:

1. Paragraph (d) (1) is amended by revising the schedule of prices for briquettes to read as follows:

(d) *Schedule I—Sales on a direct-delivery basis.* * * *

(1) For sales of anthracite and briquettes of the sizes and in the quantities specified:

Briquettes	Per net ton	Per net $\frac{1}{2}$ ton	Per 100 lbs. (for sales of 100 lbs. or more)	Per 50-lb. bag
Manufactured by the Reading Briquette Co. at Locust Summit, Pa., and St. Nicholas, Pa.	\$13.45	\$7.25	\$0.78	\$0.465
Manufactured by the Ecco Mfg. Co. at Pine Grove, Pa.	12.35	6.70	.75	.45
Manufactured by the American Briquette Co. at Lykens, Pa.	12.50	6.75	.70	.45

Discounts and service charges remain the same.

2. Paragraph (e) (1) is amended by revising the schedules of prices for briquettes to read as follows:

(e) *Schedule II—“Yard sales.”* * * *

(1) Sales by dealers except those who normally sold exclusively to equipped dealers:

Briquettes	Per net ton (for sales of $\frac{1}{2}$ ton or more)	Per 100 lbs. (for sales of 100 lbs. or more but less than $\frac{1}{2}$ ton)	Per 50-lb. bag
Manufactured by the Reading Briquette Co. at Locust Summit, Pa., and St. Nicholas, Pa.	\$10.35	\$0.68	\$0.415
Manufactured by the Ecco Manufacturing Co. at Pine Grove, Pa.	9.25	.65	.40
Manufactured by the American Briquette Co. at Lykens, Pa.	9.40	.60	.40

This Amendment No. 9 to Revised Order No. G-7 shall become effective August 22, 1946.

Issued this 27th day of August 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-16350; Filed, Sept. 9, 1946;
4:11 p. m.]

[Region II Order G-9 Under MPR 592]

NEW CASTLE LIME AND STONE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of the Office of Price Administration by the Emergency Price Control Act of 1942 as amended, and by section 16 of Maximum Price Regulation No. 592, *It is hereby ordered* that:

(a) The maximum prices for sales by the New Castle Lime and Stone Company for the following sizes of crushed stone shall be—

	Per net ton
$\frac{1}{4}$ " to dust	\$1.23
$\frac{3}{16}$ " to $\frac{1}{8}$ "	1.45
$\frac{1}{4}$ " to $\frac{1}{2}$ "	1.34
$\frac{1}{2}$ " to 1"	1.34
$\frac{1}{2}$ " to $1\frac{1}{2}$ "	1.34
$\frac{3}{4}$ " to $1\frac{1}{2}$ "	1.34
$1\frac{1}{4}$ " to $2\frac{1}{2}$ "	1.34

(b) The maximum prices set forth in the above are f. o. b. Dunbar, Pa., and are subject to 5 cents per net ton discount and all other discounts, allowances, including transportation allowances, and the rendition of services which are, at least as favorable as those which the New Castle Lime and Stone Company extended or rendered, or would have extended or rendered, to each class of purchaser of the commodities covered by this order on comparable sales during March 1942.

(c) All resellers of the commodities covered by this order, may add to their properly established prices in effect on the day prior to the effective date of this order, the actual percentage increase in cost resulting from the adjustment granted to manufacturer by this order.

(d) The New Castle Lime and Stone Company shall send the following notice to every purchaser of the commodities covered by this order at, or before, the first invoice after the effective date of this order:

Order No. _____ under section 16 of MPR 592 provides for varying amounts of price increases on sales by this company of its crushed stone.

Resellers may add to their existing maximum prices the actual percentage increase in cost resulting from the adjustment granted by Order No. _____.

(e) All prayers of the New Castle Lime and Stone Company of New Castle, Pennsylvania not herein granted are denied. This order may be amended or revoked by the Regional Administrator at any time.

This order shall become effective August 22, 1946.

Issued this 22d day of August 1946.

J. L. MEADER,
Regional Administrator.

[F. R. Doc. 46-16341; Filed, Sept. 9, 1946;
4:08 p. m.]

[Region II Order G-10 under MPR 592]

HUDSON SUPPLY AND EQUIPMENT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion issued simultane-

ously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of the Office of Price Administration by the Emergency Price Control Act of 1942 as amended, and by section 16 of Maximum Price Regulation No. 592; *It is hereby ordered*, That:

(a) The Hudson Supply and Equipment Company of Washington, D. C., may increase its properly established maximum price in effect on the day prior to the effective date of this order on sales of common brick, smooth face brick and rough texture face brick, to each class of purchaser by \$2.50 per thousand brick.

(b) Maximum prices determined under (a) above shall be subject to all discounts, allowances, including transportation allowances, and the rendition of services which are, at least as favorable as those which the Hudson Supply and Equipment Company extended or rendered, or would have extended or rendered, to each class of purchaser of the commodities covered by this order on comparable sales during March 1942.

(c) All resellers of the commodities covered by this order, may add to their properly established prices in effect on the day prior to the effective date of this order, the actual percentage increase in cost resulting from the adjustment granted to manufacturer by this order.

(d) The Hudson Supply and Equipment Company shall send the following notice to every purchaser of the commodities covered by this order at, or before, the first invoice after the effective date of this order:

Order No. _____ under Section 16 of MPR 592 provides for a \$2.50 per thousand brick increase on sales by this company of its common brick, smooth face brick and rough texture brick.

Resellers may add to their existing maximum prices the actual percentage increase in cost resulting from the adjustment granted by Order No. _____.

(e) All prayers of the Hudson Supply and Equipment Company of Washington, D. C., not herein granted are denied. This order may be amended or revoked by the Regional Administrator at any time.

This order shall become effective August 1946.

Issued this 22nd day of August 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-16342; Filed, Sept. 9, 1946;
4:08 p. m.]

[Region III Order G-42 Under Gen. Order 68,
Amdt. 1]

HARD BUILDING MATERIALS IN CLERMONT,
COUNTY, OHIO, AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1-B; *It is hereby ordered*, That:

(a) Table I of Order No. G-42 be amended to read as set forth in the price list marked Table I, which is annexed to and made a part of this order.

¹ Filed as part of the original document.

(b) Where the amendment or order, which grants your supplier an increase in his maximum price, provides that all resellers (including those subject to area orders issued under General Order No. 68) may increase their maximum price for the commodity in question, you may increase the price listed in this amendment by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. This can be done only if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this amendment.

(c) This amendment reflects the increase in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order No. 68 for Certain Building and Construction Materials). Accordingly this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

(d) This amendment No. 1 to Order No. G-42 shall become effective August 19, 1946.

Issued August 19, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-16353; Filed, Sept. 9, 1946;
4:11 p. m.]

[Region III Special Order 5 Under Order 74
Under RMPR 122]

SOLID FUELS IN CLEVELAND REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and paragraph (f) (5) of Order No. G-74 under Revised Maximum Price Regulation No. 122; *It is hereby ordered:*

(a) Dealers covered by adopting orders issued pursuant to Order No. G-74 under Revised Maximum Price Regulation No. 122 may, on all sales, except lake dock sales of railroad fuel and those sales set forth in paragraph (b) hereof, make additions to the prices contained in the schedules of said adopting orders, as follows:

Type of solid fuel	Authorized addition per ton
(1) Bituminous coals, including briquettes, packaged fuel and other miscellaneous solid fuels	\$0.18
(2) Pennsylvania anthracite and coke	.30

(b) On sales to resellers and purchasers in railroad carload lots f. o. b. seller's facilities, except lake dock sales of railroad fuels, additions may be made to the prices set forth in the schedules of such adopting orders as follows:

Type of solid fuel	Authorized addition per ton
(1) Bituminous coals, including briquettes, packaged fuels and other miscellaneous solid fuels	\$0.09
(2) Pennsylvania anthracite and coke	.10

(c) The increases in maximum prices authorized herein shall be in addition to all increases authorized by Order No. G-74 under Revised Maximum Price Regulation No. 122 and special orders heretofore issued thereunder.

This Special Order No. 5 shall become effective August 30, 1946.

Issued August 30, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-16369; Filed, Sept. 9, 1946;
4:16 p. m.]

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

This order shall become effective August 30, 1946.

Issued August 30, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-16368; Filed, Sept. 9, 1946;
4:15 p. m.]

[Region III Order G-51 Under MPR 592]

OHIO RIVER DREDGING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This Order No. G-50 under section 16 of MPR No. 592 provides for an adjustment of maximum prices for the sale of sand and gravel processed by the Union Sand and Gravel Company of Huntington, West Virginia, hereinafter referred to as the processor. The maximum prices of the processor and the maximum prices of the resellers of such commodities are adjusted herein.

(b) *Adjustment of processor's maximum prices.* The processor is hereby authorized to increase its maximum prices in effect on April 5, 1946, to each class of purchaser, by 5% on all sales of sand and gravel processed by it.

(c) *Resellers' adjusted maximum prices.* Any reseller of the commodities for which an adjustment is granted the processor in (b) above may add to his maximum prices in effect on April 5, 1946, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increase granted the processor by this order.

(d) *Discounts, allowances, and special charges.* All sellers of the subject commodities must continue to maintain discounts, allowances and other price differentials, to each class of purchaser, at least as favorable as those which were in effect on April 5, 1946, and are permitted to add to their maximum prices, as adjusted herein, such charges for extras as were customarily added on April 5, 1946.

(e) *Notification.* The processor, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodities covered by this order a notice of the price increase authorized by this order. Such notice shall contain substantially the following:

Order No. G-50 under Section 16 of MPR No. 592 provides an adjustment of maximum prices for the sale of sand and gravel processed by the Union Sand and Gravel Company. Resellers may add to their maximum prices in effect on April 5, 1946, to each class of purchaser, the percentage amount of increase in their net invoiced costs resulting from the increase granted to the processor by this order.

(2) The adjusted maximum price for sales by the processor of sand and gravel processed by it and sold to the Middle State Bituminous Company of Ashland, Kentucky, shall be \$1.10 per ton.

(c) *Resellers' adjusted maximum prices.* Any reseller of the commodities

for which an adjustment is granted the processor in (b) above may add to his maximum prices in effect on April 5, 1946, to each class of purchaser, the percentage amount of increase in his net invoiced cost resulting from the increase granted the processor by this order.

(d) *Discounts, allowances and special charges.* All sellers of the subject commodities must continue to maintain discounts, allowances and other price differentials, to each class of purchaser, at least as favorable as those which were in effect on April 5, 1946, and are permitted to add to their maximum prices, as adjusted herein, such charges for extras as were customarily added on April 5, 1946.

(e) *Notification.* The processor, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodities covered by this order a notice of the price increases authorized by this order. Such notice shall contain substantially the following:

Order No. G-51 under Section 16 of Maximum Price Regulation No. 592 provides adjusted maximum prices for the sale of sand and gravel processed by the Ohio River Dredging Company. Resellers may add to their maximum prices in effect on April 5, 1946, to each class of purchaser, the percentage amount of increase in their net invoiced costs resulting from the increase granted to the processor by this order.

(f) *Revocation and amendment.* The order may be revoked or amended at any time by the Office of Price Administration.

The order shall become effective August 30th, 1946.

Issued August 30th, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-16367; Filed, Sept. 9, 1946;
4:15 p. m.]

[Omaha Order 5 Under Gen. Order 68,
Amtd. 4]

HARD BUILDING MATERIALS IN COLUMBUS,
NEBR., AREA

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 5 issued under the authority of General Order 68 is amended in the following respects:

The following changes and revisions are made in Revised Appendix A (Table of Prices) bearing the effective date August 24, 1946:

Under the heading "Metal Lath," the line "2.5 Galvanized (on sales of 100 sq. yds. or more) per sq. yd. .34" is amended to read "2.5 lb. Galvanized (on sales of 100 sq. yds. or more) per sq. yd. .37."

Under the heading "Metal Lath," the line "2.5 Galvanized (on sales of less than 100 sq. yards) per sq. yd. .38" is amended to read "2.5 lb. Galvanized (on sales of less than 100 sq. yards) per sq. yd. .415."

Under the heading "Metal Lath," the line "3.4 Copper Bearing (on sales of 100 sq. yds. or more) per sq. yd. .34" is amended to read "3.4 lb. Copper Bearing (on sales of 100 sq. yds. or more) per sq. yd. .395."

Under the heading "Metal Lath," the line "3.4 Copper Bearing (on sales of less than 100 sq. yds.) per sq. yd. .38" is amended to read "3.4 lb. Copper Bearing (on sales of less than 100 sq. yds.) per sq. yd. .44."

This amendment shall become effective September 9, 1946.

Issued this 6th day of September 1946.

EDWIN F. MORAN,
District Director.

[F. R. Doc. 46-16474; Filed, Sept. 10, 1946;
4:18 p. m.]

[Jackson Rev. Order G-1 Under Gen. Order 50, Amtd. 4]

MALT AND CEREAL BEVERAGES IN
MISSISSIPPI AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Jackson (Mississippi) District Office of Region IV of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Regional Delegation Order No. 17; *It is hereby ordered:*

1. Appendix A of said Revised Order No. G-1, as amended, is hereby amended so that the same shall read as follows instead of as originally written, to wit:

APPENDIX A

Commodity and brand or trade name	Size of bottle	Maximum prices for groups		
		1B	2B	3B
<i>Bottled Beers and Ales</i>				
Beer:	Ounces	Cents	Cents	Cents
Barbarosa	12	.26	.22	.21
Bay State	12	.26	.22	.21
Budweiser	12	.26	.22	.21
Canadian Ace	12	.26	.22	.21
Down's Arf & Arf	12	.26	.22	.21
Dorquest	12	.26	.22	.21
Embassy Club	12	.26	.22	.21
Gold Coast	12	.26	.22	.21
Gold Metal Tivoli	12	.26	.22	.21
Holland Premium	12	.26	.22	.21
Lambic	12	.26	.22	.21
Old Brew	12	.26	.22	.21
Oxford	12	.26	.22	.21
Pabst Blue Ribbon	12	.26	.22	.21
Peter Hand Extra Pale	12	.26	.22	.21
Pioneer Victory	12	.26	.22	.21
Ritz	12	.26	.22	.21
Schlitz	12	.26	.22	.21
Van Wyk	12	.26	.22	.21
Ziegler's 520	12	.26	.22	.21
Ale:				
Ballentine	22	.53	.49	.44
Buckingham	22	.53	.49	.44
Carling's Red Cap	22	.53	.49	.44
New England	22	.53	.49	.44
Red Lion	22	.53	.49	.44
Red Top	22	.53	.49	.44
Imported beer and ale:				
Carta Blanca Beer	32			
Corveza Victoria Beer (6-8/10 oz. bottle)		.25	.22	.20
Corona Beer (11 oz. bottle)	32	.32	.20	.27
Doran's Export Beer	32			
Doran's Export Ale	32			
All other brands of domestic or imported beer and ale not listed above and not listed in Appendix "B" hereof, including unlabeled beer and ale.				
	32	.48	.43	.39
Draught beer and ale:				
8 ounce glass		.09	.08	.08
10 ounce glass		.11	.10	.10
12 ounce glass		.13	.12	.12
14 ounce glass		.15	.14	.14
16 ounce glass		.17	.16	.16

All Federal and State taxes are included in above prices except:

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above price if such tax is separately stated and collected. All sellers may add to above price the Mississippi Sales Tax, if separately stated and collected. Only the exact amount of the tax may be added. To illustrate, only 5 mills (or tokens) may be added to a maximum listed price of 25¢; one cent or 10 mills (tokens) may be added to the listed maximum price of 51¢.

All sellers who are required to, and pay the Mississippi "black market" tax of 10% levied on commodities, the sales of which are prohibited by law, as provided by House Bill No. 892, enacted by the Legislature of the State of Mississippi at the regular 1944 session thereof, may add same to the maximum price listed above, if separately stated and collected.

Commodity and brand or trade name	Size of bottle	1B	2B	3B	Maximum prices for groups
Beer:	Ounces	Cents	Cents	Cents	
Barbarosa	12	.26	.22	.21	
Bay State	12	.26	.22	.21	
Budweiser	12	.26	.22	.21	
Canadian Ace	12	.26	.22	.21	
Down's Arf & Arf	12	.26	.22	.21	
Dorquest	12	.26	.22	.21	
Embassy Club	12	.26	.22	.21	
Gold Coast	12	.26	.22	.21	
Gold Metal Tivoli	12	.26	.22	.21	
Holland Premium	12	.26	.22	.21	
Lambic	12	.26	.22	.21	
Old Brew	12	.26	.22	.21	
Oxford	12	.26	.22	.21	
Pabst Blue Ribbon	12	.26	.22	.21	
Peter Hand Extra Pale	12	.26	.22	.21	
Pioneer Victory	12	.26	.22	.21	
Ritz	12	.26	.22	.21	
Schlitz	12	.26	.22	.21	
Van Wyk	12	.26	.22	.21	
Ziegler's 520	12	.26	.22	.21	
Ale:					
Ballentine	22	.26	.22	.21	
Buckingham	22	.26	.22	.21	
Carling's Red Cap	22	.26	.22	.21	
New England	22	.26	.22	.21	
Red Lion	22	.26	.22	.21	
Red Top	22	.26	.22	.21	
Imported beer and ale:					
Carta Blanca Beer	32	.35	.32	.30	
Corveza Victoria Beer (6-8/10 oz. bottle)		.25	.22	.20	
Corona Beer (11 oz. bottle)	32	.32	.29	.27	
Doran's Export Beer	32	.35	.32	.30	
Doran's Export Ale	32	.35	.32	.30	
All other brands of domestic or imported beer and ale not listed above and not listed in Appendix "B" hereof, including unlabeled beer and ale.					
	32	.21	.17	.16	
Draught beer and ale:					
8 ounce glass		.09	.08	.08	
10 ounce glass		.11	.10	.10	
12 ounce glass		.13	.12	.12	
14 ounce glass		.15	.14	.14	
16 ounce glass		.17	.16	.16	

All Federal and State taxes are included in above prices except:

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above price if such tax is separately stated and collected. All sellers may add to above price the Mississippi Sales Tax, if separately stated and collected. Only the exact amount of the tax may be added. To illustrate, only 5 mills (or tokens) may be added to a maximum listed price of 25¢; one cent or 10 mills (tokens) may be added to a maximum listed price of 51¢.

All sellers who are required to, and pay the Mississippi "black market" tax of 10% levied on commodities, the sales of which are prohibited by law, as provided by House Bill No. 892, enacted by the Legislature of the State of Mississippi at the regular 1944 session thereof, may add same to the maximum price listed above, if separately stated and collected.

2. Appendix B of said Revised Order No. G-1, as amended, is hereby amended

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so that the same shall read as follows instead of as originally written, to-wit:

APPENDIX B

NOTE: This Appendix B fixes maximum prices for all groups of sellers on certain so-called "intermediate priced" beers and ales. A seller may not establish his group on the basis of the prices given in Appendix B but must determine his group on the basis of the prices given for the other brands covered by Appendix A.

Commodity and brand or trade name	Size of bottle	Maximum prices for groups		
		1B	2B	3B
Beer:	Ounces	Cents	Cents	Cents
Burger Brau.....	12	21	19	18
Birks Trophy.....	12	21	19	18
Black Hawk Topping.....	12	21	19	18
Bohemian Premium.....	12	21	19	18
Capital.....	12	21	19	18
Commander Special Pilsener.....	12	21	19	18
D. R. Premier.....	12	21	19	18
Ebling's Extra.....	12	21	19	18
Fredericks 4 Crown Special.....	12	21	19	18
Frontier.....	12	21	19	18
Golden Glow (Blumer Brewing Co.).....	12	21	19	18
Heinie's.....	12	21	19	18
Horsehead.....	12	21	19	18
Koller's Topaz.....	12	21	19	18
Lang's.....	12	21	19	18
Lion.....	12	21	19	18
McGovern Pilsener.....	12	21	19	18
Morlein.....	12	21	19	18
Nectar.....	12	21	19	18
Perples.....	12	21	19	18
Red Fox.....	12	21	19	18
Sepp'l Brau.....	12	21	19	18
Silver Fox.....	12	21	19	18
Silver Fox DeLuxe.....	12	21	19	18
Six Horse.....	12	21	19	18
Staats.....	12	21	19	18
20th Century Pale.....	12	21	19	18
Yankee.....	12	21	19	18
Ale:				
Spearman's English Type.....	12	21	19	18
Red Fox.....	12	21	19	18
Beer:				
Burger Brau.....	32	48	45	41
Birks Trophy.....	32	48	45	41
Black Hawk Topping.....	32	48	45	41
Bohemian Premium.....	32	48	45	41
Capital.....	32	48	45	41
Commander Special Pilsener.....	32	48	45	41
D. R. Premium.....	32	48	45	41
Ebling's Extra.....	32	48	45	41
Fredericks 4 Crown Special.....	32	48	45	41
Frontier.....	32	48	45	41
Golden Glow (Blumer Brewing Co.).....	32	48	45	41
Heinie's.....	32	48	45	41
Horsehead.....	32	48	45	41
Koller's Topaz.....	32	48	45	41
Lang's.....	32	48	45	41
Lion.....	32	48	45	41
McGovern Pilsener.....	32	48	45	41
Morlein.....	32	48	45	41
Nectar.....	32	48	45	41
Perples.....	32	48	45	41
Red Fox.....	32	48	45	41
Sepp'l Brau.....	32	48	45	41
Silver Fox.....	32	48	45	41
Silver Fox DeLuxe.....	32	48	45	41
Six Horse.....	32	48	45	41
Staats.....	32	48	45	41
20th Century Pale.....	32	48	45	41
Yankee.....	32	48	45	41
Ale:				
Spearman's English Type.....	32	48	45	41
Red Fox.....	32	48	45	41

All Federal and State taxes are included in the above prices except:

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above price if such tax is separately stated and collected. All sellers may add to above price the Mississippi Sales Tax, if separately stated and collected. Only the exact amount of the tax may be added. To illustrate, only 5 mills (or tokens) may be added to a maximum listed price of 25¢; one cent or 10 mills (tokens) may be added to the listed maximum price of 51¢.

All sellers who are required to, and pay the Mississippi "black market" tax of 10% levied on commodities, the sales of which are pro-

hibited by law, as provided by House Bill No. 892, enacted by the Legislature of the State of Mississippi at the regular 1944 Session thereof, may add same to the maximum price listed above, if separately stated and collected.

This amendment becomes effective August 19, 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; G. O. 50, 8 F. R. 4808)

Issued at Jackson, Mississippi, this 16th day of June 1946.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 46-16325; Filed, Sept. 9, 1946; 4:03 p.m.]

[Columbia Rev. Order G-1 Under Gen. Order 68]

HARD BUILDING MATERIALS IN METROPOLITAN COLUMBIA, S. C., AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Columbia (South Carolina) District Office, Region IV, of the Office of Price Administration by General Order No. 68 issued by the Administrator of the Office of Price Administration in Region IV, and Regional Delegation Order No. 93; it is hereby ordered:

SECTION 1. What this order covers.

(a) This order covers all "retail sales" by any seller of the commodities specified in Table I to a purchaser located in the "Metropolitan Columbia (South Carolina) Trade Area".

(b) The "Metropolitan Columbia (South Carolina) Trade Area" for the purpose of this order consists of the following area: That area located within a ten (10) mile radius of the State Capitol Building in Columbia, South Carolina.

SEC. 2. Definition of retail sales. For the purposes of this order, a retail sale means a sale to an ultimate user, including, among others, commercial users, industrial users and contractors.

SEC. 3. Description of items covered by this order. This order covers the list of "hard building materials" set forth in the annexed tables, including plaster, lath, lime, cement, gypsum block, fire brick, fireclay, clay drain tile, flue lining, and insulation. Other related items may be added from time to time by amendment without reference being made to this section.

SEC. 4. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation shall apply to sales covered by this order.

SEC. 5. Maximum prices. The maximum prices for building materials cov-

ered by this order are set forth in Table I which is annexed to¹ and made a part of this order.

SEC. 6. Posting of maximum prices. Every seller making sales covered by this order shall post a copy of Table I which lists maximum prices fixed by this order in each of his places of business in the Metropolitan Columbia (South Carolina) Trade Area in a manner plainly visible to all purchasers.

SEC. 7. Adjustment to reflect increase in suppliers price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

SEC. 8. Sales slips and records. Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least six months after delivery a duplicate copy of each sales slip delivered by him pursuant to this section.

For any sale of \$50.00 or more each seller regardless of previous custom must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

SEC. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

This Revised Order No. G-1 shall become effective on August 22, 1946.

Issued this 20th day of August 1946.

EDWARD H. TALBERT,
District Director.

[F. R. Doc. 46-16359; Filed, Sept. 9, 1946; 4:13 p.m.]

¹ Filed as part of original document.

[Columbia Rev. Order G-2 Under Gen. Order 68]

HARD BUILDING MATERIALS IN GREENVILLE COUNTY, S. C., AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Columbia (South Carolina) District Office, Region IV, of the Office of Price Administration by General Order No. 68 issued by the Administrator of the Office of Price Administration in Region IV, and Regional Delegation Order No. 93, it is hereby ordered:

SECTION 1. What this order covers. (a) This order covers all "retail sales" by any seller of the commodities specified in Table I whose place of business is located in the "Greenville County (South Carolina) Trade Area."

(b) The "Greenville County (South Carolina) Trade Area" for the purpose of this order consists of the entire county of Greenville, South Carolina.

SEC. 2. Definition of retail sales. For the purpose of this order, a retail sale means a sale to an ultimate user, including, among others, commercial users, industrial users and contractors.

SEC. 3. Description of items covered by this order. This order covers the list of "hard building materials" set forth in the annexed table,¹ including plaster, lath, lime, cement, gypsum block, fire brick, fireclay, clay drain tile, flue lining, and insulation. Other related items may be added from time to time by amendment without reference being made to this section.

SEC. 4. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation shall apply to sales covered by this order.

SEC. 5. Maximum prices. The maximum prices for building materials covered by this order are set forth in Table I which is annexed to and made a part of this order.

SEC. 6. Posting of maximum prices. Every seller making sales covered by this order shall post a copy of Table I which lists maximum prices fixed by this order in each of his places of business in the Greenville County (South Carolina) Trade Area in a manner plainly visible to all purchasers.

SEC. 7. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only

do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

SEC. 8. Sales slips and records. Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least six months after delivery a duplicate copy of each sales slip delivered by him pursuant to this section.

For any sale of \$50.00 or more each seller regardless of previous custom must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

SEC. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

This Revised Order No. G-2 shall become effective on August 22, 1946.

Issued this 20th day of August 1946.

EDWARD H. TALBERT,
District Director.

[F. R. Doc. 46-16358; Filed, Sept. 9, 1946;
4:13 p. m.]

[Nashville Order G-2 Under Gen. Order 68,
Amdt. 1]

HARD BUILDING MATERIALS IN KNOXVILLE, TENN., AREA

For the reasons set forth in the accompanying opinion under the authority vested in the District Director of the Nashville, Tennessee, District Office, Region IV, of the Office of Price Administration and by Delegation Order No. 93, issued November 5, 1945, by the Regional Administrator, Region IV, it is hereby ordered:

That Order No. G-2 under General Order No. 68 is amended in the following respects:

1. Section 9 is added to read as follows:

SEC. 9. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) **Maximum Price.** You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

2. Section 10 is added to read as follows:

Order No. G-2 under General Order No. 68 and the appendix thereto listed certain items which are not covered in this amendment and the appendix attached hereto¹ but this does not necessarily mean that the items not included in this amendment and the attached appendix¹ are exempt from price control. Rather, it only indicates that said included items do not come within the purview of this amendment.

3. Section 3 is amended to read as follows:

SEC. 3. Description of items covered by this amended order. This order covers the list of "Hard Building Materials" set forth in Appendix A, attached hereto,¹ including wall boards, insulating materials, cement, gravel, sand, mortar mixes, lime, laths, wall plaster, roofing and siding. Other related items may be added from time to time by amendment without being made to this section.

This Amendment No. 1 to Order No. G-2 shall become effective August 15, 1946.

Issued this 15th day of August 1946.

CARSON VAUGHAN,
District Director.

[F. R. Doc. 46-16345; Filed, Sept. 9, 1946;
4:09 p. m.]

[Atlanta Order G-2 Under Gen. Order 68,
Amdt. 3]

HARD BUILDING MATERIALS IN CHATHAM COUNTY, GA.

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Atlanta, Georgia, District Office, Region IV, of the Office of Price Administration by General Order No. 68, issued by the Administrator of the Office of Price Administration in Region IV, Delegation Order 93, issued November 5, 1945, this amendment is hereby issued.

1. Section 1 is amended to read as follows:

SECTION 1. What this order does. This order covers all "retail sales" by any seller of the commodities specified in Table I when sold to a purchaser whose place of business or receiving point for purposes of delivery is located in the

¹ Filed as part of the original document.

territorial limits of Chatham County, Georgia.

Chatham County, for the purpose of this order, consists of all the territory lying within the corporate limits of the municipalities of Savannah, Savannah Beach, Thunderbolt, Garden City, Pooler, and all the area located within the territorial limits of Chatham County, Georgia.

2. That sentence in section 7 which now reads in part as follows: "For any sale of \$50.00 or more each seller, regardless of previous custom, must keep records showing at least the following * * * shall be amended by changing the foregoing wording to read: "For any sale of \$10.00 or more each seller, regardless of previous custom, must keep records showing at least the following * * *"

3. A new section designated as "Section 9" is added as follows:

SEC. 9. (a) *Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order No. 68, may increase their prices for the commodities in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You may do this, however, only if the effective date of the action increasing your supplier's maximum price is later than the date on the price list contained in Table I of this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase previously granted you by the amendment or order increasing your supplier's price. For the purposes of this section a provision is being added to Table I stating the date through which such table reflects all increases in your supplier's maximum price.

4. Table I is amended as follows: a. By changing the maximum prices of the items listed below from the prices now appearing in Table I to the prices listed below for such items:

TABLE I

	Maximum price
Lime, hydrated:	
Per barrel	\$2.25
Per 50-pound sack	.75
Lime, finishing:	
Per barrel	3.35
Per 50-pound sack	1.00
Cement, Portland:	
Per barrel	3.65
Per sack (paper)	1.05
Asbestos siding:	
12" x 24", white (5 squares or more) per sq	8.35
12" x 24", white (less than 5 squares) per sq	8.95
12" x 24", col. (5 squares or more) per sq	8.35
12" x 24", col. (less than 5 squares) per sq	8.95
Asbestos shingles:	
Per square	10.80
Roll brick-tex siding:	
10 squares or more, per sq	3.85
Less than 10 squares, per sq	3.95

TABLE I—Continued

	Maximum price
Strip shingles, asphalt:	
210 pounds per square, per sq	\$5.85
167 pounds per square, per sq	4.70
Roll roofing, asphalt:	
35 pounds (5 rolls or more) per roll	1.10
35 pounds (less than 5 rolls) per roll	1.30
45 pounds (per roll)	1.60
55 pounds (per roll)	1.95
90 pounds slate surface (5 rolls or more) per roll	2.55
90 pounds slate surface (less than 5 rolls), per roll	2.75
Asphalt felt:	
15 pounds (per roll)	2.55
30 pounds (per roll)	2.55
Wall board, fibered and pulp (except upson board):	
3 ¹ / ₂ " (1,000 square feet or more) per M	43.00
3 ¹ / ₂ " (less than 1,000 square feet) per M	48.40

(b) By removing therefrom all maximum prices on metal lath.

5. The following sentence is added at the beginning of Table I: "The maximum prices provided herein reflect all increases in your supplier's maximum prices on any of the listed items through August 24, 1946, and you may not increase the prices listed in this table to reflect any increase in your supplier's maximum price which occurred prior to this date."

This amendment reflects the increases in maximum prices permitted by Supplementary Order No. 172 (Modification of Resellers' Maximum Prices Established Under General Order No. 68, Certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order and the maximum prices established by this amendment cannot be increased under that supplementary order.

This amendment shall become effective as of August 24, 1946.

Issued August 22, 1946.

THOMAS C. DICKSON,
Acting District Director.

[F. R. Doc. 46-16346; Filed, Sept. 9, 1946;
4:09 p. m.]

[Columbia Rev. Order G-3 Under Gen.
Order 68]

HARD BUILDING MATERIALS IN SPARTANBURG COUNTY, S. C. AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Columbia (South Carolina) District Office, Region IV, of the Office of Price Administration by General Order No. 68 issued by the Administrator of the Office of Price Administration in Region IV, and Regional Delegation Order No. 93; it is hereby ordered:

SECTION 1. *What this order covers.*
(a) This order covers all "retail sales" by any seller of the commodities specified in Table I whose place of business is located in the "Spartanburg County (South Carolina) Trade Area".

(b) The "Spartanburg County (South Carolina) Trade Area" for the purpose of this order consists of the entire county of Spartanburg, South Carolina.

SEC. 2. *Definition of retail sales.* For the purpose of this order, a retail sale means a sale to an ultimate user, including, among others, commercial users, industrial users and contractors.

SEC. 3. *Description of items covered by this order.* This order covers the list of "hard building materials" set forth in the annexed table, including plaster, lath, lime, cement, gypsum block, fire brick, fireclay, clay drain tile, flue lining, and insulation. Other related items may be added from time to time by amendment without reference being made to this Section.

SEC. 4. *Relation to other regulations.* the maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation shall apply to sales covered by this order.

SEC. 5. *Maximum prices.* The maximum prices for building materials covered by this Order are set forth in Table I which is annexed to and made a part of this order.¹

SEC. 6. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of Table I which lists maximum prices fixed by this order in each of his places of business in the Spartanburg County (South Carolina) Trade Area in a manner plainly visible to all purchasers.

SEC. 7. *Adjustment to reflect increase in supplier's price—(a) Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

SEC. 8. *Sales slips and records.* Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least six months after delivery a dupli-

¹ Filed as part of the original document.

cate copy of each sales slip delivered by him pursuant to this section.

For any sale of \$50.00 or more each seller regardless of previous custom must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

SEC. 9. *Amendment.* This order may be amended or revoked at any time by the Office of Price Administration.

This Revised Order No. G-3 shall become effective on August 22, 1946.

Issued this 20th day of August 1946.

EDWARD H. TALBERT,
District Director.

[F. R. Doc. 46-16357; Filed, Sept. 9, 1946;
4:12 p. m.]

[Nashville Order G-3 Under Gen. Order 68,
Amtd. 1]

**HARDWARE BUILDING MATERIALS IN
CHATTANOOGA, TENN., AREA**

For the reasons set forth in the accompanying opinion under the authority vested in the District Director of the Nashville, Tennessee, District Office, Region IV, of the Office of Price Administration and by Delegation Order No. 93, issued November 5, 1945, by the Regional Administrator, Region IV, *It is hereby ordered:*

That Order No. G-3 under General Order No. 68 is amended in the following respects:

1. Section 9 is added to read as follows:

SEC. 9. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the Amendment or Order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the Amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

2. Section 10 is added to read as follows:

Order No. G-3 under General Order No. 68 and the appendix thereto listed certain items which are not covered in this amendment and the appendix attached hereto¹ but this does not neces-

sarily mean that the items not included in this amendment and the attached appendix are exempt from price control. Rather, it only indicates that said included items do not come within the purview of this amendment.

Section 3 is amended to read as follows:

SEC. 3. Description of items covered by this order. This amendment covers the list of "Hard Building Materials" set forth in Appendix A, attached hereto, including wall boards, cement, gravel, sand, mortar mixes, lime, laths, insulating materials, wall plaster, roofing and siding. Other related items may be added from time to time by amendment without reference being made to this section.

This Amendment No. 1 to Order No. G-3 shall become effective August 15, 1946.

Issued this 15th day of August 1946.

CARSON VAUGHAN,
District Director.

[F. R. Doc. 46-16341; Filed, Sept. 9, 1946;
4:09 p. m.]

[Nashville Order G-4 Under Gen. Order 68]
**HARD BUILDING MATERIALS IN UPPER EAST
TENNESSEE AREA**

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Nashville, Tennessee District Office, Region IV, of the Office of Price Administration and by Delegation Order No. 93 issued November 5, 1945 by the Regional Administrator, Region IV, *It is hereby ordered:*

SECTION 1. What this order covers. This order covers all "retail sales" by any seller of the commodities specified in Appendix A delivered by any seller whose place of business is located in the "Upper East Tennessee Trade Area."

The "Upper East Tennessee Trade Area" for the purpose of this order consists of the following area: All that area located within the confines of Sullivan, Washington, Unicoi, Carter, Greene and Hawkins Counties, Tennessee, consisting of the territory within the corporate limits of all municipalities of said counties and including all civil districts of same; and that portion of Washington County, Virginia, which lies within the corporate limits of the City of Bristol, Virginia.

SEC. 2. Definition of retail sales. For the purpose of this order, a retail sale means a sale to an ultimate user, including among others, commercial users, industrial users and contractors.

SEC. 3. Description of items covered by this order. This order covers the list of "Hard Building Materials" set forth in Appendix A, including cement, mortar and mortar products, wall plaster, siding, roofing and wall boards. Other related items may be added from time to time by amendment without reference being made to this section.

SEC. 4. Adjustment to reflect increase in supplier's price—(a) Applicability.

This section is applicable only where the Amendment or Order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order No. 68, may increase their maximum prices for the commodity in question.

(b) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

SEC. 5. Relations to other regulations. The maximum prices fixed by this Order supersede any maximum price or pricing method previously fixed by any other regulation or order issued by the Office of Price Administration. Except to the extent they are inconsistent with the provisions of this order, all the provisions of the General Maximum Price Regulation shall apply to sales covered by this order.

SEC. 6. Maximum prices. The maximum prices for building materials covered by this order are set forth in Appendix A which is annexed to¹ and made a part of this order.

SEC. 7. Posting of maximum prices. Every seller making sales covered by this order shall post a copy of Appendix A which lists maximum prices fixed by this order in each of his places of business in the Upper East Tennessee Trade Area in a manner plainly visible to all purchasers.

SEC. 8. Sales slips and records. Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least six months after delivery a duplicate copy of each sales slip delivered by him pursuant to this section. For any sale of \$50.00 or more each seller regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

SEC. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

¹ Filed as part of the original document.

This Order No. G-4 shall become effective August 15, 1946.

Issued this 15th day of August 1946.

CARSON VAUGHAN,
District Director.

[F. R. Doc. 46-16329; Filed, Sept. 9, 1946;
4:04 p. m.]

[Columbia Rev. Order G-4 Under Gen.
Order 68]

HARD BUILDING MATERIALS IN CHARLESTON,
S. C., AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Columbia (South Carolina) District Office, Region IV, of the Office of Price Administration by General Order No. 68 issued by the Administrator of the Office of Price Administration in Region IV, and Regional Delegation Order No. 93; it is hereby ordered:

SECTION 1. What this order covers.

(a) This order covers all "retail sales" by any seller of the commodities specified in Table I whose place of business is located in the "Metropolitan Charleston (South Carolina) Trade Area."

(b) The "Metropolitan Charleston (South Carolina) Trade Area" for the purpose of this order consists of the following area: The city of Charleston, South Carolina, and that area located within a twenty-five (25) mile radius of the city limits of the city of Charleston, South Carolina.

SEC. 2. Definition of retail sales. For the purpose of this order a retail sale means a sale to an ultimate user, including, among others, commercial users, industrial users and contractors.

SEC. 3. Description of items covered by this order. This order covers the list of "hard building materials" set forth in the annexed table, including plaster, lath, lime, cement, gypsum block, fire brick, fireclay, clay drain tile, flue lining, and insulation. Other related items may be added from time to time by amendment without reference being made to this section.

SEC. 4. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation shall apply to sales covered by this order.

SEC. 5. Maximum prices. The maximum prices for building materials covered by this order are set forth in Table I which is annexed¹ to and made a part of this order.

SEC. 6. Posting of maximum prices. Every seller making sales covered by this order shall post a copy of Table I which lists maximum prices fixed by this order in each of his places of business in the Metropolitan Charleston (South Car-

olina) Trade Area in a manner plainly visible to all purchasers.

SEC. 7. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

SEC. 8. Sales slips and records. Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least six months after delivery a duplicate copy of each sales slip delivered by him pursuant to this section.

For any sale of \$50.00 or more each seller regardless of previous custom must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

SEC. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

This Revised Order No. G-4 shall become effective on August 22, 1946.

Issued this 20th day of August 1946.
EDWARD H. TALBERT,
District Director.

[F. R. Doc. 46-16356; Filed, Sept. 9, 1946;
4:12 p. m.]

[Columbia Rev. Order G-5 Under General
Order 68]

HARD BUILDING MATERIALS IN FLORENCE,
S. C., AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Columbia (South Carolina) District Office, Region IV, of the Office of Price Administration by General Order No. 68 issued by the Administrator of the Office of Price Administration in Region

IV, and Regional Delegation Order No. 93, it is hereby ordered:

SECTION 1. What this order covers. (a) This order covers all "retail sales" by any seller of the commodities specified in Table I whose place of business is located in the "Metropolitan Florence (South Carolina) Trade Area".

(b) The "Metropolitan Florence (South Carolina) Trade Area" for the purpose of this order consists of the following area: The city of Florence, South Carolina, and that area within a five (5) mile radius of the city limits of the city of Florence, South Carolina.

SEC. 2. Definition of retail sales. For the purpose of this order, a retail sale means a sale to an ultimate user, including, among others, commercial users, industrial users and contractors.

SEC. 3. Description of items covered by this order. This order covers the list of "hard building materials" set forth in the annexed table, including plaster, lath, lime, cement, gypsum block, fire brick, fireclay, clay drain tile, flue lining and insulation. Other related items may be added from time to time by amendment without reference being made to this section.

SEC. 4. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation shall apply to sales covered by this order.

SEC. 5. Maximum prices. The maximum prices for building materials covered by this order are set forth in Table I which is annexed¹ to and made a part of this order.

SEC. 6. Posting of maximum prices. Every seller making sales covered by this order shall post a copy of Table I which lists maximum prices fixed by this order in each of his places of business in the Metropolitan Florence (South Carolina) Trade Area in a manner plainly visible to all purchasers.

SEC. 7. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area order issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by

¹ Filed as part of the original document.

the amendment or order increasing your supplier's maximum price.

SEC. 8. Sales slips and records. Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least six months after delivery a duplicate copy of each sales slip delivered by him pursuant to this section.

For any sale of \$50.00 or more each seller regardless of previous custom must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

SEC. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

This Revised Order No. G-5 shall become effective on August 22, 1946.

Issued this 20th day of August 1946.

EDWARD H. TALBERT,
District Director.

[F. R. Doc. 46-16355; Filed, Sept. 9, 1946;
4:12 p. m.]

[Miami Rev. Order G-5 under Gen. Order 68]

HARD BUILDING MATERIALS IN MIAMI AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68; It is ordered:

SECTION 1. What this order covers. This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in Pinellas County, Florida.

SEC. 2. Definition of retail sales. For the purposes of this order, a retail sale means a sale to an ultimate user or to a purchaser for resale on an installed basis.

SEC. 3. Description of items covered by this order. This order covers the commodities set forth in the annexed price table.

SEC. 4. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, or of any other applicable regulation or order shall apply to sales covered by this order. This order reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Estab-

lished under General Order 68 for certain Building and Construction Materials). Accordingly, this order supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

SEC. 5. Maximum prices. The maximum prices for the building materials covered by this order are set forth in Table 1 which is annexed to¹ and made a part of this order.

SEC. 6. Posting of maximum prices. Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each of his places of business in Pinellas County in a manner plainly visible to all purchasers.

SEC. 7. Sales slips and records. Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer, such seller regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least 6 months after delivery a duplicate copy of each sales slip delivered by him pursuant to this section. Each such seller shall also keep at least such records of each sale as he customarily kept. For any sale of \$50.00 or more, each seller, regardless of previous custom, must keep records showing at least the following:

1. Name and address of buyer.
2. Date of transaction.
3. Place of delivery.
4. Complete description of each item sold and price charged.

SEC. 8. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

SEC. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

Issued this 22d day of August 1946.

BERNARD C. GOODWIN,
District Director.

[F. R. Doc. 46-16348; Filed, Sept. 9, 1946;
4:10 p. m.]

[Miami Rev. Order G-6 Under Gen. Order 68]
HARD BUILDING MATERIALS IN MIAMI, FLA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. What this order covers. This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the counties of Palm Beach, Martin, St. Lucie and Indian River, in the State of Florida.

SEC. 2. Definition of retail sales. For the purposes of this order, a retail sale means a sale to an ultimate user, or to a purchaser for resale on an installed basis.

SEC. 3. Description of items covered by this order. This order covers the commodities set forth in the annexed price table.

SEC. 4. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, or of any other applicable regulation or order shall apply to sales covered by this order. This order reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this order supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

SEC. 5. Maximum prices. The maximum prices for the building materials covered by this order are set forth in Table 1 which is annexed to¹ and made a part of this order.

SEC. 6. Posting of maximum prices. Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each of his places of business in Palm Beach, Martin, St. Lucie and Indian River Counties in a manner plainly visible to all purchasers.

SEC. 7. Sales slips and records. Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer, such seller regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy,

¹ Filed as part of the original document.

he must keep for at least 6 months after delivery a duplicate copy of each sale slip delivered by him pursuant to this section. Each such seller shall also keep at least such records of each sale as he customarily kept. For any sale of \$50.00 or more, each seller, regardless of previous custom, must keep records showing at least the following:

1. Name and address of buyer.
2. Date of transaction.
3. Place of delivery.
4. Complete description of each item sold and price charged.

SEC. 8. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers including those subject to area orders issued under General Order 68 may increase their maximum prices for the commodity in question.

(b) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

SEC. 9. Amendment. This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

Issued this 22nd day of August 1946.

BERNARD C. GOODWIN,
District Director.

[F. R. Doc. 46-16351; Filed, Sept. 9, 1946;
4:11 p. m.]

[Birmingham Order G-9 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN TUSCALOOSA,
ALA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Birmingham District Office, Region IV, of the Office of Price Administration by General Order No. 68 and Regional Delegation Order No. 93, Order G-9 under General Order No. 68 is amended in the following respects:

1. The maximum prices set forth in Table I are amended to read as set forth on the attached revised Table I,¹ effective August 26, 1946.

2. This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Estab-

lished under General Order 68 for certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

3. A new section 4 (a) is added to read as follows:

SEC. 4 (a) Adjustment to reflect increase in supplier's price—(1) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum price for the commodity in question.

(2) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This Amendment No. 1 to Order G-9 under General Order No. 68 shall become effective August 26th, 1946.

Issued this 23rd day of August 1946.

SAM J. WATKINS,
District Director.

[F. R. Doc. 46-16326; Filed, Sept. 9, 1946;
4:03 p. m.]

[Region IV Order G-29 Under RMPR 251]

MINERAL WOOL INSULATION IN SOUTH
CAROLINA

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 mineral wool insulation on an installed basis, which ceiling prices are set forth in the appendix following section 3.

2. This order covers ceiling prices for mineral wool insulation on an installed basis in the State of South Carolina.

3. All the provisions of Order G-12 (Basic Order No. 2) 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-12 (Basic Order No. 2) 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 for sales of mineral wool insulation on an installed basis and incidental construction work. (a) That the maximum prices which may be charged for installed insulation and incidental construction work performed in this area shall be those shown in Table I of this section, the prices listed apply to 4" thickness of all types of blown mineral wool, hand packed loose mineral wool, and to mineral wool batts and blankets.

(b) For each inch of insulation over the standard 4" thickness, when ordered by the buyer, the seller may add two cents (\$0.02) to the listed per square foot price.

(c) For each inch of insulation less than the standard 4" thickness, the seller may deduct two cents (\$0.02) from the listed per square foot price.

(d) A three-eighths inch (3/8") tolerance may be allowed for thicknesses of four inches (4") or over, but no tolerance shall be allowed for thicknesses under four inches (4").

(e) Terms are established as net sales on a cash basis, unless FHA or loan basis is specified and arranged between seller and buyer.

(f) The drawings referred to in Table I are on file with the Division of the Federal Register, and are hereby made a part of this order. For the convenience of sellers and buyers, and in the interest of simplification and clarity of description, copies of these drawings (known as Home Insulation Diagrams) may be obtained at the Office of Price Administration, Columbia, S. C., District Office, or Atlanta, Georgia Regional Office.

TABLE I—CATEGORIES

FLAT AREAS	Prices per sq. ft. (4" thickness basis) cents
Exposed ceilings	
1. Open attics with over 24" clearance to roof, no roof opening necessary, open blowing conditions, drawing 1	15
2. Under flat built up roofs (suspended ceiling) with over 24" clearance between roof and hung ceiling; open blowing condition. (Price includes cost of opening and closing for area 500 sq. ft. and over. Price does not include opening and closing for areas under 500 sq. ft.), drawing 2	16

Covered ceilings

(Prices include cost of removing and replacing flooring)

3. Open attics with a single rough flooring and accessible, no roof opening necessary, drawing 3	16
4. Open attics with finished single floors, drawing 4	17
5. Open attics with finished double floors, drawing 5	21

Flat ceiling in closed spaces

(Prices do not include cost of opening and closing)

6. Flat ceilings in closed spaces under pitched or sloping roofs where opening in roof is necessary, such as pocket areas behind knee walls, areas under roof ridges, or extension which are practically flat, drawing 6	15
7. Ceilings in closed space under ridge of pitched roofs, where openings for the full length of ridge is necessary because of small clearance between ridge and ceiling area, Drawing 7	15

¹ Filed as part of the original document.

TABLE I—CATEGORIES—Continued

FLAT AREAS—continued

Flat ceiling in closed spaces—Continued

	Prices per sq. ft. (4" thickness basis) cents
8. Flat built up roof types including row house construction and commercial buildings, Drawings 2 and 8	19
9. Flat roof decks covered with tin, copper or canvas, Drawing 9	18
10. Overhang, Drawing 10	18
11. Dormer tops, Drawing 11.	
(a) Where no retainer material is necessary	16
(b) Where retainer material is necessary	18
12. Bay window top or bottom, Drawing 12	18

Floors

(Prices include cost of opening and closing)

13. Any exposed floors over garage ceilings, open porches or similar types of areas where the underside of the area to be insulated is closed and finished, Drawing 13	18
14. Any exposed floors where the areas to be insulated are not closed and finished and where retaining materials are required, Drawing 14	20

Floors over unexcavated areas

15. Batts and blankets, Drawing 15	18
16. 4" fill over retaining material and lath retaining surface, Drawing 16	20

SLOPING AREAS

17. All slopes where closed and finished on the interior side of the rafters (price does not include cost of opening and closing), drawing 17	
18. Open rafters and slopes where batts or blankets are used, such as pockets outside of knee walls where blow is impractical (prices do not include cost of opening and closing), drawing 18	
19. Open rafters and slopes. Insulation held in place by retaining material (price includes cost of usual retainer material), drawing 19	
20. Interior plastered walls where no decoration is necessary except plaster patching (price includes opening and closing), drawing 20	
21. Knee walls adjacent to slopes and easily accessible, no openings required (price includes cost of retaining material), drawing 21	
22. Knee walls not accessible, requiring retaining material (price includes cost of retaining material but does not include opening and closing), drawing 22	
23. Stairwells (prices include opening and closing), drawing 23:	
(a) Soffits	
(b) Walls (measurement of walls may be taken as rectangle from floor to ceiling)	

Exterior walls

(Prices include cost of opening and closing)

24. Exterior walls with inner finish whose outer surface is composed of:	
(a) Wood or asphalt shingles	17
(b) Wood clapboard	16
(c) Brick or stone veneer	25
(d) Stucco	25
(e) Asbestos-cement shingles	20
25 and 26. Gable and end walls with inner finish:	
(a) Wood or asphalt shingles	17
(b) Wood clapboard	16
(c) Brick or stone veneer	27
(d) Stucco	25
(e) Asbestos-cement shingles	22

TABLE I—CATEGORIES—Continued

SLOPING AREAS—continued

Exterior walls—Continued

	Prices per sq. ft. (4" thickness basis) cents
27. Gable and end walls without inner finish, requiring standard retaining material (price includes cost of retaining material), drawings 25, 26, and 27:	
(a) Wood or asphalt shingles	19
(b) Wood clapboard	19
(c) Brick or stone veneer	27
(d) Stucco	28
(e) Asbestos-cement shingles	22
(f) Insulated brick	18
28. Dormer cheeks and faces with inner finish, drawings 28 and 29	18
29. Dormer cheeks and faces without inner finish, requiring retaining material (prices include cost of retaining material), drawings 28 and 29	21

Openings and closings

(A separate additional charge may be made for openings and closings only in those cases where openings and closings are not specifically included in the price applicable to the category. The charges set forth below include payment for all material and labor, including that used for replacement of material where necessary)

30. Openings in types of roof indicated:

	Strip opening (per linear foot)	Manhole opening (per opening)
18. Metal		\$6.00
Wood shingle	\$0.80	5.00
Asphalt or asbestos	.90	6.00
Slate	1.00	7.50
Tile	1.00	7.50
Roll roofing	.90	5.00
Built-up roofing		10.00

This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective August 16, 1946.

Issued August 8, 1946.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 46-16240; Filed, Sept. 9, 1946; 9:03 a. m.]

20. [Sioux Falls Order G-3 Under Gen. Order 68, Amdt. 3]

19. HARD BUILDING MATERIAL IN RAPID CITY AREA

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

Order No. G-3 issued under the authority of General Order No. 68 is amended in the following respect:

Maximum prices set forth in Appendix A are amended to read as set forth in the attached Revised Appendix A¹ which is incorporated into and made a part of this order.

This Amendment No. 3 to Order No. G-3 under General Order No. 68 shall become effective immediately.

¹ Filed as part of the original document.

Issued this 3d day of September 1946.

E. J. WINTERSTEEN,
Director.

[F. R. Doc. 46-16472; Filed, Sept. 10, 1946;
4:18 p. m.]

[Fort Worth Rev. Order G-1 under Gen. Order No. 68, Amdt. 1]

BUILDING MATERIALS IN TARRANT COUNTY, TEX. AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68; *It is ordered*, That Revised Order No. G-1 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Description of commodity and unit of sales	Maximum price established
Roofing—asphalt, mineral surface:	
90 lb., roll, 108 sq. ft.	\$8.05
75 lb., roll, 108 sq. ft.	2.72
Roofing, black smooth:	
Weathercote:	
35 lb., roll, 108 sq. ft.	1.36
45 lb., roll, 108 sq. ft.	1.57
55 lb., roll, 108 sq. ft.	1.83
Greystone:	
45 lb., roll, 108 sq. ft.	1.94
55 lb., roll, 108 sq. ft.	2.20
65 lb., roll, 108 sq. ft.	2.57
Whitestone:	
45 lb., roll, 108 sq. ft.	2.10
55 lb., roll, 108 sq. ft.	2.52
65 lb., roll, 108 sq. ft.	2.99
Felt, Asphalt or tarred:	
15 lb., roll, 432 sq. ft.	2.84
30 lb., roll, 216 sq. ft.	2.84
14 lb., roll, 432 sq. ft.	2.84
Siding, asbestos, cement: 12 x 24 or 27", 100 sq. ft.	10.08
Shingles, asphalt:	
2 or 3 tab hexagon, 167 lb., sq.	5.58
3 in 1 thickbutt 210-220 lb., sq.	7.76
Lath, metal-copper bearing, painted diamond mesh 2.5 lb.:	
Sq. yd. LCL	.247
Sq. yd. CL	.227
Lath, metal, galvanized, diamond mesh 2.5 lb.:	
Sq. yd. LCL	.278
Sq. yd. CL	.278
Lath, metal-copper bearing, painted diamond mesh 3.4 lb.:	
Sq. yd. LCL	.280
Sq. yd. CL	.234
Lath, metal, galvanized, diamond mesh 3.4 lb.:	
Sq. yd. LCL	.310
Sq. yd. CL	.254
Lath, metal-copper bearing, high rib, painted $\frac{3}{8}$ " 3.4 lb.:	
Sq. yd. LCL	.300
Sq. yd. CL	.254
Lath, metal, galvanized $\frac{3}{8}$ " 3.4 lb.:	
Sq. yd. LCL	.310
Sq. yd. CL	.254
Sewer pipe, vitrified clay, 4" lin. ft.	.19
Insulation board fibre, asphalt sheathing $\frac{3}{8}$ " $\frac{1}{2}$ ", 100 sq. ft.	7.62

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum

price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

It is further ordered that Supplementary Order No. 1 issued by the District Director of the Fort Worth District Office under General Order No. 68, be, and the same is, hereby revoked.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16337; Filed, Sept. 9, 1946;
4:06 p. m.]

[Fort Worth Order G-2 Under Gen. Order 68,
Amdt. 2]

BUILDING MATERIALS IN FORT WORTH, TEX.
DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, *It is ordered*, That order No. G-2 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Name and description	When sold in quantities of—	Selling unit	Delivered in city limits and a 10-mile radius from operator's plant, yard, or store (both delivered and f. o. b. yard, in case of C/L quantities)	F. o. b. plant yard or store, (f. o. b. railroad car in case of C/L quantity)	Name and description	When sold in quantities of—	Selling unit	Delivered in city limits and a 10-mile radius from operator's plant, yard, or store (both delivered and f. o. b. yard, in case of C/L quantities)	F. o. b. plant yard or store, (f. o. b. railroad car in case of C/L quantity)
Felt, 15-lb. asphalt or tarred.	Any.....	Roll (432 sq. ft.)	\$2.99	\$2.94	Roofing, black smooth surface-weathercote:	Any.....	Roll (108 sq. ft.)	\$1.51	\$1.46
Felt, 30-lb. asphalt or tarred.	Any.....	Roll (216 sq. ft.)	2.99	2.94	35-pound.....	Any.....	Roll (108 sq. ft.)	1.72	1.67
Lath, metal, 2.5 lbs., copper bearing, painted diamond mesh.	LCL.....	Sq. yd.....	.2915	.29	45-pound.....	Any.....	Roll (108 sq. ft.)	2.03	1.98
Lath, metal, 2.5 lbs., copper bearing, painted diamond mesh.	C/L or more.	Sq. yd.....	.246	.246	55-pound.....	Any.....	Roll (108 sq. ft.)	2.00	2.04
Lath, metal, 3.4 lbs., copper bearing, painted diamond mesh.	LCL.....	Sq. yd.....	.3515	.35	Roofing, black smooth surface, Greystone:	Any.....	Roll (108 sq. ft.)	2.35	2.30
Lath, metal, 3.4 lbs., copper bearing, painted diamond mesh.	C/L or more.	Sq. yd.....	.29	.29	45 lb.....	Any.....	Roll (108 sq. ft.)	2.77	2.72
Roofing, asphalt, 75-lb. mineral surface.	Any.....	Roll (108 sq. ft.)	2.92	2.87	55 lb.....	Any.....	Roll (108 sq. ft.)	2.25	2.20
Roofing, asphalt, 90-lb. mineral surface.	Any.....	Roll (108 sq. ft.)	3.35	3.30	65 lb.....	Any.....	Roll (108 sq. ft.)	2.67	2.62
					Shingles, asphalt, 167 lb., 2 or 3 tab hexagon	Any.....	Roll (108 sq. ft.)	3.19	3.14
					Shingles, asphalt, 210 lb. to 220 lb. (3 in 1) thickbutt.	Any.....	Square.....	5.83	5.73
					Siding, asbestos cement, 12 x 24 or 12 x 27 std. color.	Any.....	Square.....	7.11	7.01
						Any.....	100 sq. ft.	11.13	10.98

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

It is further ordered that Supplementary Order No. 1 issued by the District Director of the Fort Worth District Office under General Order No. 68 be, and the same is, hereby revoked.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Tex., this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16334; Filed, Sept. 9, 1946;
4:06 p. m.]

[Fort Worth Order G-3 Under Gen. Order 68,
Amdt. 1]

BUILDING MATERIALS IN TAYLOR COUNTY, TEX., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, *It is ordered*, That Order No. G-3 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

It is further ordered that Supplementary Order No. 1 issued by the District Director of the Fort Worth District Office under General Order No. 68 be, and the same is, hereby revoked.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Tex., this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16335; Filed, Sept. 9, 1946; 4:06 p. m.]

[Region III Order G-51 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN LEXINGTON, KY., AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal

Register, and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1-B; *It is hereby ordered* that:

(a) Table I of Order No. G-51 be amended to read as set forth in the price list marked Table I, which is annexed to¹ and made a part of this order.

(b) Where the amendment or order, which grants your supplier an increase in his maximum price, provides that all resellers (including those subject to area orders issued under General Order No. 68) may increase their maximum price for the commodity in question, you may increase the price listed in this amendment by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. This can be done only if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this amendment.

(c) This amendment reflects the increase in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order No. 68 for Certain Building and Construction Ma-

terials). Accordingly this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

(d) This Amendment No. 1 to Order No. G-51 shall become effective August 19, 1946.

Issued August 19, 1946.

J. F. KESSEL,
Regional Administrator.
[F. R. Doc. 46-16352; Filed, Sept. 9, 1946; 4:11 p. m.]

[Fort Worth Order G-4 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN POTTER COUNTY, TEX., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, *It is ordered*, That Order No. G-4 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Name of item	Sold in quantities of—	Selling unit	Maximum price f. o. b. plant, yard, or store f. o. b. railroad car in case of C/L sales	Maximum price when delivered in city-limits and within a 5-mile radius of place from which delivery is made	Name of item	Sold in quantities of—	Selling unit	Maximum price f. o. b. plant, yard, or store f. o. b. railroad car in case of C/L sales	Maximum price when delivered in city-limits and within a 5-mile radius of place from which delivery is made
Felt, asphalt or tarred:									
15 lb.	Any	Roll, 432 sq. ft.	\$3.34	\$3.39	Roofing, black, smooth surface—Continued.				
30 lb.	Any	Roll, 216 sq. ft.	3.34	3.39	Second quality:				
Lath, Metal, 2.5 lbs.:					45 lb.	Any	Roll, 108 sq. ft.	\$2.19	\$2.24
Copper bearing, painted diamond mesh.	Any	1 sq. yd.	.34	.35	55 lb.	Any	Roll, 108 sq. ft.	2.35	2.40
Non-copper bearing, painted diamond mesh.	Any	1 sq. yd.	.33	.34	65 lb.	Any	Roll, 108 sq. ft.	2.82	2.87
Galvanized.	Any	1 sq. yd.	.36	.37	First quality:				
Roofing, asphalt:					45 lb.	Any	Roll, 108 sq. ft.	2.30	2.35
75 lb. mineral surface.	Any	75 lb. roll.	2.87	2.82	55 lb.	Any	Roll, 108 sq. ft.	2.57	2.62
90 lb. mineral surface.	Any	90 lb. roll.	3.30	3.35	65 lb.	Any	Roll, 108 sq. ft.	3.14	3.19
Roofing, black, smooth surface, third quality:					Shingles, asphalt, 167 lb. 2 or 3 tab, 11 $\frac{1}{4}$ " x 36" hexagon.	Any	167 lb. sq.	5.98	6.03
35 lb.	Any	Roll, 108 sq. ft.	1.56	1.61	210 to 220 lb. (3 in 1) thick-butt.	Any	210 lb. sq.	8.23	8.33
45 lb.	Any	Roll, 108 sq. ft.	1.77	1.82	Siding, asbestos cement, 12 $\frac{1}{2}$ " x 24" x 27" white or std. colors.	Any	100 sq. ft.	10.96	11.13
55 lb.	Any	Roll, 108 sq. ft.	2.03	2.08					

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question. **Maximum price.** You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

It is further ordered that Supplementary Order No. 1 issued by the District Director of the Fort Worth District Office under General Order No. 68 be, and the same is, hereby revoked.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16336; Filed, Sept. 9, 1946; 4:06 p. m.]

[Region II Order G-7 Under MPR 592]

WILLIAM I. REID

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator, Region II, of the Office of Price Administration by section 16 of Maximum Price Regulation No. 592, as amended, *It is hereby ordered* that:

(a) Maximum prices of William I. Reid of Hopewell, New Jersey, for concrete vaults and septic tanks shall be as follows:

Concrete vaults	Septic tanks
\$47.50	\$52.75

(b) The maximum prices of resellers of the articles listed in paragraph (a)

shall be determined by adding to their present legal maximum prices, as otherwise determined under the applicable regulations, the percentage increase in cost to them resulting from the increase in the price charged to them under paragraph (a) of this order. At or before the first sale after the date hereof to any reseller, William I. Reid shall notify such reseller in writing of the provisions of this paragraph.

(c) Customary discounts, allowances, and other price differentials shall be maintained on all sales affected by this order, except as otherwise provided herein.

(d) This order may be revoked, amended or corrected at any time.

(e) A copy of this order is being filed with the Division of the Federal Register, where it is open to inspection by the public.

¹ Filed as part of original document.

(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)

This order shall become effective immediately.

Issued this 22d day of August 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46-16340; Filed, Sept. 9, 1946;
4:07 p. m.]

[Omaha Order 8 Under Gen. Order 68.
Amdt. 4]

HARD BUILDING MATERIALS IN NORTHEASTERN NEBRASKA AREA, WESTERN DIVISION

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 8 issued under the authority of Gen-

eral Order 68 is amended in the following respects:

The following changes and revisions are made in Revised Appendix "A" (Table of Prices) bearing the effective date August 24, 1946:

Under the heading "Metal Lath", the line "2.5 Copper Bearing (lb.) sq. yd. .30" is amended to read "2.5 lb. Copper Bearing sq. yd. .33".

Under the heading "Metal Lath", the line "2.5 lb. Galvanized sq. yd. .29" is amended to read "2.5 lb. Galvanized sq. yd. .32".

Under the heading "Metal Lath", the line "3.4 lb. Copper Bearing sq. yd. .38" is amended to read "3.4 lb. Copper Bearing sq. yd. .44".

This amendment shall become effective September 9, 1946.

Issued this 6th day of September 1946.

EDWIN F. MORAN,
District Director.

[F. R. Doc. 46-16473; Filed, Sept. 10, 1946;
4:18 p. m.]

[Fort Worth Order G-5 Under Gen. Order 68,
Amdt. 1]

BUILDING MATERIALS IN BROWN COUNTY, TEX., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, *It is ordered*, That Order No. G-5 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Name of item	Sold in quantities of—	Selling unit	Maximum prices f. o. b. plant, yard or store (or f. o. b. railroad car in case of C/L sales)	Name of item	Sold in quantities of—	Selling unit	Maximum prices f. o. b. plant, yard or store (or f. o. b. railroad car in case of C/L sales)
Felt, 15 lb. asphalt or tarred	Any	Roll (432 sq. ft.)	\$3.24	Roofing, asphalt, black, smooth surface, 35 lb. 3d quality	Any	108 sq. ft.	\$2.03
Felt, 30 lb. asphalt or tarred	Any	Roll (216 sq. ft.)	3.24	Roofing, asphalt, black, smooth surface 45 lb. 2d quality	Any	108 sq. ft.	1.84
Lath, metal, 2.5 lb. non-copper bearing, painted diamond mesh	Any	1 sq. yd.	.31	Roofing, asphalt, black, smooth surface, 55 lb. 2d quality	Any	108 sq. ft.	2.10
Lath, metal, 2.5 lb. copper bearing, painted diamond mesh	Any	1 sq. yd.	.32	Roofing, asphalt, black, smooth surface, 65 lb. 2d quality	Any	108 sq. ft.	2.52
Lath, metal, 2.5 lb. galvanized	Any	1 sq. yd.	.36	Roofing, asphalt, black, smooth surface, 65 lb. 1st quality	Any	108 sq. ft.	2.62
Lath, metal, 3.4 lb. copper bearing, painted diamond mesh	Any	1 sq. yd.	.40	Roofing, asphalt, black, smooth surface, 55 lb. 1st quality	Any	108 sq. ft.	3.14
Roofing, asphalt mineral surface, 75 lb. roll	Any	108 sq. ft.	2.87	Roofing, asphalt, black, smooth surface, 65 lb. 1st quality	Any	108 sq. ft.	7.41
Roofing, asphalt mineral surface, 90 lb. roll	Any	108 sq. ft.	3.30	Shingles, asphalt, thick-but, 210 lb. 2 or 3 tab 11 $\frac{1}{2}$ " x 36"	Any	210 lb. sq.	6.23
Roofing, asphalt, black, smooth surface, 35 lb. 3d quality	Any	108 sq. ft.	1.51	Shingles, asphalt, hexagon 167 lb.	Any	167 lb. sq.	
Roofing, asphalt, black, smooth surface 45 lb. 2d quality	Any	108 sq. ft.	1.72				

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

It is further ordered that Supplementary Order No. 1 issued by the District Director of the Fort Worth District Office under General Order No. 68, be, and the same is, hereby revoked.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16330; Filed, Sept. 9, 1946;
4:05 p. m.]

[Fort Worth Order G-7 Under Gen. Order 68,
Amdt. 1]

BUILDING MATERIALS IN WICHITA FALLS, TEX., AREA

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, *It is ordered*, That order No. G-7 issued by the District Director of the Fort Worth District Office under

General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Description of commodity and unit of sales	Maximum price established
Roofing—asphalt, mineral surface:	
90 lb. roll, 108 sq. ft.	\$3.04
75 lb. roll, 108 sq. ft.	2.62
Siding, asbestos, cement 12 x 24 or 27", 100 sq. ft.	9.45
Shingles, asphalt:	
2 or 3 tab hexagon 167 lb. sq.	5.18
3 in 1 thickbutt 210-220 lb. sq.	6.90
Lath, metal-copper bearing, painted diamond mesh, 2.5 lb., sq. yd. LCL	.33
Lath, metal, galvanized, diamond mesh, 2.5 lb., sq. yd. LCL	.35
Lath, metal-copper bearing, painted diamond mesh, 3.4 lb., sq. yd. LCL	.39
Lath, metal, galvanized, diamond mesh, 3.4 lb., sq. yd. LCL	.43
Lath, metal-copper bearing, high rib, painted, $\frac{3}{4}$ ", 3.4 lb., sq. yd. LCL	.42
Sewer pipe, vitrified, clay 4", lin. ft.	.21

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the

effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August, 1946

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16332; Filed, Sept. 9, 1946;
4:05 p. m.]

[Fort Worth Order G-8 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN ECTOR AND ANDREWS COUNTIES, TEX. AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pur-

suant to the provisions of General Order No. 68, *It is ordered*, That Order No. G-8 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Description of commodity and unit of sales	Maximum price established
Felt:	
15 lb., asphalt or tarred, 432 sq. ft.	\$3.40
30 lb., asphalt or tarred, 216 sq. ft.	3.40
Lath, metal, 2.5 lb. copper bearing, painted diamond mesh, 1 sq. yd.	.33
Lath, metal, 2.5 lb. non-copper bearing, painted diamond mesh, 1 sq. yd.	.32
Roofing, asphalt, mineral surface, 90 lb. roll, 108 sq. ft.	4.42
Roofing, black smooth surface:	
45 lb., 108 sq. ft.	2.36
55 lb., 108 sq. ft.	3.15
Shingles, asphalt, hexagon, 167 lb., 2 or 3 tab 11 1/3" x 36", all colors, 167 lb. sq.	7.48
Shingles, asphalt, thickbutt, 210 lb., 210 lb. sq.	8.63
Siding, asbestos cement, 12 x 24 or 27" standard color, 100 sq. ft.	11.02

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or this order. Thus, if your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16366; Filed, Sept. 9, 1946; 4:15 p. m.]

[Fort Worth Order G-6 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN LUBBOCK COUNTY, TEX., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68; *It is ordered*, That Order No. G-6 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Name of item	Sold in quantities of—	Selling unit	Maximum price f. o. b. plant, yard, or store, f. o. b. railroad car in case of C/L sales	Maximum price when delivered in city limits and within a 5-mile radius of place from which delivery is made	Name of item	Sold in quantities of—	Selling unit	Maximum price f. o. b. plant, yard, or store, f. o. b. railroad car in case of C/L sales	Maximum price when delivered in city limits and within a 5-mile radius of place from which delivery is made
Felt, 15 lb., asphalt or tarred.	Any.....	Roll, 432 sq. ft.	\$3.34	\$3.39	Roofing, asphalt, black smooth surface—Con.				
Felt, 30 lb., asphalt or tarred.	Any.....	Roll, 216 sq. ft.	3.34	3.39	Third quality—Con.				
Lath, metal, 3.4 lbs.:					35 lbs.	Any.....	Roll, 108 sq. ft.	\$1.75	\$1.93
Copper bearing, painted diamond mesh.	Any.....	Sq. yd.	.37	.38	Second quality:				
Noncopper bearing painted diamond mesh.	Any.....	Sq. yd.	.36	.37	45 lbs.	Any.....	Roll, 108 sq. ft.	2.00	2.14
Lath, metal, 2.5 lbs.:					55 lbs.	Any.....	Roll, 108 sq. ft.	2.35	2.40
Copper bearing, painted diamond mesh.	Any.....	Sq. yd.	.32	.33	65 lbs.	Any.....	Roll, 108 sq. ft.	2.77	2.82
Noncopper bearing painted diamond mesh.	Any.....	Sq. yd.	.31	.32	First quality:				
Roofing, asphalt, black smooth surface:					55 lbs.	Any.....	Roll, 108 sq. ft.	2.57	2.62
Third quality:					65 lbs.	Any.....	Roll, 108 sq. ft.	2.99	3.04
45 lbs.	Any.....	Roll, 108 sq. ft.	1.41	1.46	Roofing, asphalt:				
45 lbs.	Any.....	Roll, 108 sq. ft.	1.62	1.67	75 lbs. mineral surface.	Any.....	Roll, 108 sq. ft.	2.62	2.67
					90 lbs. mineral surface.	Any.....	Roll, 108 sq. ft.	3.05	3.10
					Shingles, asphalt:				
					167 lbs., 2 or 3 tab hexagon.	Any.....	167 lb. square.	5.93	5.98
					210 lbs. (3 in 1) thickbutt.	Any.....	210 lb. square.	7.61	7.71
					Siding, asbestos cement, 12" x 24" or 27" std. colors.	Any.....	100 sq. ft.	10.98	11.13

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

It is further ordered that Supplementary Order No. 1 issued by the District Director of the Fort Worth District Office under General Order No. 68, be, and the same is, hereby revoked.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16331; Filed, Sept. 9, 1946; 4:05 p. m.]

No. 180—17

[Fort Worth Order G-9 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN HOWARD COUNTY, TEX., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, *It is ordered*, That Order No. G-9 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Description of commodity and unit of sales	Maximum price established
Felt:	
15 lb. asphalt or tarred, roll, 432 sq. ft.	\$3.12
30 lb. roll, 216 sq. ft.	3.12
Lath, metal, 2.5 lb. copper bearing:	
Painted diamond mesh, 1 sq. yd.	.33
Non-copper, 1 sq. yd.	.32
Galvanized, 1 sq. yd.	.36

Description of commodity and unit of sales

Maximum price established

Lath, metal, 3.4 lb. copper bearing:	
Painted diamond mesh, 1 sq. yd.	\$0.38
Noncopper, 1 sq. yd.	.36
Galvanized, 1 sq. yd.	.41
Roofing, asphalt, mineral surface:	
75 lb. roll, 108 sq. ft.	3.09
90 lb. roll, 108 sq. ft.	3.59
Roofing, asphalt, black smooth surface:	
35 lb. roll, 108 sq. ft.	1.57
45 lb. roll, 108 sq. ft.	2.10
55 lb. roll, 108 sq. ft.	2.88
Shingles, asphalt, 167 lb., 2 or 3 tab hexagon:	
167 lb. sq.	6.32
210 to 220 lb. (3 in 1) thickbutt, 210-220 lb. sq.	8.28
Siding, asbestos cement, 12 x 24 or 27" std. color, 100 sq. ft.	12.08

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

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those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16365; Filed, Sept. 9, 1946;
4:14 p. m.]

[Forth Worth Order G-10 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN MIDLAND AND MARTIN COUNTIES, TEX., AREAS

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, *It is ordered*, That Order No. G-10 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Name of item	Selling unit	Maximum selling price when sold f. o. b. plant, yard, or store, or when sold f. o. b. rr. car in case of C/L lots	Selling prices when delivered in city limits and 5-mile radius of plant, yard or store	Name of item	Selling unit	Maximum selling price when sold f. o. b. plant, yard, or store, or when sold f. o. b. rr. car in case of C/L lots	Selling prices when delivered in city limits and 5-mile radius of plant, yard or store
Felt, 15 lb., asphalt or tarred	432 sq. ft.	\$3.41	\$3.51	Lath, Metal, 3.4 lb.—Continued.	1 sq. yd.	\$0.41	\$0.43
Felt, 30 lb., asphalt or tarred	216 sq. ft.	3.41	3.51	Galvanized	108 sq. ft.	3.84	3.96
Lath, Metal, 2.5 lb.				Roofing, asphalt mineral surface	90 lb.		
Copper bearing, painted diamond mesh.	1 sq. yd.	.33	.35	Roofing, black smooth surface:	35 lb.		
Non-copper bearing	1 sq. yd.	.32	.34	35 lb.	108 sq. ft.	1.83	1.93
Galvanized	1 sq. yd.	.35	.37	45 lb.	108 sq. ft.	2.62	2.72
Lath, Metal, 3.4 lb.				55 lb.	108 sq. ft.	3.15	3.25
Copper bearing, painted diamond mesh.	1 sq. yd.	.39	.41	Shingles, asphalt, 167 lb., 2 or 3 tab	Hexagon 210 lb. to 220 lb., 3 in 1.	6.90	7.10
Non-copper bearing	1 sq. yd.	.37	.39	Thickbutt	sq.	8.63	8.83

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16364; Filed, Sept. 9, 1946;
4:14 p. m.]

[Fort Worth Order G-11 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN MITCHELL, FISHER, NOLAN AND SCURRY COUNTIES, TEX., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, *It is ordered*, That Order No. G-11 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Description of commodity and unit of sales	Maximum price established
Felt:	
15 lb. Asphalt or tarred, roll, 432 sq. ft.	\$3.18
30 lb. Asphalt or tarred, roll, 216 sq. ft.	3.18
Lath, metal, 2.5 lb. copper bearing, painted diamond mesh, 1 sq. yd.	.33
Lath, metal, 2.5 lb. non-copper bearing, 1 sq. yd.	.32

Description of commodity and unit of sales	Maximum price established
Lath, metal, 2.5 lb. galvanized, 1 sq. yd.	\$0.36
Lath, metal, 3.4 lb. copper bearing, painted diamond mesh, 1 sq. yd.	.41
Lath, metal, 3.4 lb. non-copper bearing, 1 sq. yd.	.40
Lath, metal, 3.4 lb. galvanized, 1 sq. yd.	.44
Roofing, roll, black, smooth surface:	
35 lb. roll, 108 sq. ft.	1.57
45 lb. roll, 108 sq. ft.	2.10
55 lb. roll, 108 sq. ft.	2.73
65 lb. roll, 108 sq. ft.	3.15
Roofing, asphalt, mineral surface, 90 lb. roll, roll, 108 sq. ft.	3.87
Shingles, asphalt, 167 lb.:	
2 or 3 tab hexagon, sq.	6.33
210 to 220 lb. (3 in 1), thickbutt, sq.	7.48
Siding, asbestos cement, 12 x 24 or 27", std. colors, 100 sq. ft.	11.03

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum prices is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16363; Filed, Sept. 9, 1946;
4:14 p. m.]

[Fort Worth Order G-13 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN HUTCHINSON COUNTY, TEX., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, *It is ordered*, That Order No. G-13 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Description of commodity and unit of sales	Maximum price established
Felt, asphalt or tarred:	
15 lb., roll, 432 sq. ft.	\$3.12
30 lb., roll, 216 sq. ft.	3.12
Lath, metal, 2.5 lb.:	
Copper bearing, painted diamond mesh, sq. yd.	.35
Non-copper bearing, sq. yd.	.34
Galvanized, sq. yd.	.37

Description of commodity and unit of sales	Maximum price established
Roofing, asphalt, 90 lb., mineral surface, 90 lb. roll	\$3.59
Roofing, black smooth surface:	
35 lb., roll, 108 sq. ft.	1.57
45 lb., roll, 108 sq. ft.	2.63
55 lb., roll, 108 sq. ft.	2.95
Shingles, asphalt, 210 lb., thickbutt, 210 lb., sq.	8.86
Siding, asbestos, 12 x 24 or 27", 100 sq. ft.	11.55

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administrator.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16362; Filed, Sept. 9, 1946; 4:14 p. m.]

[Region VIII Revocation of Order G-4 Under MPR 188]

BUILDING MATERIALS IN LOS ANGELES COUNTY, CALIF.

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the Regional Administrator by § 1499.161 of Maximum Price Regulation No. 188, Order No. G-4 under § 1499.161 of Maximum Price Regulation No. 188 is hereby revoked.

This order shall become effective on the date of issuance hereof.

Issued this 23d day of August 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-16343; Filed, Sept. 9, 1946; 4:08 p. m.]

[Fort Worth Order G-14 under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN FORT WORTH, TEX., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, *It is ordered*, That Order

No. G-14 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Description of commodity and unit of sales	Maximum price established
Lath, metal, 2.5 lb. copper bearing, painted diamond mesh, 1 sq. yd.	\$0.33
Lath, metal, 2.5 lb. non-copper bearing, painted diamond mesh, 1 sq. yd.	.32
Lath, metal, 2.5 lb. galvanized copper bearing	.35
Painted diamond mesh, 1 sq. yd.	.41
Noncopper bearing, 1 sq. yd.	.40
Galvanized, 1 sq. yd.	.43
Roofing, asphalt, mineral surface, 90 lb., 108 sq. ft.	3.87
Black smooth surface:	
35 lb., 108 sq. ft.	1.83
45 lb., 108 sq. ft.	2.36
55 lb., 108 sq. ft.	2.83
65 lb., 108 sq. ft.	3.93
Sewer pipe, vitrified clay, 4", lin. ft.	.24
Shingles, asphalt, 167 lb. 2 or 3 tab, hexagon 210 lb. to 220 lb., thickbutt, per sq. (3 in 1) per sq.	6.90 8.22
Shingles, asbestos, hexagon:	
Green, per sq.	13.80
Other colors, per sq.	13.22
Siding:	
Asphalt, roll brick, 100 sq. ft.	5.22
Asbestos cement, 12 x 24 x 27, 100 sq. ft.	11.92
Felt:	
15 lb., asphalt or tarred, roll (432 sq. ft.)	3.40
30 lb., roll (216 sq. ft.)	3.40

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administrator.

This order shall become effective August 23, 1946.

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

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16361; Filed, Sept. 9, 1946; 4:14 p. m.]

[Region VIII Order G-18 Under MPR 592]

CONSTRUCTION MATERIALS IN LOS ANGELES COUNTY, CALIF., AND VICINITY

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Reg-

ional Administrator of the Office of Price Administration by section 17 of Maximum Price Regulation No. 592, *It is hereby ordered*:

(a) **Applicability.** This order applies to all sales by producers of rock, sand, gravel, and truck-mixed concrete produced in Los Angeles County, California, and vicinity.

(b) **Maximum prices.** (1) The maximum price at which producers of truck-mixed concrete may sell or deliver said concrete shall be the particular producer's maximum price heretofore established for that concrete by Order No. G-4 under Maximum Price Regulation No. 188.

(2) The maximum price at which producers of rock, sand, and gravel may sell or deliver any of the said products shall be the sum of the particular producer's maximum price for that product heretofore established in Order No. G-4 under Maximum Price Regulation No. 188 plus 7 per cent of that maximum price.

(c) This order may be amended, revoked, or corrected at any time.

This order shall become effective upon issuance.

Issued this 23rd day of August, 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-16344; Filed, Sept. 9, 1946; 4:08 p. m.]

[Region VIII Order G-11 Under MPR 592, Amdt. 2]

READY-MIX CONCRETE IN SEATTLE, WASHINGTON

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G-11 under Maximum Price Regulation No. 592 is amended in the following respects:

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

(a) The adjusted maximum charges for delivery of ready-mixed concrete by producers located in Seattle, Washington shall be as follows:

Area	Maximum price per cubic yard
Within city limits of Seattle, Washington	\$2.25
Add: Outside city limits of Seattle, Washington	
First two miles	.70
Each additional mile	.20

This amendment shall become effective August 29, 1946.

Issued this 29th day of August 1946.

GUY R. KINSLEY,
Acting Regional Administrator.

[F. R. Doc. 46-16333; Filed, Sept. 9, 1946; 4:05 p. m.]

[Fort Worth Order G-15 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN GRAY, ROBERTS, HEMPHILL AND WHEELER COUNTIES, TEX., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order

No. 68, *It is ordered*, That Order No. G-15 issued by the District Director of the Fort Worth District Office under General Order No. 68 be amended so that the maximum prices for the commodities listed below shall hereafter read as follows:

Name of item	Unit of sales	Maximum price when sold f. o. b. plant, yard, or store (f. o. b. RR car in case of CL sales)	Maximum price when delivered in city limits	Name of item	Unit of sales	Maximum price when sold f. o. b. plant, yard, or store (f. o. b. RR car in case of CL sales)	Maximum price when delivered in city limits
Felt:				Roofing, asphalt, 90 lb. mineral surface.	90 lb. roll.....	\$3.20	\$3.51
15 lb. roll.....	Roll, 432 sq. ft.....	\$3.41	\$3.46	Black smooth surface:			
30 lb. roll.....	Roll, 216 sq. ft.....	3.41	3.46	35 lb.....	Roll, 108 sq. ft.....	1.58	1.63
Lath, metal:				45 lb.....	Roll, 108 sq. ft.....	2.36	2.41
2.5 lb. copper bearing, painted diamond mesh.	Sq. yd.....	.33	.34	55 lb.....	Roll, 108 sq. ft.....	2.89	2.94
2.5 lb. noncopper bearing painted diamond mesh.	Sq. yd.....	.32	.33	Shingles, asphalt:			
2.5 lb. galvanized.....	Sq. yd.....	.36	.37	Hexagon, 167 lb.....	167 lb. sq.....	6.45	6.50
				Thickbutt 210 lb.....	210 lb. sq.....	8.07	8.17
				Siding, asbestos, 12 x 24 or 27"	100 sq. ft.....	12.60	12.75

Applicability. This order is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 23, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 333, 78th Cong.; E. O. 9250, 7 F. R. 7871; and E. O. 9328, 8 F. R. 4681)

Issued at Fort Worth, Texas, this 23d day of August 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-16360; Filed, Sept. 4, 1946;
4:13 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 September 6, 1946.

Region I

Boston Order 7-F, Amendment 63, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:02 a. m.

Boston Order 8-F, Amendment 59, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:01 a. m.

Boston Order 9-F, Amendment 60, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:01 a. m.

Boston Order 10-F, Amendment 58, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:01 a. m.

Boston Order 11-F, Amendment 59, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:00 a. m.

Boston Order 12-F, Amendment 25A, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:00 a. m.

Boston Order 13-F, Amendment 40, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:02 a. m.

Boston Order 14-F, Amendment 21, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:02 a. m.

Boston Order 1, Amendment 8, covering dry groceries in Massachusetts except those in Dukes and Nantucket counties. Filed 10:38 a. m.

Boston Order 1, covering dry groceries. Filed 10:35 a. m.

New England Order 7-F, Amendments 65, 66, and 67, covering fresh fruits and vegetables in the Boston area. Filed 10:03 and 10:06 a. m.

New England Order 8-F, Amendments 61, 62, and 63, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:05, 10:08 and 10:10 a. m.

New England Order 9-F, Amendments 62, 63, and 64, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:09 and 10:11 a. m.

New England Order 10-F, Amendments 60, 61, and 62, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:11, 10:10, and 10:15 a. m.

New England Order 11-F, Amendments 61, 62, and 63, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 10:14, 10:16, and 10:17 a. m.

New England Order 13-F, Amendments 42, 43, and 44, covering fresh fruits and vegetables in the Brockton area. Filed 10:17, 10:16, and 10:18 a. m.

New England Order 14-F, Amendments 24 and 25, covering fresh fruits and vegetables in all cities and towns of Barnstable county, Massachusetts. Filed 10:18 a. m.

Providence Order 3-F, Amendment 67, covering fresh fruits and vegetables in the Providence, Rhode Island, Metropolitan area. Filed 10:06 a. m.

New England Order G-3, Amendment 13, covering dry groceries in certain defined areas in New England. Filed 10:35 a. m.

New England Order G-3, Amendment 12, covering dry groceries in certain defined areas in New England. Filed 10:36 a. m.

Region II

Baltimore Order 13-F, Amendment 4, covering fresh fruits and vegetables in the Baltimore, Maryland area. Filed 10:44 a. m.

Baltimore Order 14-F, Amendment 4, covering fresh fruits and vegetables in

the Baltimore, Maryland, area. Filed 10:44 a. m.

Buffalo Order 11-F, Amendment 4, covering fresh fruits and vegetables in Rochester, East Rochester, Fairport and Pittsford, New York. Filed 10:44 a. m.

Buffalo Order 12-F, Amendment 4, covering fresh fruits and vegetables in Allegany, Cattaraugus, Chautauqua counties, New York. Filed 10:39 a. m.

Buffalo Order 13-F, Amendment 4, covering fresh fruits and vegetables in certain areas in New York. Filed 10:39 a. m.

Buffalo Order 14-F, Amendment 4, covering fresh fruits and vegetables in certain areas in New York. Filed 10:41 a. m.

Newark Order 10-F, Amendment 4, covering fresh fruits and vegetables in certain counties in New Jersey except the Borough of North Plainfield, New Jersey. Filed 10:41 a. m.

Newark Order 11-F, Amendment 4, covering fresh fruits and vegetables in certain counties in New Jersey and the Borough of North Plainfield, in Somerset county, New Jersey. Filed 10:42 a. m.

New York 17-F, Amendment 4, covering fresh fruits and vegetables. Filed 10:43 a. m.

Pittsburgh Order 14-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:43 a. m.

Pittsburgh Order 15-F, Amendment 4, covering fresh fruits and vegetables in Allegheny county, Pennsylvania. Filed 10:38 a. m.

Pittsburgh Order 16-F, Amendment 4, covering fresh fruits and vegetables in Erie and Warren counties, Pennsylvania. Filed 10:37 a. m.

Pittsburgh Order 1-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:37 a. m.

Pittsburgh Order 18-F, Amendment 3, covering fresh fruits and vegetables in Crawford, Forest and Venango counties, Pennsylvania. Filed 10:42 a. m.

Scranton Order 28, Amendment 1, covering dry groceries in certain counties in Pennsylvania. Filed 10:36 a. m.

Scranton Order 29, Amendment 1, covering dry groceries in certain counties in Pennsylvania. Filed 10:35 a. m.

Region IV

Atlanta Order 12-F, Amendment 32, covering fresh fruits and vegetables in the Atlanta-Decatur Metropolitan Trade area. Filed 10:48 a. m.

Atlanta Order 13-F, Amendment 32, covering fresh fruits and vegetables in certain counties outside of the Atlanta-Decatur Trade area. Filed 10:48 a. m.

Atlanta Order 14-F, Amendment 32, covering fresh fruits and vegetables in certain counties in Georgia. Filed 10:47 a. m.

Atlanta Order 15-F, Amendment 32, covering fresh fruits and vegetables in Bibb and Muscogee counties, Georgia, and Phenix City, Alabama. Filed 10:47 a. m.

Atlanta Order 16-F, Amendment 14, covering fresh fruits and vegetables in Chatham and Richmond counties, Georgia. Filed 10:47 a. m.

Atlanta Order 17-F, Amendment 14, covering fresh fruits and vegetables in Dougherty and Thomas counties, Georgia. Filed 10:46 a. m.

Atlanta Order 18-F, Amendment 14, covering fresh fruits and vegetables in certain counties in the Savannah area. Filed 10:46 a. m.

Atlanta Order 19-F, Amendment 15, covering fresh fruits and vegetables in certain counties in the Savannah area. Filed 10:45 a. m.

Atlanta Order 20-F, Amendment 14, covering fresh fruits and vegetables in certain counties in the Savannah area. Filed 10:45 a. m.

Region V

Dallas Order 6-F, Amendment 43, covering fresh fruits and vegetables in McLennan county, Texas. Filed 10:30 a. m.

Dallas Order 31, Amendment 14, covering dry groceries sold by Groups 3A and 4A stores. Filed 10:30 a. m.

Dallas Order 1-M, Amendment 1, covering bottled beer and ale in Dallas county, Texas. Filed 10:31 a. m.

Kansas City Order 4-F, Amendment 58, covering fresh fruits and vegetables in Johnson and Wyandotte counties, Kansas; Jackson county, Missouri and the city of North Kansas City, Missouri. Filed 10:31 a. m.

Kansas City Order 9-F, Amendment 41, covering fresh fruits and vegetables in Buchanan county, Missouri. Filed 10:29 a. m.

Kansas City Order 10-F, Amendment 41, covering fresh fruits and vegetables in Greene county, Missouri. Filed 10:29 a. m.

Kansas City Order 11-F, Amendment 41, covering fresh fruits and vegetables in Jasper county, Missouri. Filed 10:28 a. m.

Kansas City Order 14-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Missouri. Filed 10:28 a. m.

Kansas City Order 15-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Missouri. Filed 10:24 a. m.

Kansas City Order 16-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Missouri. Filed 10:24 a. m.

Little Rock Order 16-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 10:23 a. m.

Little Rock Order 17-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 10:23 a. m.

Little Rock Order 18-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 10:55 a. m.

Little Rock Order 20-F, Amendment 8, covering fresh fruits and vegetables in Garland, Montgomery and Pike counties, Arkansas. Filed 10:54 a. m.

Wichita Order 13-F, Amendment 38, covering fresh fruits and vegetables in Sedgwick county, Kansas. Filed 10:53 a. m.

Wichita Order 14-F, Amendment 38, covering fresh fruits and vegetables in certain counties in Kansas. Filed 10:53 a. m.

Wichita Order 15-F, Amendment 38, covering fresh fruits and vegetables in certain counties in Kansas. Filed 10:49 a. m.

Wichita Order 16-F, Amendment 38, covering fresh fruits and vegetables in Reno county, Kansas. Filed 10:49 a. m.

Wichita Order 17-F, Amendment 38, covering fresh fruits and vegetables in Shawnee county, Kansas. Filed 10:49 a. m.

Region VI

Chicago Order 2-F, Amendment 128, covering fresh fruits and vegetables in Cook, DuPage, Kane, Lake, McHenry counties, Illinois and Lake county, Indiana. Filed 10:07 a. m.

St. Paul Order 3-F, Amendment 44, covering fresh fruits and vegetables in Duluth and Proctor, Minnesota and Superior, Wisconsin. Filed 10:07 a. m.

St. Paul Order 7-F, Amendment 28, covering fresh fruits and vegetables in certain counties in Minnesota. Filed 10:09 a. m.

St. Paul Order 8-F, Amendment 27, covering fresh fruits and vegetables in certain counties in Minnesota. Filed 10:30 a. m.

Region VIII

Arizona Order 27, Amendment 1, covering dry groceries in Navajo-Hopi Indian Reservation area Groups 1 and 2. Filed 10:20 a. m.

Arizona Order 28, Amendment 1, covering dry groceries in Yuma county. Filed 10:20 a. m.

Arizona Order 29, Amendment 1, covering dry groceries in the South Central Arizona area. Filed 10:20 a. m.

Arizona Order 30, Amendment 1, covering dry groceries in the Coconino-Yavapai and Southeastern Arizona area. Filed 10:21 a. m.

Arizona Order 31, Amendment 1, covering dry groceries in the Mohave county and Southern Navajo-Apache area. Filed 10:21 a. m.

Arizona Order 32, Amendment 1, covering dry groceries in the Kingman and Central Navajo-Apache area. Filed 10:21 a. m.

Arizona Order 33, Amendment 1, covering dry groceries in the Eastern Arizona area. Filed 10:22 a. m.

Arizona Order 34, Amendment 1, covering dry groceries in the Southern Arizona area. Filed 10:22 a. m.

Arizona Order 34, Amendment 2, covering dry groceries in the Southern Arizona area. Filed 10:21 a. m.

Arizona Order 35, Amendment 2, covering dry groceries in the Northwestern Arizona area. Filed 10:22 a. m.

Arizona Order 2-M, Amendment 2, covering bottled beer and ale in the Tucson area. Filed 10:06 a. m.

Nevada Order 16-F, Amendment 1, covering fresh fruits and vegetables in Reno and Sparks, Nevada. Filed 10:19 a. m.

Nevada Order 20-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Nevada. Filed 10:19 a. m.

San Francisco Order 61, Amendment 1, covering dry groceries. Filed 9:59 a. m.

San Francisco Order 72, Amendment 1, covering dry groceries. Filed 10:00 a. m.

San Francisco Order 67, Amendment 1, covering dry groceries. Filed 9:58 a. m.

San Francisco Order 68, Amendment 1, covering dry groceries. Filed 9:59 a. m.

San Francisco Order 69, covering dry groceries in certain counties in California. Filed 9:58 a. m.

Seattle Order 16-F, Amendment 54, covering fresh fruits and vegetables in Seattle, Tacoma and Bremerton, Washington. Filed 10:08 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. 46-16454; Filed, Sept. 10, 1946;
4:10 p. m.]

[Pittsburgh Adopting Order 3 Under Basic Order 3 Under Sec. 9 of RMPR 251; Amdt. 1]

INSTALLED INSULATION IN EXISTING STRUCTURES AND RELATED AND INCIDENTAL CONSTRUCTION WORK IN PITTSBURGH, PA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by section 9 of Revised Maximum Price Regulation No. 251 and by Revised Procedural Regulation No. 1, it is hereby ordered:

SECTION 1. *What this amendment does.* This amendment suspends until 12:01 a. m. September 9, 1946, the effective date of Adopting Order No. 3 under Basic Order No. 3 under section 9 of Revised Maximum Price Regulation 251, as amended.

SEC. 2. *Relationship of this amendment to adopting Order No. 3 and to Revised Maximum Price Regulation 251 and other maximum price regulations.* Until September 9, 1946, at 12:01 a. m. all sellers covered by the said Adopting

Order No. 3 shall be subject to all provisions of Revised Maximum Price Regulation 251, or any other applicable regulation or order, as fully as though Adopting Order No. 3 had not been issued.

This amendment shall become effective at 12:01 a. m. September 9, 1946.

Issued September 4, 1946.

WILLIAM K. HARRISON,
District Director.

[F. R. Doc. 46-16470; Filed, Sept. 10, 1946;
4:17 p. m.]

[Region III Order 1-B Under Gen. Order 68,
Amtd. 1]

CONSTRUCTION MATERIALS IN CLEVELAND
REGION

For the reasons set forth in an opinion which has been filed with the Division of the Federal Register, and pursuant to the authority granted, the Regional Administrator of the Office of Price Administration under General Order No. 68, *It is hereby ordered:*

1. That section 2 of Basic Order No. 1-B be amended to read as follows:

SEC. 2. *Definition of retail sales.* For the purposes of this order and adopting orders issued hereunder, a "retail sale" means a sale to an ultimate user or to a purchaser for resale on an installed basis: *Provided, however,* That this order and adopting orders issued hereunder shall not apply to sales by manufacturers or jobbers to bona fide contractors.

2. That section 6 of Basic Order No. 1-B be amended to read as follows:

SEC. 6. *Maximum prices.* (a) Except as provided in subsection (b) of this section 6, the maximum prices set forth in the applicable adopting orders shall be the maximum prices for the commodities listed herein.

(b) The maximum prices contained in an adopting order shall be superseded by any order or regulation issued by the Office of Price Administration, bearing an effective date subsequent to the date appearing above the heading of Table I of the adopting order, to the extent that such order or regulation authorizes resellers covered hereunder to adjust their maximum prices for a commodity listed in an adopting order. If no date appears above the heading of Table I of the adopting order, then the maximum prices for the commodities listed therein shall be superseded by any such order or regulation, as described in the preceding sentence, bearing an effective date later than the issuance date of the adopting order.

(c) Provisions relating to delivery charges and/or discounts shall be as set forth in the applicable adopting order.

3. That subsection (a) of section 11 of Basic Order No. 1-B be amended to read as follows:

(a) For the purposes of this order, the term "contractor", means any individual, corporation, partnership, association, or other organized group of persons, engaged in the business of furnishing building materials and/or building equipment

and labor, and, in connection therewith, assumes responsibility for the incorporation of the material or equipment into a building, structure or construction project at a fixed site.

4. That this Amendment No. 1 to Basic Order No. 1-B shall become effective September 5, 1946.

Issued September 5, 1946.

H. G. BOGART,
Acting Regional Administrator.

[F. R. Doc. 46-16461; Filed, Sept. 10, 1946;
4:13 p. m.]

[Region III Order G-46 Under Gen. Order 68,
Amtd. 1]

HARD BUILDING MATERIALS IN FAYETTE-
VILLE, W. VA., AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1-B, *It is hereby ordered*, That:

(a) Table I of Order No. G-46 be amended to read as set forth in the price list marked Table I,¹ which is annexed to and made a part of this order.

(b) Where the amendment or order, which grants your supplier an increase in his maximum price, provides that all resellers (including those subject to area orders issued under General Order No. 68) may increase their maximum price for the commodity in question, you may increase the price listed in this amendment by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. This can be done only if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this amendment.

(c) This amendment reflects the increase in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order No. 68 for Certain Building and Construction Materials). Accordingly this amendment supersedes that Supplementary Order, and the maximum prices established by this amendment cannot be increased under that Supplementary Order.

(d) This Amendment No. 1 to Order No. G-46 shall become effective August 19, 1946.

Issued August 19, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-16460; Filed, Sept. 10, 1946;
4:13 p. m.]

[Region III, Order G-27, Under RMPR 251]

SPECIFIED RE-ROOFING IN AKRON, OHIO,
AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register and under the authority vested

in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, and pursuant to the provisions of Regional Basic Order No. 1-B under Revised Maximum Price Regulation No. 251, this order is issued:

SECTION 1. *What this order does.* This adopting order establishes dollars-and-cents maximum prices for the composition roofing materials specified in section 4, hereof, when sold installed on residential structures in the Akron, Ohio, Area.

SEC. 2. *Area covered.* For the purposes of this order, the "Akron, Ohio, Area" consists of the County of Summit in the State of Ohio.

SEC. 3. *Applicability of Basic Order No. 1-B.* All the provisions of Basic Order No. 1-B, consistent with this Adopting Order No. G-27 are hereby adopted by, and incorporated by reference into, this order and are just as much a part of this order as though fully re-written herein. If Basic Order No. 1-B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1-B.

SEC. 4. *Maximum prices.* No seller covered hereby shall charge more than the following maximum price for the sale of the specified re-roofing material on an installed basis.

Per sq.

12 in. (3 in line) Asphalt Shingles,
(210 lbs. per sq.) ----- \$16.15

The above maximum price includes flashing around chimneys and vents and related materials and services as defined in section 11 of Basic Order No. 1-B under section 9 of Revised Maximum Price Regulation No. 251.

Reissued August 8, 1946.

Effective August 22, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-16462; Filed, Sept. 10, 1946;
4:13 p. m.]

[Region III Order G-51 Under Rev. MPR 251]

SPECIFIED RE-ROOFING IN FORT WAYNE,
IND., AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, and pursuant to the provisions of Regional Basic Order No. 1-B under Revised Maximum Price Regulation No. 251, this order is issued:

SECTION 1. *What this order does.* This adopting order establishes dollars-and-cents maximum prices for the composi-

¹ Filed as part of the original document.

tion roofing materials specified in section 4, hereof, when sold installed on residential structures in the Fort Wayne, Indiana, Area.

SEC. 2. Area covered. For the purposes of this order, the "Fort Wayne, Indiana, Area" consists of the Counties of Adams, Allen, De Kalb, Huntington, Lagrange, Noble, Steuben, Wells and Whitley in the State of Indiana.

SEC. 3. Applicability of basic order No. 1-B. All the provisions of Basic Order No 1-B, consistent with this adopting order, No. G-51, are hereby adopted by, and incorporated by reference into, this order and are just as much a part of this order as though fully re-written herein. If Basic Order No. 1-B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1-B.

SEC. 4. Maximum prices. (a) The maximum prices for the specified re-roofing materials on an installed basis shall be as follows:

Type of roofing	Maximum price per square
Asphalt shingles, 12 in. (3 in line), 210 lbs. per sq.	\$13.50
Asphalt shingles, 11½ in., hexagon strips, 167 lbs. per sq.	12.00
Asphalt shingles, re-roofer type, 160 lbs. per sq.	12.50
Asphalt shingles, re-roofer type, 138 lbs. per sq.	11.50
Asphalt roll roofing, mineral surface, 90 lbs. per sq.	6.60

(b) The above prices include related materials and services as defined in section 11 of Basic Order No. 1-B under Revised Maximum Price Regulation No. 251.

(c) When the roofing installation is made on premises located beyond the limits of the county wherein the seller's place of business is located, an amount

not in excess of \$0.50 per square may be added to the price set forth in Table I, above.

SEC. 5. Effective date. This Order No. G-51 shall become effective August 22, 1946.

Issued August 8, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-16463; Filed, Sept. 10, 1946; 4:14 p. m.]

[Dallas Order 2 Under Gen. Order 68, Amdt. 1]

BUILDING MATERIALS IN MCLENNAN COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to General Order No. 68, maximum prices for the following commodities set forth in Appendix A are amended to read as follows:

Name of item	Basic unit	When sold in quantities of—	Carload f. o. b. car	F. o. b. plant, yard or store or delivered in free delivery zone	Name of item	Basic unit	When sold in quantities of—	Carload f. o. b. car	F. o. b. plant, yard or store or delivered in free delivery zone
Metal lath, 2.5 lb. painted diamond mesh, copper bearing.	Sq. yd.	Any		\$0.27	Asphalt roofing, 45 lb. smooth surface, 1st quality.	Roll 108 sq. ft.	Any		\$1.79
Metal lath, 3.4 lb. painted diamond mesh, copper bearing.	Sq. yd.	Any		31½	Asphalt roofing, 55 lb. smooth surface, 1st quality.	Roll 108 sq. ft.	Any		2.31
Metal corner bead, narrow flange.	100 lin. ft.	Any		3.40	Asphalt roofing, 45 lb. smooth surface, 3d quality.	Roll 108 sq. ft.	Any		1.59
Metal corner bead, expanded type wide flange.	100 lin. ft.	Any		4.40	Asphalt or tarred felt, 15 lb. Felt, 30 lb.	Roll 432 sq. ft.	Any		2.72
Asphalt roofing, 90 lb. mineral surface.	Roll 108 sq. ft.	Any		2.93	Asphalt shingles, 167 lb. 2-tab hexagon 11½".	Roll 216 sq. ft.	Any		2.72
Asphalt roofing, 65 lb. smooth surface, 1st quality.	Roll 108 sq. ft.	Any		2.56	Asphalt shingles, 210 lb. thick butt.	100 sq. ft.	Any		5.41
						100 sq. ft.	Any		6.60

The maximum prices established by this amendment shall not be changed until the seller's net invoiced costs have been increased by its supplier.

Issued June 17, 1946.

Effective June 17, 1946.

GUS W. THOMASSON,
District Director.

[F. R. Doc. 46-16465; Filed, Sept. 10, 1946; 4:15 p. m.]

[Houston Order 1 Under Gen. Order 68]

BUILDING MATERIALS IN HARRIS COUNTY, TEX.

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 A¹ of this order when such sales are made in the geographical area comprising Metropolitan Houston in Harris County, Texas, as defined under Free Delivery Zone on page 3 of Appendix A.

SEC. II. Definition of retail sales. 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. Posting. 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. rail-road car, f. o. b. seller's yard or store, delivered to job site in free delivery area, or delivered outside free delivery area.

(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.

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.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective January 21, 1946.

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

Issued at Houston, Texas, this 15th day of January 1946.

STEPHEN J. TULLY, Jr.,
District Director.

[F. R. Doc. 46-16455; Filed, Sept. 10, 1946; 4:11 p. m.]

¹ Filed as part of the original document.

[Houston Order 1 Under Gen. Order 68, Amdt. 2]

BUILDING MATERIALS IN HARRIS COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Dis-

trict Director of the Houston District Office of the Office of Price Administration by section (b) (2) of General Order 68, *It is hereby ordered*: That Order No. 1 as amended, issued by the District Director aforesaid under General Order 68 upon the fifteenth day of January 1946, for maximum prices for retail sales

of certain building materials in Harris County, Texas, be and the same, is hereby amended as follows:

Appendix A of Order No. 1, as amended, under GO 68 is changed so that the maximum prices for the following articles of hard building materials are as follows:

Name of item	When sold in quantities of	Selling unit	Maximum price delivered in free zone (fob car in C/L lots)	Name of item	When sold in quantities of	Selling unit	Maximum price delivered in free zone (fob car in C/L lots)
Portland Cement.....	1 to 3 bags.....	94 lb bag.....	.82	Metal Lath 2.5 lb.....	Carload to contractor.....	do.....	.12
Standard (paper bags).....	4 to 49 bags.....	376 lb bbl.....	3.11	Painted Diamond Mesh.....	Square yard.....	do.....	.25
	50 or more bags.....	LCL 376 lb BCL.....	2.96	Metal Lath 3.4 lb.....	do.....	do.....	.22
	C/L or more.....	376 lb bbl.....	2.91	Painted Diamond Mesh.....	do.....	do.....	.30
Portland Cement.....	1 to 3 bags.....	94 lb bag.....	.92	Metal Lath 2.5 lb.....	do.....	do.....	.27
Standard (cloth bags).....	4 to 49 bags.....	376 lb bbl.....	3.21	Galvanized.....	do.....	do.....	.29
	50 or more bags LCL.....	376 lb. bbl.....	3.16	Metal Lath 3.4 lb.....	C/L or more.....	do.....	.25
	C/L or more.....	376 lb. bbl.....	3.11	Galvanized.....	LCL.....	do.....	.33
Masonry Cement.....	1 to 99 bags.....	67 lb. bags.....	.77	Metal Lath 3.4 lb.....	C/L or more.....	do.....	.29
	100 or more bags LCL.....	268 lb. bbl.....	2.91	Galvanized.....	LCL.....	do.....	.27
	C/L or more.....	268 lb. bbl.....	2.81	Metal Lath 2.5 lb.....	C/L or more.....	do.....	.24
70 lb., 72 lb., or 76 lb. bags.....	Increase proportionally.....	Linear ft.....	.16	Metal Lath 3.4 lb.....	LCL.....	do.....	.32
Clay Drain Tile 4".....	Less than truck load to consumer.....	Linear ft.....	.16	Copper Bearing.....	C/L or more.....	do.....	.30
	To contractors.....	do.....	.14	Metal Lath 3.4 lb.....	LCL.....	do.....	.29
	Truck load.....	do.....	.10	Copper Bearing.....	C/L or more.....	do.....	.27
	C/L or more.....	do.....	.08	Gypsum Perfa-Tape Joint System 20# Box.....	Any.....	250 linear ft.....	.31
Vitrified Clay Sewer.....	Less than truck load.....	do.....	.21	Asphalt or Tarred Felt.....	Any.....	432 square ft.....	2.67
Pipe, 4".....	Truck load.....	do.....	.17	Asphalt Roll Roofing 90#.....	Any.....	108 square ft.....	.28
Clay Drain Tile 6".....	Less than truckload.....	do.....	.20	Vitrified Clay Sewer.....	Linear ft.....	do.....	.32
	Truck load.....	do.....	.15	Pipe 6".....	Truckload.....	do.....	.29

This amendment shall become effective August 27, 1946.

Issued at Houston this 23d day of August 1946.

STEPHEN J. TULLY, Jr.,
District Director.

[F. R. Doc. 46-16456; Filed, Sept. 10, 1946;
4:11 p. m.]

[Region III Order G-24 Under Gen. Order 68,
Amdt. 1]

HARD BUILDING MATERIALS IN CHARLES-
TON, W. VA., AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1-B; *It is hereby ordered*, that:

(a) Table I of Order No. G-24 be amended to read as set forth in the price list marked Table I, which is annexed to and made a part of this order.

(b) Where the amendment or order, which grants your supplier an increase in his maximum price, provides that all resellers (including those subject to area orders issued under General Order No. 68) may increase their maximum price for the commodity in question, you may increase the price listed in this amendment by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. This can be done only if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this amendment.

(c) This amendment reflects the increase in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established

under General Order No. 68 for Certain Building and Construction Materials). Accordingly this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

(d) This amendment No. 1 to Order No. G-24 shall become effective August 21, 1946.

Issued August 21st, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-16354; Filed, Sept. 9, 1946;
4:12 p. m.]

[San Antonio 2d Rev. Order G-1 Under
Gen. Order 68]

BUILDING MATERIALS, BEXAR COUNTY, TEX.

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 A¹ of this order when such sales are made in the geographical area comprising Bexar County, Texas.

SECTION II. Definition of retail sales. 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.

SECTION 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. Receipt of notice of permitted increase from suppliers will not automatically authorize increases in ceil-

ing prices set forth in Appendix A of this order. Such ceiling prices will only be changed in accordance with section IX of this order.

SECTION IV. The relation of this order to other regulations. This order supersedes General Order No. 68 issued by the District Director of the San Antonio, Texas District on May 18, 1946 and all amendments thereto. 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. Items and specifications not specifically priced in this order remain subject to the applicable maximum price regulations.

SECTION V. Posting. 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.

SECTION 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 area, or delivered outside free delivery area.

(6) If delivery is made outside the seller's free delivery zone, the amount of any delivery charges made stated separately on the invoice.

¹ Filed as part of the original document.

(7) A statement of cash discounts allowed for prompt payment.

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. Evasion. The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodities covered by this order or by way of commissions, services, transportation or other charges, or by tying agreement or other trade understanding, or by making the terms and conditions of sale more onerous to buyers than they were during March 1942, (except as specifically permitted by this order).

SEC. VIII. Enforcement and penalties. Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damage provided for by the Emergency Price Control Act of 1942, as amended.

SEC. IX. Adjustment to reflect increase in suppliers price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(b) Maximum Price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong., 1st Sess.; Pub. Law 548, 79th Cong., 2d Sess.; E. O. 9250, 7 F. R. 7371; and E. O. 9328, 8 F. R. 4681)

Issued at San Antonio, Texas, this 23d day of August 1946.

C. T. GIESEN,
District Director.

[F. R. Doc. 46-16466; Filed, Sept. 10, 1946;
4:15 p. m.]

[Dallas Order 3 Under Gen. Order 68.
Amdt. 1]

BUILDING MATERIALS IN SMITH COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to General Order No. 68, maximum prices for the following commodities set forth in Appendix A are amended to read as follows:

Name of item	Basic unit	When sold in quantities of—	Carload f. o. b. car	F. o. b. plant, yard or store, or delivered in free delivery zone	Name of item	Basic unit	When sold in quantities of—	Carload f. o. b. car	F. o. b. plant, yard or store, or delivered in free delivery zone
Metal lath, 2.5 lb. painted diamond mesh copper bearing.	Sq. yd.	Any		\$0.29 ¹⁴	Asphalt roofing, 55 lb. smooth surface, 1st qual.	Roll 108 sq. ft.	Any		\$2.16
Metal lath, 3.4 lb. painted diamond mesh copper bearing.	Sq. yd.	Any		.34	Asphalt roofing, 45 lb. smooth surface, 1st qual.	Roll 108 sq. ft.	Any		1.69
Asphalt roofing, 90 lb. mineral surface.	Roll 108 sq. ft.	Any		2.93	Asphalt roofing, 35 lb. smooth surface, 1st qual.	Roll 108 sq. ft.	Any		1.39
Asphalt roofing, 65 lb. smooth surface, 1st quality.	Roll 108 sq. ft.	Any		2.56	Asphalt or tarred felt 15 lb.	Roll 432 sq. ft.	Any		2.82
					Asphalt or tarred felt 30 lb.	Roll 216 sq. ft.	Any		2.82
					Asphalt shingles, 167 lb. 2-tab hexagon 11 1/3".	100 sq. ft.	Any		4.81
					Asphalt shingles, 210 lb.	100 sq. ft.	Any		5.85

The maximum prices established by this amendment shall not be changed until the seller's net invoiced costs have been increased by its supplier.

Issued June 17, 1946.

Effective June 17, 1946.

GUS W. THOMASSON,
District Director.

[F. R. Doc. 46-16464; Filed, Sept. 10, 1946;
4:14 p. m.]

[San Antonio Rev. Order G-2 Under Gen. Order 68]

BUILDING MATERIALS IN TRAVIS COUNTY, TEX.

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 A¹ of this order when such sales are made in the geographical area comprising Travis County, Texas.

SEC. II. Definition of retail sales. 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. Receipt of notice of permitted increase from suppliers will not automatically authorize increases in ceiling prices set forth in Appendix A of this order. Such ceiling prices will only be changed in accordance with section IX of this order.

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. Items and specifications not specifically priced in this order remain subject to the applicable Maximum Price Regulations. This order supersedes Order No. G-3 under General Order 68 issued by the District Director of the San Antonio, Texas, District on May 15, 1946, and all amendments thereto.

SEC. V. Posting. 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 area, or delivered outside free delivery area.

(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.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection

¹ Filed as part of the original document.

by the Office of Price Administration during regular business hours.

SEC. VII. Evasion. The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodities covered by this order or by way of commissions, services, transportation or other charges, or by tying agreement or other trade understanding, or by making the terms and conditions of sale more onerous to buyers than they were during March 1942 (except as specifically permitted by this order).

SEC. VII. Enforcement and penalties. Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. IX. Adjustment to reflect increase in suppliers' price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(b) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong., 1st Sess.; Pub. Law 548, 79th Cong., 2d Sess.; E. O. 9250, 7 F. R. 7871; and E. O. 9328, 8 F. R. 4681)

Issued at San Antonio, Texas, this 23d of August 1946.

G. T. GIESEN,
District Director.

[F. R. Doc. 46-16467; Filed, Sept. 10, 1946;
4:16 p. m.]

[San Antonio Rev. Order G-3 under Gen.
Order 68]

BUILDING MATERIALS IN NUECES COUNTY,
TEX.

For the reasons set forth in an opinion issued simultaneously herewith and pur-

suant 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 A¹ of this order when such sales are made in the geographical area comprising Nueces County, Texas.

SECTION II. Definition of retail sales. 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.

SECTION 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. Receipt of notice of permitted increase from suppliers will not automatically authorize increases in ceiling prices set forth in Appendix A of this order. Such ceiling prices will only be changed in accordance with section IX of this order.

SECTION 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. Items and specifications not specifically priced in this order remain subject to the applicable Maximum Price Regulations. This order supersedes Order No. G-3 under General Order 68 issued by the District Director of the San Antonio, Texas, District on May 15, 1946, and all amendments thereto.

SECTION V. Posting. 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.

SECTION VI. Invoices and notifications. 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 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 area, or delivered outside free delivery area.

(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.

¹ Filed as part of the original document.

Each seller is required to keep a duplicate of such invoices in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

SECTION VII. Evasion. The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodities covered by this order or by way of commissions, services, transportation or other charges, or by tying agreement or other trade understanding, or by making the terms and conditions of sale more onerous to buyers than they were during March 1942 (except as specifically permitted by this order).

SECTION VIII. Enforcement and penalties. Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

This order may be amended or revoked at any time by the Office of Price Administration.

SECTION IX. Adjustment to reflect increases in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to Area Orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(b) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price lists contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date, the price listed in this order is increased for this product, the amendment to this order would supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong., 1st Sess.; Pub. Law 548, 79th Cong., 2d Sess.; E. O. 9250, 7 F. R. 7871; and E. O. 9328, 8 F. R. 4681)

Issued at San Antonio, Texas, this 23d day of August 1946.

C. T. GIESEN,
District Director.

[F. R. Doc. 46-16469; Filed, Sept. 10, 1946;
4:16 p. m.]

[San Antonio Rev. Order G-4 Under Gen. Order 68]

BUILDING MATERIALS IN EL PASO COUNTY, TEX.

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 El Paso County, Texas.

SEC. II. Definition of retail sales. 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. Receipt of notice of permitted increase from suppliers will not automatically authorize increases in ceiling prices set forth in Appendix A of this order. Such ceiling prices will only be changed in accordance with section IX of this order.

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. Items and specifications not specifically priced in this order remain subject to the applicable Maximum Price Regulations. This order supersedes Order No. G-3 under General Order 68 issued by the District Director of the San Antonio, Texas, District on May 15, 1946, and all amendments thereto.

SEC. V. Posting. 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 area, or delivered outside free delivery area.

(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.

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. Evasion. The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodities covered by this order or by way of commissions, services, transportation or other charges, or by tying agreement or other trade understanding, or by making the terms and conditions of sale more onerous to buyers than they were during March 1942 (except as specifically permitted by this order).

SEC. VIII. Enforcement and penalties. Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. IX. Adjustment to reflect increase in supplier's price—(a) Applicability. This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers (including those subject to area orders issued under General Order No. 68) may increase their maximum prices for the commodity in question.

(b) Maximum price. You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased, and at some later date, the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong., 1st Sess.; Pub. Law 548, 79th Cong., 2d Sess.; E. O. 9250, 7 F. R. 7871; and E. O. 9328, 8 F. R. 4681)

Issued at San Antonio, Texas, this 23d day of August 1946.

C. T. GIESEN,
District Director.

[F. R. Doc. 46-16468; Filed Sept. 10, 1946;
4:16 p. m.]

[Region III Order G-25 Under MPR 251]

SPECIFIED RE-ROOFING IN YOUNGSTOWN, OHIO, AREA

For the reasons set forth in an accompanying opinion which has been filed with the Division of the Federal Register, and pursuant to the provisions of section 9 of Revised Maximum Price Regulation No. 251, and of Regional Basic Order No. 1-B under section 9 of Revised Maximum Price Regulation No. 251, this order is issued:

SECTION 1. What this order does. This adopting order establishes dollars-and-cents maximum prices for the composition roofing materials specified in section 4 hereof, when sold installed on residential structures in the Youngstown, Ohio, Area.

SEC. 2. Area covered. For the purposes of this order, the "Youngstown, Ohio, Area" consists of the County of Mahoning in the State of Ohio.

SEC. 3. Applicability of basic order No. 1. All the provisions of Basic Order No. 1-B, consistent with this Adopting Order, No. G-25, are hereby adopted by, and incorporated by reference into, this order and are just as much a part of this order as though fully re-written herein. If Basic Order No. 1-B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1-B.

SEC. 4. Maximum prices. The maximum prices for the specified re-roofing material installed on residential structures shall be as follows:

12 in. (3 in line) Asphalt Shingles (210 lbs. per sq.), \$17.95 per sq.

The above maximum price includes related materials and services as defined in section 11 of Basic Order No. 1-B.

Reissued August 8, 1946.

Effective August 22, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-16459; Filed, Sept. 10, 1946;
4:12 p. m.]

[Omaha Order 1 under Gen. Order 68, Amdt. 5]

HARD BUILDING MATERIALS IN OMAHA AREA

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 1 issued under the authority of General Order 68 is amended in the following respects:

The following changes and revisions are made in Revised Appendix "A" (Table of Prices) bearing the effective date August 24, 1946:

Under the heading "Metal Lath", the line "2.5 lb. copper bearing sq. yd. .28" is amended to read "2.5 lb. copper bearing sq. yd. .31."

Under the heading "Metal Lath", the line "2.5 lb. galvanized sq. yd. .31" is amended to read "2.5 lb. galvanized sq. yd. .34."

¹ Filed as part of the original document.

This amendment shall become effective September 9, 1946.

Issued this 6th day of September 1946.

EDWIN F. MORAN,
District Director.

[F. R. Doc. 46-16475; Filed, Sept. 10, 1946;
4:19 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-39, 54-50, 59-10, 54-82, 54-147]

NORTH AMERICAN LIGHT & POWER CO., ET AL

MEMORANDUM OPINION AND ORDER RECONVENING HEARING AND SETTING CERTAIN PLANS FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of September 1946.

In the matter of North American Light & Power Company, Holding-Company System, and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; The North American Company, et al., File No. 59-10; The North American Company, File No. 54-82; in the matter of Illinois Power Company, File No. 54-147.

North American Light & Power Company,¹ a registered holding company and a subsidiary of The North American Company, also a registered holding company, is under our order to liquidate and dissolve.² On October 15, 1942, Light & Power filed a plan with us pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") which purported to effect compliance with our order that it liquidate and dissolve. However, shortly before Light & Power filed its plan, Illinois Power Company, a registered holding company and subsidiary of Light & Power, had filed certain claims against Light & Power based upon alleged wrongful transactions which allegedly resulted in detriment to Illinois Power and benefit to Light & Power and which occurred while Illinois Power was under the control of Light & Power.³ Light & Power filed cross claims and also moved to dismiss the hearing on the claims. We decided that as an incident to passing upon the plan filed by Light & Power or upon any other plan for the liquidation and dissolution of Light & Power, we would have to pass upon the validity of Illinois Power's claims.⁴ Thereafter, a group of preferred stockholders of Light & Power, known as the Walters group, filed a claim against North American on the ground that the alleged misconduct of Light & Power in its dealings with Illinois Power

was attributable to North American which allegedly controlled Light & Power. By their claim, the Walters group were, in effect, asserting a "claim-over", asking that if it should be found that Light & Power had damaged Illinois Power, such damages should be assessed against and borne by North American. Hearings on the claims, cross claims, and claim-over and also on subsequently filed amended claims, supplemental claims and additional claims, were completed on April 22, 1946.⁵ The claims have now been extensively briefed by all parties, reply briefs having been submitted on August 12, 1946.

With the record closed as to the claims, we are concerned with finding the best method of effecting compliance with our order requiring liquidation and dissolution of Light & Power.

In addition to the original plan filed by Light & Power,⁶ there are presently filed with us the following plans which are concerned in varying degrees with the liquidation and dissolution of Light & Power:

1. A plan filed by Light & Power on August 20, 1946, pursuant to section 11 (e) of the Act, which is designated as an amendment to the original section 11 (e) plan filed by Light & Power.

2. A plan filed by North American on April 18, 1946, pursuant to section 11 (e) of the Act, which is designated as Plan C, and is part of an overall plan by which North American itself seeks to achieve compliance with the Act.⁷

3. A plan filed by Illinois Power on November 20, 1944.⁸

4. A plan filed by Illinois Power on July 2, 1946, pursuant to section 11 (e) of the Act, providing for the recapitalization of Illinois Power, and also dealing with Light & Power. Since this plan calls for the cancellation of all Illinois Power securities held by Light & Power, we have deemed it appropriate to consider this plan together with other plans affecting Light & Power, and are providing in our order herein for the consolidation of this plan with these consolidated proceedings.

The foregoing four plans are summarized hereinafter. For a full statement of each of the plans, all interested persons are referred to the plans themselves which are on file at the Commission's office in Philadelphia. There is set out in Table I, following, a condensed balance sheet of Light & Power as of

¹ Whereby Illinois Power also made claims against North American.

² The record exceeds 12,000 pages and has over 5,000 exhibits.

³ The Notice of filing and Order for hearing with respect to the original Section 11 (e) plan, which was designated as Application No. 11, is set forth in Holding Company Act Release No. 3906 (November 12, 1942).

⁴ By our order dated April 14, 1942, North American must sever its relationship with nearly all of its subsidiaries, other than Union Electric Company of Missouri and certain subsidiaries of the latter Company. This order has been affirmed by the United States Supreme Court, 66 S. Ct. 785 (April 1, 1946).

⁵ We treated the plan as being a proposal under section 11 (d) of the Act, Holding Company Act Release No. 5791 (May 11, 1945).

⁶ The following contractors are hereinafter sometimes used: North American Light & Power Co., "Light & Power"; The North American Co., "North American"; Illinois Power Co., "Illinois Power".

⁷ 10 S. E. C. 924, Holding Company Act Release No. 3233 (Dec. 30, 1941).

⁸ For a statement of the claims then made, see Holding Company Act Release No. 3940 (November 28, 1942) in which we ordered a hearing to be held on the claims.

⁹ Holding Company Act Release No. 4066 (January 22, 1943).

June 30, 1946, which provides certain data relevant to an understanding of all the plans.

TABLE I

Assets:	
Investments ¹	\$28,716,057
Current assets and special funds:	
Cash and U. S. Treasury notes	7,088,412
Special funds for debenture interest unpaid to 7-1-46	1,237,170
Interest accrued—U. S. Treasury notes	36,180
Cash on deposit with trustee (tax deposit)	179
Total current assets and special funds	8,361,941
Total assets	37,077,998
Liabilities:	
Funded debt:	
30-year sinking fund debentures, series A, 5½%, due July 1, 1956—all owned by North American	5,623,500
Preferred stock:	
\$6 Cumulative—194,180 share outstanding:	
109,255 share owned by public; 84,925 shares owned by North American	18,555,021
Common Stock, \$1 par value, 6,288,059 shares outstanding:	
960,992 shares owned by public; 5,327,067 shares owned by North American	6,288,059
Current and accrued liabilities	6,288,059
Surplus:	
Paid-in	1,280,802
Other capital	1,368,143
Earned—since Dec. 31, 1944	2,566,617
Total liabilities	37,077,998
The Kansas Power and Light Company common stock	Shares 1,050,000
Missouri Power & Light Company common stock	165,000
Kewanee Public Service Company:	
7% cumulative preferred stock	1,496
Common stock	10,000
5½% notes (including interest receivable of \$26,950)	\$236,950
Cahokia Manufacturers Gas Company:	
Common stock	Shares 350
Advance	\$78,670
Illinois Power Company:	
5% cumulative convertible preferred stock	Shares 17,278 Certificates
Dividend arrears certificates	13,278
Common stock	Shares 312,478 Warrants 300,000
Common stock warrants	
Central Terminal Company:	
6% Note (including interest receivable of \$227,617)	\$902,617
Northern Natural Gas Company	
common stock	Shares 355,250
Investments consist of the following securities:	
Pursuant to our orders (Holding Company Act Release Nos. 4023 and 4392), Light & Power is prohibited from paying to North American, interest due on the debentures and is required to segregate from its other funds a sum equal to the interest withheld.	
Dividend arrearages to July 1, 1946 amounted to \$84 per share or an aggregate of \$16,311,120.	

Light & Power Plan Filed August 20, 1946

The plan is filed as an amendment to the original section 11 (e) plan filed by Light & Power on October 15, 1942.¹

Reference to Table I herein, discloses the investments held by Light & Power and the securities of Light & Power which are outstanding. The amendment deals only with the outstanding preferred stock of Light & Power. Light & Power proposes to distribute in exchange for each share of preferred stock outstanding (including shares held by North American) an unspecified number of shares of common stock of The Kansas Power and Light Company and/or an unspecified number of shares of common stock of Northern Natural Gas Company, or a combination of such shares plus an unspecified amount of cash. It is represented that the exact number of shares and amount of cash proposed to be distributed will be furnished by amendment at the time of hearing. It is also stated that the distribution contemplated is without prejudice to any prior claims of North American as holder of Light & Power's debentures.

North American's Plan C

Plan C filed by North American is, as heretofore noted, part of an overall plan, the other parts having been designated by North American as Plan A and Plan B.²

Plan C in its general objectives contemplates the liquidation and dissolution of Light & Power and the acquisition by North American of Light & Power's interest in Illinois Power. North American would also acquire all the publicly-held common stock of Illinois Power and would hold the entire outstanding common stocks of Illinois Power and Union Electric Company of Missouri. North American would change its name to "Missouri-Illinois Company".

To achieve the foregoing objectives, the following transactions are proposed by North American:

1. Light & Power would be liquidated and dissolved by the following steps:

(a) The outstanding 109,255 shares of preferred stock of Light & Power held by the public would be retired by payment in cash of \$100 per share plus all unpaid cumulative dividends in arrears;

(b) The outstanding 960,992 shares of common stock of Light & Power held by the public would be acquired by issuing four-tenths of one share of common stock of Missouri-Illinois Company for each share of common stock of Light & Power;

(c) Thereafter, the remaining net assets of Light & Power, after provision for Light & Power's liabilities other than to North American, would be distributed to North American in consideration of the surrender for retirement of the \$5,623,500 of 5 1/2% debentures, 84,925 shares of

\$6 preferred stock, and 6,288,059 shares of common stock to be held at that time by North American.

2. Illinois Power would be recapitalized by the following steps:

(a) \$9,320,500 of Illinois Power's bonds and debentures would be called for redemption;

(b) The outstanding \$24,175,000 par amount of 5% convertible preferred stock would be called for redemption at \$52.50 per share and accrued dividends plus any unpaid cumulative dividends, except to the extent that each share of such preferred stock shall have been converted pursuant to its terms into two shares of common stock prior to the date fixed for redemption; North American would make a capital contribution of such funds as might be necessary for redemption of shares not converted;

(c) The entire outstanding 483,195 dividend arrears certificates, each of the face amount of \$24, would be liquidated and retired by payment of \$24 in cash for each certificate;

(d) A new issue of preferred stock in aggregate par amount of \$16,000,000, at a dividend rate less than 5%, would be issued and sold to raise funds to be used (together with treasury funds) for the purposes stated in subparagraphs (a) and (c) above;

(e) North American would exercise one-half of the 300,000 warrants it would receive on dissolution of Light & Power and acquire 150,000 additional shares of common stock of Illinois Power, on original issue, for \$4,500,000 cash.

3. Illinois Power would be affected otherwise as follows:

(a) The outstanding 466,627 shares of common stock now held by the public, together with all additional shares issued in conversion of preferred shares as heretofore stated, would be acquired by Missouri-Illinois Company through compulsory exchange of two shares of common stock of Missouri-Illinois Company for each share of common stock of Illinois Power;

(b) After such acquisition by Missouri-Illinois Company of all common stock of Illinois Power, the charter of Illinois Power would be amended to reclassify each of such common shares without par value (stated value of \$25 each) into two shares of common stock, \$10 par value per share, and the necessary capital adjustments made, for the purpose, it is stated, of including Illinois Power with Missouri-Illinois Company in the filing of consolidated income tax returns;

(c) All claims of Illinois Power against Light & Power and against North American, and all counter-claims of Light & Power against Illinois Power would be withdrawn and cancelled.

4. The charter of Union Electric Company of Missouri would be amended so that each share of common stock (all of which is owned by North American) without par value (stated value of \$23.19) would be reclassified into three shares of common stock, \$7.50 par value per share, and the necessary capital adjustments made, for the purpose, it is stated, of including Union Electric Company of Missouri with Missouri-Illinois Company in the filing of consolidated income tax returns.

5. Except for shares of common stock of Illinois Power and warrants for purchase of additional shares, North American would divest itself of all assets of Light & Power, the acquisition of which is described above, within one year after Plan C became effective, subject to the approval of this Commission.

6. The shares of common stock of Missouri-Illinois Company which are issued for purposes of Plan C in exchange for publicly held common stocks of Light & Power and Illinois Power, would not be entitled to share in or benefit from the equity in any assets to be divested by North American or proceeds thereof except to the extent that a part of such proceeds might be retained as a portion of net current assets after consummation of Plan C.

7. Upon effectuation of the transactions proposed in Plan A and Plan B, hereinbefore referred to, and the transactions proposed in Plan C, and, assuming that in connection with such transactions all holders of Illinois Power preferred stock should elect to convert their shares into common stock, North American, under the name of "Missouri-Illinois Company", would have outstanding 11,736,365 shares of common stock, \$5 par value, of which 3,163,739 shares would have been issued for the purposes of Plan C. At such time, it is stated, North American (under the name of Missouri-Illinois Company) would be possessed only of net current assets, warrants to purchase common stock of Illinois Power, and the entire outstanding common stocks of Illinois Power and Union Electric Company of Missouri.

Illinois Power Plan Filed November 20, 1944

This plan provides for the liquidation and dissolution of Light & Power by a series of transactions. Prior to making any distribution of Light & Power's assets, the following initial steps are proposed:

1. The Kansas Power and Light Company would pay to Light & Power a special cash dividend on its common stock in the amount of \$1,050,000.

2. All rights of North American with respect to the assets of Light & Power arising from its ownership of debentures, preferred stock, and common stock of Light & Power, would be completely subordinated to the claims of Illinois Power and to the rights of the public holders of preferred and common stocks of Light & Power.

3. Light & Power would surrender the following securities of Illinois Power to Illinois Power for cancellation:

17,278 shares of preferred stock.

13,278 dividend arrears certificates.

203,223 shares of common stock.

300,000 warrants to purchase common stock.

After consummation of the foregoing steps, the remaining assets of Light & Power would be distributed as follows:

1. Light & Power would transfer and deliver to Illinois Power all its holdings of securities of (a) The Kansas Power and Light Company; (b) Missouri Power & Light Company; (c) Kewanee Public Service Company; and (d) Central Terminal Company.

¹ As heretofore noted, the original plan is summarized in Holding Company Act Release No. 3906 (November 12, 1942).

² Plan A does not deal with Light & Power as such. Plan B has a collateral relationship to the liquidation of Light & Power not important to present considerations. For a summary of Plan A and Plan B, interested persons are referred to Holding Company Act Release No. 6624 (May 10, 1946).

2. Light & Power would transfer and deliver to the public holders of its preferred stock, for each share held:

(a) 3 shares of common stock of Northern Natural Gas Company

(b) 1 share of common stock of Illinois Power

(c) \$47.50 in cash plus cash at the rate of \$6 per annum for the period from December 31, 1944, to the effective date of the plan

3. Light & Power would distribute to the public holders of its common stock, its remaining cash and proceeds from the sale of its remaining investments, and would thereupon dissolve.

It is further stated in the plan that the plan is submitted by Illinois Power without prejudice to its claims against Light & Power and North American.

Illinois Power Plan filed July 2, 1946

As heretofore stated, this plan primarily provides for the recapitalization of Illinois Power, but since certain of its provisions relate to Light & Power, we have deemed it appropriate that the plan be consolidated with these consolidated proceedings.

With respect to Light & Power, the plan provides for the surrender by Light & Power and North American to Illinois Power, for cancellation, of all securities of Illinois Power held by Light & Power and North American; and the surrender by Light & Power to Illinois Power of the mortgage note of Central Terminal Company (a subsidiary of Illinois Power) in the amount of \$675,000.¹

It is also stated in the plan that the plan is submitted without prejudice to the claims of Illinois Power against Light & Power and North American.

Pending Motions

Before the conclusion of the aforementioned claims hearings, Light & Power filed a motion requesting that hearings on its original plan should not be reconvened earlier than ninety days after the date of closing of the claims hearing. Since more than ninety days have now elapsed, it is unnecessary to pass upon the motion.

Illinois Power filed a motion on May 27, 1946, to dismiss North American's Plan C, and filed a Memorandum Brief in support of the motion together with a statement of objections to Plan C. Without attempting to set forth in detail the basis of the motion and the nature of the objections, it may be mentioned that the motion and the objections are based in large part on alleged lack of jurisdiction in the Commission to approve the proposed compulsory exchange of Illinois Power common stock for common stock of Missouri-Illinois Company. The motion also objects to any determination of Plan C prior to a determination of the

¹The provisions of the plan in so far as recapitalization of Illinois Power is concerned are identical with the provisions of a separate application-declaration filed by Illinois Power, which already has been the subject of notice and order and upon which hearings have been held. For a summary of the transactions proposed, interested persons are referred to Holding Company Act Releases Nos. 6613 (May 7, 1946) and 6782 (July 11, 1946).

claims asserted by Illinois Power. We do not consider it necessary to pass upon the merits of the motion at this time, since it appears to us that the motion is prematurely made. Accordingly, we shall deny the motion at this time without prejudice to the right of Illinois Power to renew it. The aforementioned statement of objections to Plan C will be considered at such time as the plan may be before the Commission for determination.

On the basis of the foregoing, we believe that the hearing on the plan for liquidation and dissolution of Light & Power may now appropriately be reconvened and that the four plans which we have summarized should be considered at such hearing and our order will so provide. The scope of the reconvened hearing will be sufficiently broad to comprehend all major questions relating to the liquidation of Light & Power and related matters concerning Illinois Power and North American. We are directing in this order that notice of this hearing be given to all security holders of Light & Power, Illinois Power, and North American. We are providing in this order that any of these companies may file amendments to or modifications of their respective plans, and that any other person having a bona fide interest may file a proposed plan pursuant to section 11 (d) of the act. Our order provides that any amendments to or modifications in such plans, or any new plans, may be considered without further notice to security holders. Any security holder who desires notice of further proceedings in this matter should enter an appearance in the case.

We are also providing in our order that at the hearing there be first considered the question of the retirement of the outstanding preferred stock of Light & Power. After presentation of evidence and opportunity for consideration of that question, we may hereafter specify a further order of procedure if such action then appears appropriate in the interests of expeditious administration.

Wherefore, it is ordered, That the hearing on the plan of liquidation as filed by North American Light & Power Company, as it is now amended or as it may be further modified, be, and it hereby is, reconvened, and that there shall be considered at such reconvened hearing the aforementioned Plan C as filed by The North American Company, or as it may be modified; the aforementioned plan as filed by Illinois Power Company on November 20, 1944, or as it may be modified; the aforementioned plan as filed by Illinois Power Company on July 2, 1946, or as it may be modified; and any other plan or plans filed by any other person having a bona fide interest, for the purposes more fully hereinafter set forth; and that said reconvened hearing shall be held on the 22nd day of October, 1946, at 10:00 A. M., E. S. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the

¹As of May 31, 1946, there was interest in the amount of \$224,242 accrued and unpaid on the mortgage note.

hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That the plan filed by Illinois Power Company on July 2, 1946, pursuant to section 11 (e) of the act (File No. 59-147) be, and it hereby is, consolidated with the consolidated proceedings in File Nos. 59-39, 54-50, 59-10, and 54-82, subject to the reservation hereinafter set forth.

It is further ordered, That the first order of business at the said reconvened hearing shall be the question of the retirement of the outstanding preferred stock of North American Light & Power Company.

It is further ordered, That, without limiting the scope of the issues presented, particular attention will be directed at such hearing to the following matters:

1. Whether the amended plan as filed by North American Light & Power Company, or as it may further be modified, is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and will effectuate or constitute an appropriate step toward compliance with the Commission's order dated December 30, 1941; and, without limiting the generality of the foregoing:

(a) Whether said plan makes proper provision for any possible or contingent liability embodied in the claim asserted by Illinois Power Company against North American Light & Power Company;

(b) Whether The North American Company should be permitted to receive the proposed distribution of securities in the same manner as public preferred stockholders;

2. Whether Plan C as filed by The North American Company, or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and will effectuate compliance with the Commission's orders dated December 30, 1941, and April 14, 1942; and without limiting the generality of the foregoing:

(a) Whether Plan C, insofar as it requires common stockholders of Illinois Power Company to surrender their shares of Illinois Power stock and to accept in lieu thereof common stock of Missouri-Illinois Company, is fair and equitable and necessary to effectuate the provisions of section 11 (b) of the act;

(b) Whether the terms of the proposed issuance of common stock of Missouri-Illinois Company to the holders of common stock of North American Light & Power Company, Illinois Power Company, and The North American Company, in exchange for the common stocks of such companies are fair and equitable to the holders of such common stocks;

(c) Whether Plan C makes proper provision for any possible or contingent liability embodied in the claims asserted by Illinois Power Company against both North American Light & Power Company and The North American Company, and on behalf of North American Light & Power Company against The North American Company;

(d) Whether the proposed exercise by The North American Company of the

warrants for the purchase of common stock of Illinois Power Company, which North American proposes to acquire in the liquidation of Light & Power, is necessary or proper and appropriate under the standards of the act;

(e) Whether the proposed acquisition by The North American Company of securities or assets of North American Light & Power Company and Illinois Power Company may be permitted in view of the requirements of Section 11 and of our order thereunder, and of sections 10 (c) (1) and 10 (c) (2) of the act.

3. Whether the plan as filed by Illinois Power Company on November 20, 1944, or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and will effectuate compliance with the Commission's order dated December 30, 1941.

4. Whether the plan as filed by Illinois Power Company on July 2, 1946, or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and will effectuate or constitute an appropriate step toward compliance with the Commission's order dated December 30, 1941.

5. Whether, in the event that the Commission shall approve any of said plans, as filed or as modified, the Commission shall approve such plan for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of any request therefor on the part of any of the participants in these proceedings, to apply to a court for the enforcement of such plan pursuant to section 11 (d) of the act.

6. Whether any plan proposed by the Commission or by any person having a bona fide interest, in accordance with the provisions of section 11 (d) of the act, should be approved for the purpose of effectuating compliance with the order of the Commission dated December 30, 1941, and if proposed by the Commission, what the terms and provisions of such plan should be.

7. Whether in each of said plans or in any other plans hereafter filed, adequate provision is made for the payment of fees and expenses in connection with the consummation of any such plan and related transactions, and whether any such fees and expenses which may hereafter be proposed to be paid are for necessary services and are reasonable in amount.

8. Whether approval of any of the plans hereinbefore referred to, or any other plan hereafter filed, should be conditioned upon the inclusion of such terms and conditions as the Commission deems necessary or appropriate in the administration of the Act.

9. Generally, whether the transactions proposed in any of such plans, or in any plan hereafter filed, 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 statutory standards.

It is further ordered, That North American Light & Power Company, The North American Company, and Illinois Power Company shall file on or before October 8, 1946, any new plan or any amendment or modification to their respective existing plans as they may desire, and that any other person having a bona fide interest, as defined in paragraph (h) of Rule U-103 of the rules and regulations of the Commission under the Act, and any of the other participants in these consolidated proceedings, who desire to propose pursuant to section 11 (d) of said act or section 11 (e) of said act, if applicable, a plan or modification of an existing plan for compliance by North American Light & Power Company with the said order dated December 30, 1941, shall file such plan on or before October 8, 1946.

It is further ordered, That any interested person desiring to be heard or otherwise wishing to participate at said hearing should notify the Commission in the manner provided in Rule XVII of the Commission's rules of practice not later than two days prior to such hearing.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission, designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a trial examiner under the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this memorandum and order by registered mail to all participants in these consolidated proceedings (File Nos. 59-39, 54-50, 59-10, 54-82 and 54-147) and to the Illinois Commerce Commission and the Public Service Commission of Missouri and that notice of said hearing be given to all other interested persons by general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That the North American Company, North American Light & Power Company, and Illinois Power Company shall give notice of such hearing to all of their respective stockholders (in so far as the identity of such stockholders is known or available) by mailing to each of said stockholders a copy of this memorandum and order at his last known address at least twenty days prior to the date of hearing set herein.

It is further ordered, That any plan bearing upon the liquidation and dissolution of North American Light & Power Company or related matters, or any amendment to an existing plan by whomsoever filed, which may be filed with the Commission subsequent to the date of this order and prior to closing of the reconvened hearing ordered herein, shall be deemed within the purport of this order, and shall be considered at such hearing, without further notice being given to the participants in these

consolidated proceedings, unless otherwise ordered by the Commission.

It is further ordered, That the motion of Illinois Power Company to dismiss Plan C filed by The North American Company be, and it hereby is, denied without prejudice to the renewal of said motion by Illinois Power Company at any time upon a showing that consideration of the motion at such time will facilitate the orderly disposition of these proceedings.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions, or matters hereinbefore set forth or which may hereafter arise, or to consolidate with these proceedings other filings, or to take such other action as may appear to be necessary for the orderly, prompt, and economical disposition of the matters involved.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-18569; Filed, Sept. 13, 1946;
9:27 a. m.]

[File No. 1-125]

COLUMBIA BREWING CO.

ORDER PERMITTING WITHDRAWAL OF
APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of September A. D. 1946.

Columbia Brewing Company having filed an application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) adopted thereunder, to withdraw its Common Stock, \$5.00 Par Value, from listing and registration on the St. Louis Stock Exchange; a hearing thereon having been scheduled for September 25, 1946; and

The applicant having requested under date of September 4, 1946, that it be permitted to withdraw said application;

It is ordered, That the request of the applicant be and it hereby is granted, and the hearing scheduled for September 25, 1946, be and it hereby is cancelled.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
By NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-16570; Filed, Sept. 13, 1946;
9:28 a. m.]

[File Nos. 7-908, 7-909, 7-924, 7-925]

EASTERN AIR LINES ET AL.

ORDER SETTING HEARING ON APPLICATIONS
TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of September A. D. 1946.

In the matter of Applications by the Boston Stock Exchange to Extend Unlisted Trading Privileges to Eastern Air Lines, Incorporated, Common Stock, \$1 Par Value, File No. 7-908; Textron, In-

corporated, Common Stock, \$0.50 Par Value, File No. 7-909; Twentieth Century-Fox Film Corporation Common Stock, No Par Value, File No. 7-924; Waltham Watch Company Common Stock, \$1 Par Value, File No. 7-925.

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

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, September 23, 1946, at the office of the Securities and Exchange Commission, 79 Milk Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-16573; Filed, Sept. 13, 1946;
9:28 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO., ET AL.
SUPPLEMENTAL ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of September A. D. 1946.

In the matter of Electric Bond and Share Company, File No. 54-127; in the matter of Electric Bond and Share Company and its subsidiary companies respondents, file No. 59-3; in the matter of Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having previously filed on July 25, 1946, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, a series of plans designated Plans I, II, and III for the purpose, among other things, of retiring Bond and Share's outstanding \$5 and \$6 Preferred Stocks, and Plan I providing, as the initial step, for a capital distribution

of \$30 per share, having been consummated; and the Commission's Notice of and Order for Hearing issued in connection with Plan I having consolidated the proceedings with respect to these plans with proceedings previously instituted by the Commission pursuant to section 11 (b) of the act, and said Notice further providing that at such times as amendments are filed with respect to Plan II setting forth in complete detail the steps therein contemplated that hearings thereon will be reconvened and appropriate notice thereof duly given; and

Bond and Share having filed an application for approval of a plan designated Plan II-A and amendments thereto, which Plan II-A is in lieu of Plan II and proposes the disposition of certain designated portfolio securities, the complete retirement of the outstanding preferred stocks by the immediate distribution of \$70 per share, and the issuance to preferred stockholders of an instrument evidencing their right to receive any additional amounts, if any, which the Commission and appropriate courts may later determine they are entitled in full satisfaction of their claims, or, in the alternative, said Plan II-A proposes the distribution of less than \$70 per share but equal to substantially the net proceeds of the sales of the common stocks of American Gas and Electric Company and Pennsylvania Power & Light Company; and

Bond and Share having requested the Commission, pursuant to section 11 (e) of the act, if it approves Plan II-A, to apply to a court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of said Plan II-A; and

The Commission having issued its Notice of and Order Reconvening Hearing on said application and on the said Plan II-A under section 11 (e) of the act; copies of said Notice of and Order Reconvening Hearing and copies of Plan II-A having been mailed to all security holders of Bond and Share (insofar as the identity of such security holders was known or available), notice having been duly given to all interested persons, a public hearing having been held at which hearing security holders of Bond and Share and other interested persons were afforded an opportunity to be heard; and

Bond and Share having requested that the order of the Commission conform to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and contain the findings therein specified; and

The Commission having considered the record and having made and entered its findings and opinion herein, and the Commission having found that the plan is necessary to effectuate section 11 (b) (2) of the act and is fair and equitable to the persons affected thereby providing the plan is amended in certain respects specified in said findings and opinion; and Bond and Share having amended its plan in conformity with said findings and opinions:

It is ordered, That, pursuant to the applicable provisions of the act and the rules and regulations thereunder, Plan

II-A, as amended, be, and the same hereby is, approved, subject to reservations of jurisdiction with respect to the bank loan proposed to be made in connection with the capital distribution of \$70 per share, all questions presented in our consolidated proceedings not herein decided, and all legal fees and expenses to be paid in connection with said Plan II-A.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court pursuant to the provisions of section 11 (e) and in accordance with subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the said Plan II-A, as amended.

It is further ordered, That this order shall not be operative to authorize the consummation of any transactions proposed in Plan II-A, as amended, until an appropriate United States District Court shall, upon application of the Commission, enter an order enforcing the said Plan II-A, as amended.

It is further ordered, That the following transactions proposed in Plan II-A are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935: (a) the issuance and distribution to the holders of the \$5 and \$6 Preferred Stock of Bond and Share, in connection with the retirement thereof, of the instrument described in sub-paragraph (b) of subsection I of section A of said Plan II-A, as amended, evidencing certain contingent rights to the payment of additional cash and/or other assets of Bond and Share; (b) the alternative distribution, under subsection V of section A of said Plan II-A, as amended, of a further cash payment on the outstanding \$5 and \$6 Preferred Stock, and the stamping of the preferred stock certificates in connection therewith with an appropriate legend evidencing the modification of the rights of the holders of the preferred stock; (c) the issuance by Bond and Share to its common stockholders of the stock purchase warrants described in sub-paragraph (1) of subsection II of section A of said Plan II-A, as amended, entitling them to purchase at a specified price below the market, 840,057 shares of the common stock of American Gas and 1,050,072 shares of the common stock of Pennsylvania held by Bond and Share, and the receipt and sale or exercise of such warrants by or for the account of such common stockholders; and (d) the transfer, pursuant to the sale by Bond and Share (whether pursuant to the aforesaid stock purchase warrants or at public or private sale), of 846,985 shares of the common stock of American Gas, 1,164,373 shares of the common stock of Pennsylvania, 254,045 shares of the common stock of Birmingham, and 423,408 shares of the common stock of Carolina held by it.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 46-16572; Filed, Sept. 13, 1946;
9:28 a. m.]

[File Nos. 54-127, 59-3, 59-12]
ELECTRIC BOND & SHARE CO., ET AL
SUPPLEMENTAL ORDER RESERVING
JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of September A. D. 1946.

In the matter of Electric Bond and Share Company, File No. 54-127; in the matter of Electric Bond and Share Company and its Subsidiary Companies, Respondents, File No. 59-3; in the matter of Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., Respondents, File No. 59-12.

The Commission having on February 28, 1940 and on May 9, 1940 instituted proceedings directed against Electric Bond and Share Company (Bond and Share), pursuant to sections 11 (b) (1) and 11 (b) (2), respectively, under the Public Utility Holding Company Act of 1935; and

The Commission having, by order dated August 6, 1945, consolidated these proceedings with proceedings in connection with a series of plans, designated Plan I, Plan II, and Plan III, filed by Bond and Share pursuant to section 11 (e) of the act, said plans having for their purpose, among other things, the retirement of outstanding preferred stocks of Bond and Share; and

The Commission having, by order dated October 10, 1945, approved Plan I which provided, as an initial step in the retirement of said preferred stocks, for the distribution of \$30 per share with respect to the preferred stocks and in connection with said Plan I the Commission having found that the retirement of Bond and Share's preferred stocks was necessary to effectuate the provisions of sections 11 (b) (1) and 11 (b) (2) of the act; said findings having been adopted by the United States District Court for the Southern District of New York in its findings and order dated November 5, 1945 approving said Plan; and

Bond and Share having filed Plan II-A in lieu of Plan II mentioned above; and

The Commission having on September 5, 1946 issued its findings and opinion approving said Plan II-A provided it is amended in certain specified respects; Bond and Share having amended said plan in conformity thereto; and said plan, as amended, providing for, among other things, the complete retirement of Bond and Share's preferred stocks; and

The Commission having concluded in said findings and opinion relating to Plan II-A that, based upon its findings and opinions relating to Plans I and II-A and in connection with the retirement of said preferred stocks, it is appropriate to issue an order in these consolidated proceedings directing Bond and Share to eliminate from its capital structure its outstanding preferred stocks;

It is hereby ordered, Pursuant to section 11 (b) (2) of the act that Bond and Share shall eliminate its outstanding preferred stocks from its capital structure, in an appropriate manner, and in conformity with the applicable provisions

of the said act and the rules, regulations, and orders promulgated thereunder; and

It is further ordered, That jurisdiction be, and the same hereby is, reserved for the purpose of entertaining such further proceedings and entering such further orders as may be necessary or appropriate to insure that the action hereinbefore ordered is accomplished in a manner consistent with the provisions of the said act; jurisdiction being further reserved to take such further steps as may be necessary or appropriate to insure compliance by the Electric Bond and Share holding company system with the provisions of section 11 (b).

By the Commission.

[SEAL] **ORVAL L. DUBois,**
Secretary.

[F. R. Doc. 46-16571; Filed Sept. 13, 1946;
 9:28 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order No. 7438]

BARBARA KONIG

In re: Bank account owned by Barbara Konig. F-28-3232-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 Barbara Konig, whose last known address is 37 Fabrikstrasse, Ludwigshafen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 2851, entitled I. F. Chapman or Tom F. Chapman, Trustees for Barbara Konig, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Streets, San Francisco, 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, Barbara Konig, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 August 15, 1946.

[SEAL] **JAMES E. MARKHAM,**
Alien Property Custodian.

[F. R. Doc. 46-16497; Filed, Sept. 13, 1946;
 9:21 a. m.]

[Vesting Order 7436]

JOST & KLEINSCHMIDT

In re: Debt owing to Jost & Klein-schmidt. F-28-22611-C-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 Jost & Kleinschmidt, the last known address of which is Muehlhausen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Jost & Kleinschmidt, by Ernest A. Feustel, Inc., 425 Paterson Avenue, East Rutherford, New Jersey, in the amount of \$5,470.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to

be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16496; Filed, Sept. 13, 1946;
9:21 a. m.]

[Vesting Order 7433]

DR. MAX EULE ET AL.

In re: Debts owing to Dr. Max Eule, Dr. Christian Deichler, Ifferte & Glanzberg, Drs. K. Griesing & P. K. Holzhauser,

Arthur Kuhn, E. Lamberts & R. Lobbecke, Ernst Maier, Martin Licht & Dr. R. Schmidt, W. Meissner & H. Tischer, R. E. Muller & Dr. W. Koch, E. Noll, E. Jourdan & W. Paap, M. Singelmann, A. Trautmann, Carl Haymanns Verlag, Wangemann & Geisler, L. Weber, Drs. C. Wiegand & E. Wiegand, and H. Bahr.

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 listed in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are as set forth opposite each name in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed in Exhibit A, attached hereto and by reference made a part hereof, by Marks & Clerk, 220 Broadway, New York 7, New York, in the amounts, as of December 31, 1945, appearing opposite each of the aforesaid persons' names, together with any and all accruals thereto, 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 nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name of creditor	Last known address	File number	Amount	Name of creditor	Last known address	File number	Amount
Dr. Max Eule.....	Friedrichstrasse 4, Berlin SW 68, Germany.	F-28-22902-C-1.....	\$119.32	E. Noll.....	Waterlooer 7, Berlin SW 61, Germany.	F-28-22689-C-1.....	\$57.80
Dr. Christian Deichler.....	Saarlandstrasse 44, Berlin SW 11, Germany.	F-28-22864-C-1.....	372.40	E. Jourdan & W. Paap.....	Am Karlsbad 16, Berlin W 35, Germany.	F-28-22663-C-1.....	13.90
Ifferte & Glanzberg.....	Luttschaustrasse 15, 1., Dresden-A, Germany.	F-28-22669-C-1.....	6.15	M. Singelmann.....	Saarlandstrasse 20, Berlin SW 11, Germany.	F-28-22711-C-1.....	19.80
Drs. K. Griesing & P. K. Holzhauser.....	Graf-Speo-Strasse 23, Berlin W 35, Germany.	F-28-22628-C-1.....	774.45	A. Trautmann.....	Klein beerenstrasse 25, Berlin SW 11, Germany.	F-28-22738-C-1.....	160.20
Arthur Kuhn.....	Belle-Alliance-Strasse 91, Berlin SW 61, Germany.	F-28-22675-C-1.....	32.72	Carl Haymanns Verlag.....	Mauerstrasse 44, Berlin W 8, Germany.	F-28-22663-C-1.....	26.40
E. Lamberts & R. Lobbecke.....	Gitschinerstrasse 107, Berlin SW 61, Germany.	F-28-22679-C-1.....	67.00	Wangemann & Geisler.....	Bulowstrasse 80, Berlin W 35, Germany.	F-28-22745-C-1.....	27.45
Ernst Maier.....	Saarlandstrasse 44, Berlin SW 11, Germany	F-28-22658-C-1.....	14.20	L. Weber.....	Rheinischestrasse 2, Dortmund, Germany.	F-28-22838-C-1.....	14.05
Martin Licht & Dr. R. Schmidt.....	Belle-Alliancestrasse 36, Berlin, SW 61, Germany.	F-28-22680-C-1.....	167.05	Drs. C. Wiegand & E. Wiegand.....	Tempelhofer Ufer 10, Berlin SW 61, Germany.	F-28-22770-C-1.....	87.65
W. Meissner & H. Tischer.....	Belle-Alliance-Platz 17, Berlin SW 61, Germany.	F-28-22685-C-1.....	45.30	H. Bahr.....	Bismarckstrasse 5, Charlottenburg 2, Berlin.	F-28-22857-C-1.....	9.15
R. E. Muller & Dr. W. Koch.....	Fasanenstrasse 76-77, Berlin-Charlottenburg 2, Germany.	F-28-22682-C-1.....	216.40				

[F. R. Doc. 46-16495; Filed, Sept. 13, 1946; 9:20 a. m.]

[Vesting Order 7431]

MRS. PETER DIRKS

In re: Bank account owned by Mrs. Peter Dirks. F-28-23747-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 Mrs. Peter Dirks, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obliga-

tion of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 20705, entitled Tom F. Chapman or I. F. Chapman, Trustees for Mrs. Peter Dirks, 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, Mrs. Peter Dirks, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the in-

terest 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.

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 August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16494; Filed, Sept. 13, 1946;
9:20 a. m.]

[Vesting Order 7426]

MARIE BELZER

In re: Bank account owned by Marie Belzer. F-28-25143-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 Marie Belzer, whose last known address is 50 Garten Strasse, Nauen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Marie Belzer, by The United States National Bank of Portland, Broadway and Sixth Street at Stark, Portland, Oregon, arising out of a savings account, Account Number 2999, entitled Marie Belzer, maintained at the branch office of the aforesaid bank located at Pendleton, Oregon, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to

be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16493; Filed, Sept. 13, 1946;
9:20 a. m.]

[Vesting Order 7200]

WILHELMINA MARTINE

In re: Estate of Wilhelmina Martine, also known as Wilhelmine Martine, deceased. File D-28-10210; E. T. sec. 14550.

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:

Cash in the amount of \$3,000. is property in the possession of the Alien Property Custodian;

That such property was held by Minna Mahler, also known as Minnie Mahler, Executrix of the Estate of Wilhelmina Martine, also known as Wilhelmine Martine and 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, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Schutte, Germany.
Bertha Schutte, Germany.
August Schutte, Germany.
Heinrich Schutte, Germany.
Herman Schutte, Germany.
Erna Schutte, Germany.
Paula Schutte, Germany.
Minna Schutte, Germany.
August Schutte, Germany.

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.

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 July 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16483; Filed, Sept. 13, 1946;
9:18 a. m.]

[Vesting Order 7258]

TANI DENTARO ET AL.

In re: United States currency, coins and United States Postal Savings Certificates owned by Tani Dentaro and others.

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 Tani Dentaro and the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That Tani Dentaro is the owner of the property described in subparagraph 3a hereof and that the persons named in Exhibit A, attached hereto and by reference made a part hereof, are the owners of the amounts of money appearing opposite their respective names in said Exhibit A, which money is described in subparagraph 3b hereof;

3. That the property described as follows:

a. Four United States Postal Savings Certificates held by the Federal Reserve Bank of Chicago, 230 South La Salle Street, Chicago, Illinois, registered in the name of Tani Dentaro, identified by the following certificate numbers and in the face values appearing opposite said numbers, together with all rights evidenced thereby, including all rights to demand, enforce and collect the same,

Certificate numbers:	Values
11646	\$200.00
27102	50.00
51881	5.00
52825	20.00

b. United States currency and coins in the sum of \$1,598.29 held by the Federal Reserve Bank of Chicago, 230 South La Salle Street, Chicago, Illinois, for the persons listed in Exhibit A, attached hereto and by reference made a part hereof, in the amounts appearing opposite each name.

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 (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.

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 July 29, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name:	Amount of money
Naoye Abe	\$97.50
Monma Eisaburo	200.00
Nakamura Hachiyoshi	300.00
Mineki Honda	89.61
Hyotaro Kaneko	83.15
Ikeuye Kaneyoshi	154.00
Sakai Kanusuke	16.13
Yamashita Kenko	5.43
Hasokawa Masakado	59.00
Kurata Moriyama	100.00
Tokumatsu Otani	24.00
Uehara Ryoshin	100.00
Matsuda Ryushun	157.00
Hideo Shimpakawa	157.50
Furumoto Solchi	17.06
Arita Takazo	3.50
Saburo Yamane	28.42
Kahei Yoshinage	6.00

[F. R. Doc. 46-16484; Filed, Sept. 13, 1946;
9:18 a. m.]

[Vesting Order 7325]

CARL FROELICH

In re: Trust under last will and testament of Carl Froehlich, deceased. File No. D-28-10249; E. T. sec. 14602.

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 Agnes Spillmer and her issue, names unknown, and each of them, in and to the Estate and Trust created under the last will and testament of Carl Froehlich, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Agnes Spillmer and her issue, names unknown, Germany.

That such property is in the process of administration by George Froehlich, as trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 July 31, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16485; Filed, Sept. 13, 1946;
9:19 a. m.]

[Vesting Order 7326]

LOUISE GEIB

In re: Estate of Louise Geib, deceased. File No. D-28-9502; E. T. sec. 12861.

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 Emmy Huber, George Geib and Gustav Geib, and each of them, in and to the Estate of Louise Geib, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emmy Huber, Germany.
George Geib, Germany.
Gustav Geib, Germany.

That such property is in the process of administration by Maria Schiller, as Executrix of the Estate of Louise Geib, deceased, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 July 31, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16486; Filed, Sept. 13, 1946;
9:19 a. m.]

[Supplemental Vesting Order 7372]

SUMITOMO BANK OF CALIFORNIA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 207, dated Octo-

ber 3, 1942, that Sumitomo Bank of California is a business enterprise within the United States and a national of a designated enemy country (Japan);

2. Finding that of the outstanding \$100 par value common capital stock of Sumitomo Bank of California, 115 shares are registered in the names of and owned by the persons whose names are listed below in the number appearing opposite each name and are evidence of an interest in said business enterprise:

Name	Number of shares
Hayashi Okahashi	100
Yashitaka Shinowara	5
Takeo Sato	5
Junzo Tanaka	5
Total	115

3. Finding that Hayashi Okahashi, Yashitaka Shinowara, Takeo Sato and Junzo Tanaka, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

and determining:

4. 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 (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 115 shares of \$100 par value common capital stock of Sumitomo Bank of California, more fully described in subparagraph 2 hereof, together with all declared and unpaid dividends thereon, 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.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16487; Filed, Sept. 13, 1946;
9:19 a. m.]

[Vesting Order 7381]

TOKUO HONMA

In re: Estate of Tokuo Honma, deceased. File D-39-18461; E. T. sec. 14497.

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 Heirs at law, next of kin and personal representatives, names unknown, of Tokuo Honma, deceased, and each of them, in and to the Estate of Tokuo Honma, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Heirs at law, next of kin and personal representatives, names unknown, of Tokuo Honma, deceased, Japan.

That such property is in the process of administration by Bernice Miller, as Administratrix of the Estate of Tokuo Honma, acting under the judicial supervision of the District Court of the Third Judicial District, in and for Salt Lake County, State of Utah, Probate Division;

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 (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 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 August 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16488; Filed, Sept. 13, 1946;
9:19 a. m.]

[Vesting Order 7389]

BERTHA A. SCHLAICH

In re: Estate of Bertha A. Schlaich, deceased. File D 28-10450—E. T. Sec. 14862.

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 Louisa Simendinger and Eugene Schlaich, and each of them, in and to the Estate of Bertha A. Schlaich, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louisa Simendinger, Germany.
Eugene Schlaich, Germany.

That such property is in the process of administration by the North Philadelphia Trust Company, as Executor, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such person 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.

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 August 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16489; Filed, Sept. 13, 1946;
9:19 a. m.]

[Vesting Order 7419]

MARY OSCHMANN

In re: Estate of Mary Oschmann, deceased. File No. D-28-9407; E. T. sec. 12522.

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 Dora Oschmann and Wilhelmina Lower in and to the Estate of Mary Oschmann, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Dora Oschmann, Dairrode, Germany.
Wilhelmina Lower, Dairrode, Germany.

That such property is in the process of administration by Elise Walker, Executrix of the Estate of Mary Oschmann, deceased, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

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.

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 August 15, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16490; Filed, Sept. 13, 1946;
9:19 a. m.]

[Vesting Order 7422]

MAX H. RICHTER

In re: Estate of Max H. Richter, deceased. File No. D-28-8362; E. T. sec. 9641.

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 Johanna Muglitz and Helene Becker, and each of them, in and to the Estate of Max H. Richter, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johanna Muglitz, Germany.
Helene Becker, Germany.

That such property is in the process of administration by Daniel W. Rich and Percival H. Faivre, as Executors, acting under the supervision of the Surrogate's Court of Orange County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 August 15, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16491; Filed, Sept. 13, 1946;
9:19 a. m.]

[Vesting Order 7424]

HEINRICH ASCHENBECK

In re: Bank account owned by Heinrich Aschenbeck, also known as Heinrich Ascherbeck. F-28-14410-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 Heinrich Aschenbeck, also known as Heinrich Ascherbeck, whose

last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of First National Bank, Odessa, New York, arising out of a checking account, entitled "Hanns P. Kniekamp as Atty/ in fact Heinrich Aschenbeck or Ascherbeck," 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, Heinrich Aschenbeck, also known as Heinrich Ascherbeck, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of any set-offs, charges or deductions nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 August 15, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16492; Filed, Sept. 13, 1946;
9:20 a. m.]

[Vesting Order 7439]

DOROTHEA THOMA KRAMER

In re: Bank account owned by Dorothea Thoma Kramer. F-28-6921-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 Dorothea Thoma Kramer, whose last known address is Dr. Singer Str., Muenchen-Solin, Germany, is a

resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Manufacturers and Traders Trust Company, 284 Main Street, Buffalo, New York, arising out of a trust department account, Account Number 2437, entitled Agent and Custodian for Dorothea Thoma Kramer, 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, Dorothea Thoma Kramer, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16498; Filed, Sept. 13, 1946;
9:21 a. m.]

[Vesting Order 7440]

KUBOTA & CO., LTD.

In re: Debt owing to Kubota & Co., Ltd. F-39-5118-C-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 Kubota & Co., Ltd., the last known address of which is Kobe, Japan, is a corporation organized under the

laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kubota & Co., Ltd., by James R. Hopkins, Inc., St. Joseph, Missouri, in the amount of \$480.77, as of December 31, 1945, evidenced by a draft, in the principal sum of \$480.77, dated March 30, 1940, drawn by Kubota & Co., Ltd., on James R. Hopkins, Inc., and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft,

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.

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 August 15, 1946.

[SEAL] JAMES E. MARKHAM,

Alien Property Custodian.

[F. R. Doc. 46-16499; Filed, Sept. 13, 1946;
9:21 a. m.]

[Vesting Order 7442]

HINRITH LOHSE ET AL.

In re: Bank account owned by Hinrith Lohse, Frieda Golinske, Amanda Ahrens, Margaretha Meyn, Kathrina Wulf, Johan Meyn, Claus Meyn, Jacob Meyn, Ludwig Schroeder, Jacob Schroeder, Hermann Schroeder, Lisbeth Schroeder, Jacob Stahl, Maas Stahl, Claus Stahl, Sophia Stahl and Lisbeth Fruechtenicht.

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 Hinrith Lohse, Frieda Golinske, Amanda Ahrens, Margaretha Meyn, Kathrina Wulf, Johan Meyn, Claus Meyn, Jacob Meyn, Ludwig Schroeder, Jacob Schroeder, Hermann Schroeder, Lisbeth Schroeder, Jacob Stahl, Maas Stahl, Claus Stahl, Sophia Stahl and Lisbeth Fruechtenicht, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hinrith Lohse, Frieda Golinske, Amanda Ahrens, Margaretha Meyn, Kathrina Wulf, Johan Meyn, Claus Meyn, Jacob Meyn, Ludwig Schroeder, Jacob Schroeder, Hermann Schroeder, Lisbeth Schroeder, Jacob Stahl, Maas Stahl, Claus Stahl, Sophia Stahl and Lisbeth Fruechtenicht, by The San Francisco Bank, 526 California Street, San Francisco, California, arising out of a savings account, Account Number 761902, entitled "Otto A. Hoecker, as Attorney-in-Fact for Hinrith Lohse, Frieda Golinske, Amanda Ahrens, Margaretha Meyn, Kathrina Wulf, Johan Meyn, Claus Meyn, Jacob Meyn, Ludwig Schroeder, Jacob Schroeder, Hermann Schroeder, Lisbeth Schroeder, Jacob Stahl, Maas Stahl, Claus Stahl, Sophia Stahl, Lisbeth Fruechtenicht (\$2,551.88 to each, except Lisbeth Fruechtenicht whose share is \$2,551.87) as 'Nationals of Germany', maintained at the aforesaid bank, 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 nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16500; Filed, Sept. 13, 1946;
9:22 a. m.]

[Vesting Order 7197]

TILLIE M. HILDEBRAND

In re: Estate of Tillie M. Hildebrand, deceased. File No. D-28-2009; E. T. sec. 6242.

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 Dora Berndt and Margot Berndt, and each of them, in and to the estate of Tillie M. Hildebrand, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Dora Berndt, Germany.
Margot Berndt, Germany.

That such property is in the process of administration by the County Treasurer of Erie County, as Depositary, acting under the judicial supervision of the Surrogate's Court, of Erie County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as

nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16482; Filed, Sept. 13, 1946;
9:18 a. m.]

[Vesting Order 7450]

ERWIN RAYKOWSKI

In re: Bank account owned by Erwin Raykowski. F-28-13291-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 Erwin Raykowski, whose last known address is Munzstrasse 17, Stettin, Germany, is a resident of Germany

and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Erwin Raykowski, by Union Bank & Trust Co. of Los Angeles, 760 South Hill Street, Los Angeles, California, arising out of a term savings account, Account Number 84388, entitled Erwin Raykowski, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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 August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16503; Filed, Sept. 13, 1946;
9:22 a. m.]